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This English translation of the Act on Special Measures Concerning Taxation (Limited to the provisions related to nonresidents and foreign corporations) has been prepared (up to the revisions of Act No. 6 of 2007 (Effective April 1, 2007)) in compliance with the Standard Bilingual Dictionary (March 2007 edition). This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations. The Government of Japan will not be responsible for the accuracy, reliability or currency of the legislative material provided on this Website, or for any consequence resulting from use of the information on this Website. For all purposes of interpreting and applying the law to any to any legal issue or dispute, users should consult the original Japanese texts published in the Official Gazette.

## 租税特別措置法（非居住者、外国法人関連部分） Act on Special Measures Concerning Taxation (Limited to the provisions related to nonresidents and foreign corporations)

### 第二章 所得税法の特例

#### Chapter II Special Provisions for the Income Tax Act

#### 第一節 利子所得及び配当所得

##### Section 1 Interest Income and Dividend Income

#### 第五条の二（振替国債の利子の課税の特例）

#### Article 5-2 (Special Provisions for Taxation on Interest on Book-Entry Transfer National Government Bonds)

- 1 非居住者又は外国法人でその有する次の各号に掲げるものの区分に応じ当該各号に定める要件を満たすものが、特定振替機関、特定口座管理機関若しくは特定間接口座管理機関（以下この条において「特定振替機関等」という。）又は適格外国仲介業者から開設を受けている口座において当該特定振替機関等の国内にある営業所若しくは事務所（郵便局を含む。以下この条において「営業所等」という。）又は当該適格外国仲介業者の特定国外営業所等を通じて振替記載等を受けている社債等の振替に関する法律第八十八条に規定する振替国債（同法第九十条第三項に規定する分離利息振替国債を除く。以下この条において「振替国債」という。）又は同法第百十三条において準用する同法第六十六条の規定により同法の規定の適用を受けるものとされる地方債（以下この条において「振替地方債」という。）につきその利子（第八条第一項又は第二項の規定の適用があるものを除く。）の支払を受ける場合には、その支払を受ける利子（その者が当該振替国債又は当該振替地方

債を引き続き所有していた期間（当該振替国債又は当該振替地方債につき引き続き振替記載等を受けていた期間に限る。以下この条において「所有期間」という。）に対応する部分の額として政令で定めるところにより計算した金額に相当する部分に限る。）については、所得税を課さない。

(1) Where a nonresident or foreign corporation who satisfies the requirements specified in each of the following items for the category of bonds listed in the relevant item that are held thereby, receives payment of interest (excluding interest subject to the provision of Article 8(1) or (2)) on book-entry transfer national government bonds prescribed by Article 88 of the Act on Book-Entry Transfer of Company Bonds, etc. (excluding coupon-only book-entry transfer national government bonds prescribed in Article 90(3) of the said Act; hereinafter referred to in this Article as “book-entry transfer national government bonds”) or local government bonds which shall be subject to the provisions of the said Act pursuant to Article 66 of the said Act as applied mutatis mutandis pursuant to Article 113 of the said Act (hereinafter referred to in this Article as “book-entry transfer local government bonds”), for which the nonresident or foreign corporation has made entries or records under the book-entry transfer system in his/her or its account established with a specified book-entry transfer institution, specified account management institution or specified indirect account management institution (hereinafter referred to in this Article as a “specified book-entry transfer institution, etc.”) or a qualified foreign intermediary, via a business office or any other office of the said specified book-entry transfer institution, etc. located in Japan (including a post office; hereinafter referred to in this Article as a “business office, etc.”) or a specified overseas business office, etc. of the said qualified foreign intermediary, income tax shall not be imposed with respect to such interest to be received (limited to the part of interest equivalent to the amount calculated pursuant to the method specified by a Cabinet Order as the amount corresponding to the period during which the nonresident or foreign corporation has continued to hold the said book-entry transfer national government bonds or the said book-entry transfer local government bonds (limited to the period during which he/she or it has continued to hold entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds or the said book-entry transfer local government bonds; hereinafter referred to in this Article as the “holding period”):

一 振替国債 次に掲げる要件

(i) Book-entry transfer national government bonds: The following requirements:

イ 当該非居住者又は外国法人が、当該振替国債の利子につき最初にこの項の規定の適用を受けようとする際、その旨、その者の氏名又は名称及び住所（国内に居所を有する非居住者その他の財務省令で定める者にあつては、財務省令で定める場所。以下この条において同じ。）その他の財務省令で定める事項を記載した書類（以下この条において「振替国債非課税適用申告書」という。）を、当該特定振替機関等（当該特定振替機関等が特定口座管理機関である場合には当該特定振替機関等及び特定振替機関

とし、当該特定振替機関等が特定間接口座管理機関である場合には当該特定振替機関等（当該特定振替機関等が他の特定間接口座管理機関から当該振替国債の振替記載等を受ける場合には、当該特定振替機関等及び当該振替国債の振替記載等に係る他の特定間接口座管理機関）及び当該振替国債の振替記載等に係る特定口座管理機関並びに特定振替機関とする。以下この号において同じ。）を經由し、又は当該適格外国仲介業者（当該適格外国仲介業者が外国再間接口座管理機関である場合には、当該適格外国仲介業者（当該適格外国仲介業者が他の外国再間接口座管理機関から当該振替国債の振替記載等を受ける場合には、当該適格外国仲介業者及び当該振替国債の振替記載等に係る他の外国再間接口座管理機関）及び当該振替国債の振替記載等に係る外国間接口座管理機関。ロにおいて同じ。）及び当該振替国債の振替記載等に係る特定振替機関等を経由して当該利子に係る所得税法第十七条の規定による納税地の所轄税務署長に提出していること。

- (a) The said nonresident or foreign corporation shall, when seeking the application of the provision of this paragraph for the first time with regard to interest on the said book-entry transfer national government bonds, submit a document stating such intention, his/her or its name and address (or a place specified by a Ordinance of the Ministry of Finance in the case of a nonresident who has his/her residence in Japan or any other person specified by an Ordinance of the Ministry of Finance; hereinafter the same shall apply in this Article) and any other matters specified by an Ordinance of the Ministry of Finance (hereinafter referred to in this Article as a “written application for tax exemption of book-entry transfer national government bonds”) to the competent district director having jurisdiction over the place for tax payment pertaining to the said interest pursuant to the provision of Article 17 of the Income Tax Act, via the said specified book-entry transfer institution, etc. (in the case where the said specified book-entry transfer institution, etc. is a specified account management institution, submission shall be made via the said specified book-entry transfer institution, etc. and a specified book-entry transfer institution; in the case where the said specified book-entry transfer institution, etc. is a specified indirect account management institution, submission shall be made via [1] the said specified book-entry transfer institution, etc. (in the case where the said specified book-entry transfer institution, etc. makes entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds through another specified indirect account management institution, submission shall be made via the said specified book-entry transfer institution, etc. and such other specified indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds), [2] the specified account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer

national government bonds, and [3] a specified book-entry transfer institution; hereinafter the same shall apply in this item), or via the said qualified foreign intermediary (in the case where the said qualified foreign intermediary is a foreign further indirect account management institution, submission shall be made via the said qualified foreign intermediary (in the case where the said qualified foreign intermediary makes entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds through another foreign further indirect account management institution, submission shall be made via the said qualified foreign intermediary and such other foreign further indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds) and the foreign indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds; the same shall apply in (b)) and the specified book-entry transfer institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds.

ロ 当該非居住者又は外国法人が、当該振替国債の利子の支払を受けるべき日の前日までに、その者の当該振替国債に係る所有期間その他の財務省令で定める事項を記載した書類（第八項及び第十七項において「振替国債所有期間明細書」という。）を、当該特定振替機関等を経由し、又は当該適格外国仲介業者及び当該振替国債の振替記載等に係る特定振替機関等を経由してイに規定する税務署長に提出していること。

(b) The said nonresident or foreign corporation shall, no later than the day preceding the day on which he/she or it is to receive interest on the said book-entry transfer national government bonds, submit a document stating his/her or its holding period for the said book-entry transfer national government bonds and any other matters specified by an Ordinance of the Ministry of Finance (referred to in paragraph (8) and paragraph (17) as a “statement of the holding period of book-entry transfer national government bonds”) to the district director prescribed in (a), via the said specified book-entry transfer institution, etc. or via the said qualified foreign intermediary and the specified book-entry transfer institution, etc. pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds.

## 二 振替地方債 次に掲げる要件

(ii) Book-entry transfer local government bonds: The following requirements:

イ 当該非居住者又は外国法人が、当該振替地方債の利子につき最初にこの項の規定の適用を受けようとする際、その旨、その者の氏名又は名称及び住所その他の財務省令で定める事項を記載した書類（以下この条において「振替地方債非課税適用申告書」という。）を、当該特定振替機関等（当該特定振替機関等が特定口座管理機関である場合には当該特定振替機関等及び特定振替機関とし、当該特定振替機関等が特定間接

口座管理機関である場合には当該特定振替機関等（当該特定振替機関等が他の特定間接口座管理機関から当該振替地方債の振替記載等を受ける場合には、当該特定振替機関等及び当該振替地方債の振替記載等に係る他の特定間接口座管理機関）及び当該振替地方債の振替記載等に係る特定口座管理機関並びに特定振替機関とする。以下この号において同じ。）及び当該利子の支払をする者を経由し、又は当該適格外国仲介業者（当該適格外国仲介業者が外国再間接口座管理機関である場合には、当該適格外国仲介業者（当該適格外国仲介業者が他の外国再間接口座管理機関から当該振替地方債の振替記載等を受ける場合には、当該適格外国仲介業者及び当該振替地方債の振替記載等に係る他の外国再間接口座管理機関）及び当該振替地方債の振替記載等に係る外国間接口座管理機関。ロにおいて同じ。）及び当該振替地方債の振替記載等に係る特定振替機関等並びに当該利子の支払をする者を経由して当該利子に係る所得税法第十七条の規定による納税地の所轄税務署長に提出していること。

- (a) The said nonresident or foreign corporation shall, when seeking the application of the provision of this paragraph for the first time with regard to interest on the said book-entry transfer local government bonds, submit a document stating such intention, his/her or its name and address, and any other matters specified by an Ordinance of the Ministry of Finance (hereinafter referred to in this Article as a “written application for tax exemption of book-entry transfer local government bonds”) to the competent district director having jurisdiction over the place for tax payment pertaining to said interest pursuant to the provision of Article 17 of the Income Tax Act, via the said specified book-entry transfer institution, etc. (in the case where the said specified book-entry transfer institution, etc. is a specified account management institution, submission shall be made via the said specified book-entry transfer institution, etc. and a specified book-entry transfer institution; in the case where the said specified book-entry transfer institution, etc. is a specified indirect account management institution, submission shall be made via [1] the said specified book-entry transfer institution, etc. (in the case where the said specified book-entry transfer institution, etc. makes entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds through another specified indirect account management institution, submission shall be made via the said specified book-entry transfer institution, etc. and such other specified indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds), [2] the specified account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds, and [3] a specified book-entry transfer institution; hereinafter the same shall apply in this item) and the person who pays the said interest, or via [1] the said qualified foreign intermediary (in the case where the said qualified foreign intermediary is a foreign further indirect

account management institution, submission shall be made via the said qualified foreign intermediary (in the case where the said qualified foreign intermediary makes entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds through another foreign further indirect account management institution, submission shall be made via the said qualified foreign intermediary and such other foreign further indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds) and the foreign indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds; the same shall apply in (b)), [2] the specified book-entry transfer institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds, and [3] the person who pays the said interest.

ロ 当該非居住者又は外国法人が、当該振替地方債の利子の支払を受けるべき日の前日までに、その者の当該振替地方債に係る所有期間その他の財務省令で定める事項を記載した書類（第八項及び第十七項において「振替地方債所有期間明細書」という。）を、当該特定振替機関等及び当該利子の支払をする者を経由し、又は当該適格外国仲介業者及び当該振替地方債の振替記載等に係る特定振替機関等並びに当該利子の支払をする者を経由してイに規定する税務署長に提出していること。

(b) The said nonresident or foreign corporation shall, no later than the day preceding the day on which he/she or it is to receive interest on the said book-entry transfer local government bonds, submit a document stating his/her or its holding period for the said book-entry transfer local government bonds and any other matters specified by an Ordinance of the Ministry of Finance (referred to in paragraph (8) and paragraph (17) as “statement of the holding period of book-entry transfer local government bonds”) to the district director prescribed in (a), via the said specified book-entry transfer institution, etc. and the person who pays the said interest, or via the said qualified foreign intermediary, the specified book-entry transfer institution, etc. pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds, and the person who pays the said interest.

2 前項の規定は、外国投資信託（投資信託及び投資法人に関する法律（昭和二十六年法律第九十八号）第二条第二十二項に規定する外国投資信託をいう。以下この項において同じ。）の受託者である非居住者又は外国法人が当該外国投資信託の信託財産につき支払を受ける振替国債及び振替地方債の利子については、当該外国投資信託が次に掲げる要件を満たすもの（第九項において「適格外国証券投資信託」という。）である場合に限り、適用する。

(2) With respect to interest on book-entry transfer national government bonds and interest on book-entry transfer local government bonds to be received by a nonresident

or foreign corporation, who is the trustee of a foreign investment trust (meaning a foreign investment trust prescribed in Article 2(22) of the Act on Investment Trust and Investment Corporation (Act No. 198 of 1951); hereinafter the same shall apply in this paragraph), for the trust property under the said foreign investment trust, the provision of the preceding paragraph shall apply only where the said foreign investment trust is one that satisfies the following requirements (referred to as a “qualified foreign securities investment trust” in paragraph (9)):

一 当該外国投資信託が証券投資信託又は公社債等運用投資信託に該当すること。

(i) The said foreign investment trust falls under the category of securities investment trust or publicly offered bond investment trust.

二 当該外国投資信託の設定に係る受益権の募集が、国外において、金融商品取引法第二条第三項に規定する取得勧誘のうち同項第一号に掲げる場合に該当するものに相当するものにより行われたものであり、かつ、当該外国投資信託の目論見書その他これに類する書類にその取得勧誘が同号に掲げる場合に該当するものに相当するものである旨の記載がなされて行われていること。

(ii) The public offering of beneficial rights based on the establishment of the said foreign investment trust has been conducted, outside Japan, by way of a solicitation of acquisition prescribed in Article 2(3) of the Financial Instruments and Exchange Act which is equivalent to the one listed in item (i) of Article 2(3), and it is stated in the prospectus of the said foreign investment trust or any other document similar thereto that the relevant solicitation of acquisition is equivalent to the one listed in the said item.

三 当該外国投資信託の設定に係る受益権の募集が国内で行われていないこと。

(iii) The public offering of beneficial rights based on the establishment of the said foreign investment trust has not been conducted in Japan.

3 第一項の規定は、国内に恒久的施設を有する非居住者が支払を受ける振替国債及び振替地方債の利子でその者の国内において行う事業に帰せられるものその他の政令で定めるものについては、適用しない。この場合において、当該非居住者が同項各号に定める要件を満たしているときは、当該支払を受ける利子（所有期間に対応する部分の額として政令で定めるところにより計算した金額に相当する部分に限る。）については、所得税法第二百十二条の規定は、適用しない。

(3) The provisions of paragraph (1) shall not apply to interest on book-entry transfer national government bonds and interest on book-entry transfer local government bonds to be received by a nonresident having permanent establishments in Japan, which is attributed to a business conducted by the said nonresident in Japan or which is otherwise specified by a Cabinet Order. In this case, where the nonresident satisfies the requirements specified in the items of the said paragraph, the provision of Article 212 of the Income Tax Act shall not apply to the said interest to be received (limited to the part of interest equivalent to the amount calculated pursuant to the method specified by a Cabinet Order as the amount corresponding to the holding period).

4 第一項及び前項の規定の適用がある場合における第三条及び第三条の二の規定の適用については、第三条第一項中「政令で定めるものを除く。以下この条及び次条」とあるのは「第五条の二第三項後段の規定の適用があるものを除く。以下この条」と、同条第三項中「受けるべき利子等の」とあるのは「受けるべき利子等（第五条の二第一項の規定の適用を受けるものを除く。以下この項において同じ。）の」と、第三条の二中「内国法人又は国内に恒久的施設を有する外国法人」とあるのは「非居住者又は外国法人」と、「支払うべき利子等」とあるのは「支払うべき第五条の二第一項又は第三項後段の規定の適用を受ける利子」と、「当該利子等」とあるのは「当該利子」とする。

(4) With regard to the application of the provisions of Article 3 and Article 3-2 in the case where the provisions of paragraph (1) and the preceding paragraph shall apply, in Article 3(1), the phrase “excluding interest specified by a Cabinet Order; hereinafter referred to in this Article and the next Article as “interest, etc.”” shall be deemed to be replaced with “excluding interest subject to the provision of the second sentence of Article 5-2(3); hereinafter referred to in this Article as “interest, etc.””; in Article 3(3), the phrase “interest, etc. receivable” shall be deemed to be replaced with “interest, etc. (excluding interest subject to the provision of Article 5-2(1); hereinafter the same shall apply in this paragraph) receivable”; in Article 3-2, the phrase “a domestic corporation or a foreign corporation having permanent establishments in Japan” shall be deemed to be replaced with “nonresident or foreign corporation,” the phrase “interest, etc. payable” shall be deemed to be replaced with “interest payable subject to the provision of Article 5-2(1) or the second sentence of Article 5-2(3),” and the phrase “the said interest, etc.” shall be deemed to be replaced with “the said interest.”

5 この条において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(5) In this Article, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 特定振替機関 社債等の振替に関する法律第二条第二項に規定する振替機関（同法第四十八条の規定により振替機関とみなされる者を含む。）のうち、同法第十三条の規定に基づき国債を取り扱うことについて国から同意を得た者又は同条の規定に基づき地方債を取り扱うことについて当該地方債の発行者から同意を得た者をいう。

(i) Specified book-entry transfer institution: A book-entry transfer institution prescribed in Article 2(2) of the Act on Book-Entry Transfer of Company Bonds, etc. (including an institution that shall be deemed to be a book-entry transfer institution pursuant to the provision of Article 48 of the said Act), which has obtained consent from the State for handling national government bonds pursuant to the provision of Article 13 of the said Act or obtained consent from the issuer of local government bonds for handling the said local government bonds pursuant to the provision of the said Article

二 特定口座管理機関 社債等の振替に関する法律第二条第四項に規定する口座管理機関（次号及び第七号において「口座管理機関」という。）のうち、特定振替機関が同法第十二条第一項の規定により口座を開設した者をいう。

(ii) Specified account management institution: An account management institution prescribed in Article 2(4) of the Act on Book-Entry Transfer of Company Bonds, etc. (referred to in the next item and item (vii) as an “account management institution”), with which a specified book-entry transfer institution has established an account pursuant to the provision of Article 12(1) of the said Act

三 特定間接口座管理機関 口座管理機関のうち、次のいずれかに該当するもの（外国間接口座管理機関に該当する者を除く。）をいう。

(iii) Specified indirect account management institution: An account management institution, which falls under any one of the following (excluding an institution that falls under the category of foreign indirect account management institution):

イ 特定口座管理機関が社債等の振替に関する法律第四十四条第一項の規定により口座を開設した者

(a) An institution with which a specified account management institution has established an account pursuant to the provision of Article 44(1) of the Act on Book-Entry Transfer of Company Bonds, etc.

ロ イ又はハの規定により特定間接口座管理機関に該当するものが社債等の振替に関する法律第四十四条第一項の規定により口座を開設した者

(b) An institution with which an institution that falls under the category of specified indirect account management institution pursuant to the provision of (a) or (c) has established an account pursuant to the provision of Article 44(1) of the Act on Book-Entry Transfer of Company Bonds, etc.

ハ ロの規定により特定間接口座管理機関に該当するものが社債等の振替に関する法律第四十四条第一項の規定により口座を開設した者

(c) An institution with which an institution that falls under the category of specified indirect account management institution pursuant to the provision of (b) has established an account pursuant to the provision of Article 44(1) of the Act on Book-Entry Transfer of Company Bonds, etc.

四 適格外国仲介業者 外国間接口座管理機関又は外国再間接口座管理機関のうち、所得税法第百六十二条に規定する条約（租税の賦課及び徴収に関する情報を相互に提供することを定める規定を有するものに限る。）の我が国以外の締約国（次号において「条約相手国」という。）に本店又は主たる事務所を有する者として政令で定めるところにより、振替国債にあつては第一項第一号イに規定する税務署長の承認、振替地方債にあつては同項第二号イに規定する税務署長の承認を受けた者をいう。

(iv) Qualified foreign intermediary: A foreign indirect account management institution or foreign further indirect account management institution, which has obtained, in the capacity of institution having its head office or principal office in the Contracting State other than Japan (referred to in the next item as the “other Contracting State”) of a convention prescribed by Article 162 of the Income Tax Act (limited to a convention that provides that the Contracting States shall exchange information on the assessment and collection of taxes with each other), pursuant to the provision of

a Cabinet Order, the approval of the district director prescribed in paragraph (1)(i)(a) for book-entry transfer national government bonds or the approval of the district director prescribed in paragraph (1)(ii)(a) for book-entry transfer local government bonds

五 特定国外営業所等 適格外国仲介業者の営業所又は事務所のうち、条約相手国に所在するものをいう。

(v) Specified overseas business office, etc.: A business office or any other office of a qualified foreign intermediary, which is located in the other Contracting State

六 振替記載等 社債等の振替に関する法律 に定めるところにより行われる同法 の振替口座簿への記載又は記録をいう。

(vi) Entries or records under the book-entry transfer system: Entries or records in a transfer account book provided for in the Act on Book-Entry Transfer of Company Bonds, etc. which are made pursuant to the provisions of the said Act

七 外国再間接口座管理機関 口座管理機関（社債等の振替に関する法律第四十四条第一項第十四号に掲げる者に該当するものに限るものとし、内国法人を除く。次号において「外国口座管理機関」という。）のうち、次のいずれかに該当するものをいう

(vii) Foreign further indirect account management institution: An account management institution (limited to an institution that falls under the category of institution prescribed in Article 44(1)(xiv) of the Act on Book-Entry Transfer of Company Bonds, etc., and excluding a domestic corporation; referred to in the next item as a “foreign account management institution”), which falls under any one of the following:

イ 外国間接口座管理機関が社債等の振替に関する法律第四十四条第一項 の規定により口座を開設した者

(a) An institution with which a foreign indirect account management institution has established an account pursuant to the provision of Article 44(1) of the Act on Book-Entry Transfer of Company Bonds, etc.

ロ イ又はハの規定により外国再間接口座管理機関に該当するものが社債等の振替に関する法律第四十四条第一項 の規定により口座を開設した者

(b) An institution with which an institution that falls under the category of foreign further indirect account management institution pursuant to the provisions of (a) or (c) has established an account pursuant to the provision of Article 44(1) of the Act on Book-Entry Transfer of Company Bonds, etc.

ハ ロの規定により外国再間接口座管理機関に該当するものが社債等の振替に関する法律第四十四条第一項 の規定により口座を開設した者

(c) An institution with which an institution that falls under the category of foreign further indirect account management institution pursuant to the provision of (b) has established an account pursuant to the provision of Article 44(1) of the Act on Book-Entry Transfer of Company Bonds, etc.

八 外国間接口座管理機関 外国口座管理機関のうち、特定口座管理機関又は特定間接口座管理機関が社債等の振替に関する法律第四十四条第一項 の規定により口座を開設し

た者をいう。

- (viii) Foreign indirect account management institution: A foreign account management institution with which a specified account management institution or specified indirect account management institution has established an account pursuant to the provision of Article 44(1) of the Act on Book-Entry Transfer of Company Bonds, etc.
- 6 税務署長は、前項第四号の承認の申請があつた場合において、その申請を行つた者につき次の各号のいずれかに該当する事実があるときは、その申請を却下することができる。
- (6) Where an application for approval set forth in item (iv) of the preceding paragraph has been filed, the district director may dismiss the application when he/she finds a fact that falls under any one of the following items with regard to the applicant:
- 一 その申請を行う場合に必要となる書類に不備又は不実の記載があると認められること  
その他当該申請が前項第四号に規定する政令で定めるところに従つて行われていないと認められること。
- (i) It is found that any document necessary for filing the application contains a defective or false entry or that the application has not otherwise been filed pursuant to the provision of a Cabinet Order prescribed in item (iv) of the preceding paragraph.
- 二 その者につき現に国税の滞納があり、かつ、その滞納税額の徴収が著しく困難であること。
- (ii) The applicant is currently delinquent in paying national tax, and it is significantly difficult to collect the tax amount in arrear.
- 三 その者が第十三項に規定する帳簿の備付け、記録若しくは保存を行うこと又は第十四項に規定する通知を行うことが困難と認められる相当の理由があること。
- (iii) There is a reasonable ground for finding that it is difficult for the applicant to keep books, make records therein or preserve the books pursuant to the provision of paragraph (13) or give notice pursuant to the provision of paragraph (14).
- 7 税務署長は、第五項第四号の承認を受けた者について前項各号のいずれかに該当する事実が生じたと認めるときは、政令で定めるところにより、その承認を取り消すことができる。
- (7) When the district director finds that a fact that falls under any one of the items of the preceding paragraph has occurred with regard to the institution that has obtained the approval set forth in paragraph (5)(iv), he/she may rescind the approval pursuant to the provision of a Cabinet Order.
- 8 第一項第一号又は第二号の場合において、振替国債非課税適用申告書若しくは振替国債所有期間明細書が同項第一号イに規定する税務署長に提出されたとき又は振替地方債非課税適用申告書若しくは振替地方債所有期間明細書が同項第二号イに規定する税務署長に提出されたときは、当該振替国債非課税適用申告書若しくは振替国債所有期間明細書又は当該振替地方債非課税適用申告書若しくは振替地方債所有期間明細書の提出をした者からその提出の際に經由すべき特定振替機関等の営業所等又は適格外国仲介業者の特定国外営業所等が受け取つた時にこれらの税務署長に提出があつたものとみなす。

(8) In the case referred to in paragraph (1)(i) or (ii), where a written application for tax exemption of book-entry transfer national government bonds or statement of the holding period of book-entry transfer national government bonds has been submitted to the district director prescribed in item (i)(a) of the said paragraph or a written application for tax exemption of book-entry transfer local government bonds or statement of the holding period of book-entry transfer local government bonds has been submitted to the district director prescribed in item (ii)(a) of the said paragraph, it shall be deemed that the submission to the relevant district director has been made when the business office, etc. of the specified book-entry transfer institution, etc. or the specified overseas business office, etc. of the qualified foreign intermediary, via which submission should be made, has received the said written application for tax exemption of book-entry transfer national government bonds or statement of the holding period of book-entry transfer national government bonds or the said written application for tax exemption of book-entry transfer local government bonds or statement of the holding period of book-entry transfer local government bonds, from the person who submitted the relevant document.

9 振替国債非課税適用申告書又は振替地方債非課税適用申告書を提出する者は、その提出の際、当該振替国債非課税適用申告書又は振替地方債非課税適用申告書を提出する特定振替機関等の営業所等の長又は適格外国仲介業者の特定国外営業所等の長にその者の外国人登録証明書、法人の登記事項証明書その他の政令で定める書類を提示しなければならないものとし、当該特定振替機関等の営業所等の長又は適格外国仲介業者の特定国外営業所等の長は、当該振替国債非課税適用申告書又は振替地方債非課税適用申告書に記載されている氏名又は名称及び住所（第二項の規定の適用がある場合にあつては、氏名又は名称及び住所並びに適格外国証券投資信託の名称）を当該書類により確認しなければならないものとする。

(9) A person who submits a written application for tax exemption of book-entry transfer national government bonds or written application for tax exemption of book-entry transfer local government bonds shall, upon submission, present the person's certificate of alien registration, certificate of registered matters of the corporation and any other document specified by a Cabinet Order to the head of the business office, etc. of the specified book-entry transfer institution, etc. or the head of the specified overseas business office, etc. of the qualified foreign intermediary, to which the said written application for tax exemption of book-entry transfer national government bonds or written application for tax exemption of book-entry transfer local government bonds is submitted, and the said head of the business office, etc. of the specified book-entry transfer institution, etc. or the said head of the specified overseas business office, etc. of the qualified foreign intermediary shall confirm, by the documents presented thereto, the name and address stated in the said written application for tax exemption of book-entry transfer national government bonds or written application for tax exemption of book-entry transfer local government bonds (in the case where the

provision of paragraph (2) shall apply, such name and address, as well as the name of the qualified foreign securities investment trust should be confirmed).

10 振替国債非課税適用申告書を提出した者が、その提出後、当該振替国債非課税適用申告書に記載した氏名若しくは名称又は住所の変更をした場合には、その者は、その変更をした日以後最初に当該振替国債非課税適用申告書を提出した特定振替機関等又は適格外国仲介業者から振替記載等を受けている振替国債の利子の支払を受けるべき日の前日までに、その変更をした後のその者の氏名又は名称及び住所その他の財務省令で定める事項を記載した申告書を、当該特定振替機関等（当該特定振替機関等が特定口座管理機関である場合には当該特定振替機関等及び特定振替機関とし、当該特定振替機関等が特定間接口座管理機関である場合には当該特定振替機関等（当該特定振替機関等が他の特定間接口座管理機関から当該振替国債の振替記載等を受ける場合には、当該特定振替機関等及び当該振替国債の振替記載等に係る他の特定間接口座管理機関）及び当該振替国債の振替記載等に係る特定口座管理機関並びに特定振替機関とする。以下この項において同じ。）を経由し、又は当該適格外国仲介業者（当該適格外国仲介業者が外国再間接口座管理機関である場合には、当該適格外国仲介業者（当該適格外国仲介業者が他の外国再間接口座管理機関から当該振替国債の振替記載等を受ける場合には、当該適格外国仲介業者及び当該振替国債の振替記載等に係る他の外国再間接口座管理機関）及び当該振替国債の振替記載等に係る外国間接口座管理機関）及び当該振替国債の振替記載等に係る特定振替機関等を経由して第一項第一号イに規定する税務署長に提出しなければならない。この場合において、当該申告書を提出しなかつたときは、その該当することとなつた日以後に支払を受ける当該振替国債の利子については、同項の規定は、適用しない。

(10) Where a person who has submitted a written application for tax exemption of book-entry transfer national government bonds has, after submission, changed the name or address initially stated in the said written application for tax exemption of book-entry transfer national government bonds, the person shall, no later than the day preceding the day on which the person is to receive, for the first time since the date of change, payment of interest on the book-entry transfer national government bonds for which the person made entries or records under the book-entry transfer system through the specified book-entry transfer institution, etc. or qualified foreign intermediary to which the person submitted the said written application for tax exemption of book-entry transfer national government bonds, submit a written application stating the person's new name or address and any other matters specified by an Ordinance of the Ministry of Finance, to the district director prescribed in paragraph (1)(i)(a), via the said specified book-entry transfer institution, etc. (in the case where the said specified book-entry transfer institution, etc. is a specified account management institution, submission shall be made via the said specified book-entry transfer institution, etc. and a specified book-entry transfer institution; in the case where the said specified book-entry transfer institution, etc. is a specified indirect account management institution, submission shall be made via [1] the said specified book-entry transfer institution, etc. (in the case where the said specified book-entry

transfer institution, etc. makes entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds through another specified indirect account management institution, submission shall be made via the said specified book-entry transfer institution, etc. and such other specified indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds), [2] the specified account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds, and [3] a specified book-entry transfer institution; hereinafter the same shall apply in this paragraph), or via the said qualified foreign intermediary (in the case where the said qualified foreign intermediary is a foreign further indirect account management institution, submission shall be made via the said qualified foreign intermediary (in the case where the said qualified foreign intermediary makes entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds through another foreign further indirect account management institution, submission shall be made via the said qualified foreign intermediary and such other foreign further indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds) and the foreign indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds) and the specified book-entry transfer institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds. In this case, where the person has failed to submit the said written application, the provision of paragraph (1) shall not apply to interest on the said book-entry transfer national government bonds to be received by the person on or after the day on which the change has been made.

- 1 1 振替地方債非課税適用申告書を提出した者が、その提出後、当該振替地方債非課税適用申告書に記載した氏名若しくは名称又は住所の変更をした場合には、その者は、その変更をした日以後最初に当該振替地方債非課税適用申告書を提出した特定振替機関等又は適格外国仲介業者から振替記載等を受けている振替地方債の利子の支払を受けるべき日の前日までに、その変更をした後のその者の氏名又は名称及び住所その他の財務省令で定める事項を記載した申告書を、当該特定振替機関等（当該特定振替機関等が特定口座管理機関である場合には当該特定振替機関等及び特定振替機関とし、当該特定振替機関等が特定間接口座管理機関である場合には当該特定振替機関等（当該特定振替機関等が他の特定間接口座管理機関から当該振替地方債の振替記載等を受ける場合には、当該特定振替機関等及び当該振替地方債の振替記載等に係る他の特定間接口座管理機関）及び当該振替地方債の振替記載等に係る特定口座管理機関並びに特定振替機関とする。以下この項において同じ。）及び当該利子の支払をする者を經由し、又は当該適格外国仲介業者（当該適格外国仲介業者が外国再間接口座管理機関である場合には、当該適格外国仲介業者（当該適格外

国仲介業者が他の外国再間接口座管理機関から当該振替地方債の振替記載等を受ける場合には、当該適格外国仲介業者及び当該振替地方債の振替記載等に係る他の外国再間接口座管理機関) 及び当該振替地方債の振替記載等に係る外国間接口座管理機関) 及び当該振替地方債の振替記載等に係る特定振替機関等並びに当該利子の支払をする者を経由して第一項第二号イに規定する税務署長に提出しなければならない。この場合において、当該申告書を提出しなかつたときは、その該当することとなつた日以後に支払を受ける当該振替地方債の利子については、同項の規定は、適用しない。

- (11) Where a person who submitted a written application for tax exemption of book-entry transfer local government bonds has, after submission, changed the name or address initially stated in the said written application for tax exemption of book-entry transfer local government bonds, the person shall, no later than the day preceding the day on which the person is to receive, for the first time since the date of change, payment of interest on the book-entry transfer local government bonds for which the person made entries or records under the book-entry transfer system through the specified book-entry transfer institution, etc. or qualified foreign intermediary to which the person submitted the said written application for tax exemption of book-entry transfer local government bonds, submit a written application stating the person's new name or address and any other matters specified by an Ordinance of the Ministry of Finance, to the district director prescribed in paragraph (1)(ii)(a), via the said specified book-entry transfer institution, etc. (in the case where the said specified book-entry transfer institution, etc. is a specified account management institution, submission shall be made via the said specified book-entry transfer institution, etc. and a specified book-entry transfer institution; in the case where the said specified book-entry transfer institution, etc. is a specified indirect account management institution, submission shall be made via [1] the said specified book-entry transfer institution, etc. (in the case where the said specified book-entry transfer institution, etc. makes entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds through another specified indirect account management institution, submission shall be made via the said specified book-entry transfer institution, etc. and such other specified indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds), [2] the specified account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds, and [3] a specified book-entry transfer institution; hereinafter the same shall apply in this paragraph) and the person who pays the said interest, or via [1] the said qualified foreign intermediary (in the case where the said qualified foreign intermediary is a foreign further indirect account management institution, submission shall be made via the said qualified foreign intermediary (in the case where the said qualified foreign intermediary makes entries or records under the book-entry transfer system regarding the said book-entry transfer

local government bonds through another foreign further indirect account management institution, submission shall be made via the said qualified foreign intermediary and such other foreign further indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds) and the foreign indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds), [2] the specified book-entry transfer institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds, and [3] the person who pays the said interest. In this case, where the person has failed to submit the said written application, the provision of paragraph (1) shall not apply to interest on the said book-entry transfer local government bonds to be received by the person on or after the day on which the change has been made.

1 2 第八項及び第九項の規定は、前二項に規定する申告書を提出する者がこれらの申告書を提出する場合について準用する。この場合において、第八項中「第一項第一号又は第二号」とあるのは「第十項又は第十一項」と、「振替国債非課税適用申告書若しくは振替国債所有期間明細書が同項第一号イ」とあるのは「第十項に規定する申告書が第一項第一号イ」と、「振替地方債非課税適用申告書若しくは振替地方債所有期間明細書が同項第二号イ」とあるのは「第十一項に規定する申告書が第一項第二号イ」と、「当該振替国債非課税適用申告書若しくは振替国債所有期間明細書又は当該振替地方債非課税適用申告書若しくは振替地方債所有期間明細書」とあるのは「これらの申告書」と、第九項中「振替国債非課税適用申告書又は振替地方債非課税適用申告書を提出する者」とあるのは「次項又は第十一項に規定する申告書を提出する者」と、「当該振替国債非課税適用申告書又は振替地方債非課税適用申告書」とあるのは「これらの申告書」と、「氏名」とあるのは「変更後の氏名」と読み替えるものとする。

(12) The provisions of paragraph (8) and paragraph (9) shall apply mutatis mutandis where the person who submits a written application prescribed in the preceding two paragraphs submits the relevant written application. In this case: in paragraph (8), the phrase “paragraph (1)(i) or (ii)” shall be deemed to be replaced with “paragraph (10) or paragraph (11)”; the phrase “a written application for tax exemption of book-entry transfer national government bonds or statement of the holding period of book-entry transfer national government bonds has been submitted to the district director prescribed in item (i)(a) of the said paragraph” shall be deemed to be replaced with “a written application prescribed in paragraph (10) has been submitted to the district director prescribed in paragraph (1)(i)(a)”; the phrase “a written application for tax exemption of book-entry transfer local government bonds or statement of the holding period of book-entry transfer local government bonds has been submitted to the district director prescribed in item (ii)(a) of the said paragraph” shall be deemed to be replaced with “a written application prescribed in paragraph (11) has been submitted to the district director prescribed in paragraph (1)(ii)(a)”; the phrase “the said written

application for tax exemption of book-entry transfer national government bonds or statement of the holding period of book-entry transfer national government bonds or the said written application for tax exemption of book-entry transfer local government bonds or statement of the holding period of book-entry transfer local government bonds” shall be deemed to be replaced with “the relevant written application”; in paragraph (9), the phrase “person who submits a written application for tax exemption of book-entry transfer national government bonds or written application for tax exemption of book-entry transfer local government bonds” shall be deemed to be replaced with “person who submits a written application prescribed in the next paragraph or paragraph (11)”; the phrase “the said written application for tax exemption of book-entry transfer national government bonds or written application for tax exemption of book-entry transfer local government bonds” shall be deemed to be replaced with “the relevant written application”; the term “name” shall be deemed to be replaced with “new name.”

1 3 特定振替機関等及び適格外国仲介業者は、振替国債非課税適用申告書又は振替地方債非課税適用申告書を提出した者が当該特定振替機関等又は当該適格外国仲介業者から振替記載等を受けた振替国債又は振替地方債につき帳簿を備え、当該振替国債非課税適用申告書又は振替地方債非課税適用申告書を提出した者の各人別に、政令で定めるところにより、当該振替国債又は振替地方債につき振替記載等がされた日その他の財務省令で定める事項を記載し、又は記録しなければならない。

(13) A specified book-entry transfer institution, etc. and a qualified foreign intermediary shall keep books with regard to book-entry transfer national government bonds or book-entry transfer local government bonds for which a person who has submitted a written application for tax exemption of book-entry transfer national government bonds or written application for tax exemption of book-entry transfer local government bonds made entries or records under the book-entry transfer system through the said specified book-entry transfer institution, etc. or the said qualified foreign intermediary, and shall state or record in such books, pursuant to the provision of a Cabinet Order, the day on which entries or records under the book-entry transfer system were made with regard to the said book-entry transfer national government bonds or book-entry transfer local government bonds, and any other matters specified by an Ordinance of the Ministry of Finance, for each person who has submitted the said written application for tax exemption of book-entry transfer national government bonds or written application for tax exemption of book-entry transfer local government bonds.

1 4 適格外国仲介業者は、振替国債非課税適用申告書又は振替地方債非課税適用申告書を提出した者の各人別に、政令で定めるところにより、当該振替国債非課税適用申告書又は振替地方債非課税適用申告書を提出した者が当該適格外国仲介業者から振替記載等を受けた振替国債又は振替地方債につき振替記載等がされた日その他の財務省令で定める事項を当該適格外国仲介業者が当該振替国債又は振替地方債の振替記載等を受けた特定振替機関等（当該適格外国仲介業者が外国再間接口座管理機関である場合には、当該振替国債又は

振替地方債の振替記載等に係る外国間接口座管理機関が当該振替国債又は振替地方債の振替記載等を受けた特定振替機関等) に対し書面による方法その他政令で定める方法により通知しなければならない。この場合において、当該特定振替機関等は、当該振替国債又は振替地方債につき帳簿を備え、当該各人別に、政令で定めるところにより、これらの事項を記載し、又は記録しなければならない。

(14) A qualified foreign intermediary shall, for each person who has submitted a written application for tax exemption of book-entry transfer national government bonds or written application for tax exemption of book-entry transfer local government bonds, pursuant to the provision of a Cabinet Order, give notice of the day on which entries or records under the book-entry transfer system were made with regard to the book-entry transfer national government bonds or book-entry transfer local government bonds for which the person who has submitted the said written application for tax exemption of book-entry transfer national government bonds or written application for tax exemption of book-entry transfer local government bonds made entries or records under the book-entry transfer system through the said qualified foreign intermediary, and any other matters specified by an Ordinance of the Ministry of Finance, to the specified book-entry transfer institution, etc. through which the said qualified foreign intermediary made entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds or book-entry transfer local government bonds (in the case where the said qualified foreign intermediary is a foreign further indirect account management institution, notice shall be given to the specified book-entry transfer institution, etc. through which the foreign indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds or book-entry transfer local government bonds made entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds or book-entry transfer local government bonds) by way of a document or any other means specified by a Cabinet Order. In this case, the said specified book-entry transfer institution, etc. shall keep books with regard to the said book-entry transfer national government bonds or book-entry transfer local government bonds, and shall state or record, pursuant to the provision of a Cabinet Order, these matters in such books for each person who has submitted the relevant written application.

15 非居住者又は外国法人がその利子の計算期間の中途において取得をした振替国債で次に掲げる要件（当該非居住者又は外国法人が当該振替国債の振替記載等を受けた特定振替機関等（当該振替国債が適格外国仲介業者から振替記載等を受けたものである場合には、当該振替国債に係る当該適格外国仲介業者の前項に規定する特定振替機関等。以下この項において同じ。）が当該振替国債につきその取得前の所有者（以下この項において「前所有者」という。）が振替記載等を受けた特定振替機関等である場合には、第一号及び第二号に掲げる要件）を満たしているもの（以下この項において「通算対象国債」という。）については、その者の当該通算対象国債に係る所有期間には当該通算対象国債の前所有者

の当該通算対象国債に係る所有期間を含むものとする。

(15) With regard to book-entry transfer national government bonds that a nonresident or foreign corporation has acquired before the last day of the accounting period for interest thereon, which satisfy the following requirements (in the case where the said nonresident or foreign corporation has made entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds through the specified book-entry transfer institution, etc. (in the case where entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds have been made through a qualified foreign intermediary: the specified book-entry transfer institution, etc. prescribed in the preceding paragraph that is related to the said qualified foreign intermediary pertaining to the said book-entry transfer national government bonds; hereinafter the same shall apply in this paragraph) through which the person who held the said book-entry transfer national government bonds before acquisition (hereinafter referred to in this paragraph as the “previous holder”) made entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds, the requirements listed in item (i) and (ii) shall apply) (such national government bonds hereinafter referred to as “national government bonds eligible for aggregation”), the nonresident’s or foreign corporation’s holding period pertaining to the said national government bonds eligible for aggregation shall include the previous holder’s holding period pertaining to the said national government bonds eligible for aggregation:

一 非居住者、外国法人、所得税法別表第一第一号に掲げる内国法人若しくは同法第十一条第三項に規定する公益信託若しくは加入者保護信託（以下この号及び次項第一号において「公益信託等」という。）の受託者又は第八条第一項に規定する金融機関（内国法人に限る。）、同条第二項に規定する金融商品取引業者等（内国法人に限る。）若しくは同条第三項に規定する内国法人により所有されていた振替国債（非居住者又は外国法人により所有されていた振替国債については政令で定めるものに限るものとし、公益信託等の受託者により所有されていた振替国債については当該公益信託等の信託財産に属していたものに限る。）で、その取得の直前においてこれらの者が振替記載等を受けていたものであること。

(i) The said book-entry transfer national government bonds were held by a nonresident, foreign corporation, any of the domestic corporations listed in Appended Table 1, item (i) of the Income Tax Act or a trustee of a charitable trust or participant protection trust prescribed in Article 11(3) of the said Act (hereinafter referred to in this item and item (i) of the next paragraph as a “charitable trust, etc.”), or a financial institution prescribed in Article 8(1) (limited to a domestic corporation), financial instruments business operator, etc. prescribed in Article 8(2) (limited to a domestic corporation) or domestic corporation prescribed in Article 8(3) (in the case of book-entry transfer national government bonds that were held by a nonresident or foreign corporation: limited to those specified by a Cabinet Order; in the case of

book-entry transfer national government bonds that were held by a trustee of a charitable trust, etc.: limited to those included in the trust property under the said charitable trust, etc.), and any of those persons held entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds immediately before the acquisition thereof.

二 当該非居住者又は外国法人がその取得後引き続き振替記載等を受けている振替国債であること。

(ii) The said nonresident or foreign corporation has continued to hold entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds after the acquisition thereof.

三 当該非居住者又は外国法人が当該振替国債の振替記載等を受けた特定振替機関等が、当該振替国債の前所有者が当該振替国債の振替記載等を受けた特定振替機関等から当該前所有者の当該振替国債に係る所有期間その他の財務省令で定める事項につき書面による方法その他政令で定める方法により通知を受けていること。

(iii) The specified book-entry transfer institution, etc. through which the said nonresident or foreign corporation has made entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds has received notice, from the specified book-entry transfer institution, etc. through which the previous holder of the said book-entry transfer national government bonds made entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds, stating the said pervious holder' s holding period pertaining to the said book-entry transfer national government bonds and any other matters specified by an Ordinance of the Ministry of Finance, by way of a document or any other means specified by a Cabinet Order.

16 非居住者又は外国法人がその利子の計算期間の中途において取得をした振替地方債で次に掲げる要件（当該非居住者又は外国法人が当該振替地方債の振替記載等を受けた特定振替機関等（当該振替地方債が適格外国仲介業者から振替記載等を受けたものである場合には、当該振替地方債に係る当該適格外国仲介業者の第十四項に規定する特定振替機関等。以下この項において同じ。）が当該振替地方債につきその取得前の所有者（以下この項において「前所有者」という。）が振替記載等を受けた特定振替機関等である場合には、第一号及び第二号に掲げる要件）を満たしているもの（以下この項において「通算対象地方債」という。）については、その者の当該通算対象地方債に係る所有期間には当該通算対象地方債の前所有者の当該通算対象地方債に係る所有期間を含むものとする。

(16) With regard to book-entry transfer local government bonds that a nonresident or foreign corporation has acquired before the last day of the accounting period for interest thereon, which satisfy the following requirements (in the case where the said nonresident or foreign corporation has made entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds through the specified book-entry transfer institution, etc. (in the case where entries or records under the book-entry transfer system regarding the said book-entry transfer local

government bonds have been made through a qualified foreign intermediary: the specified book-entry transfer institution, etc. prescribed in paragraph (14) that is related to the said qualified foreign intermediary pertaining to the said book-entry transfer local government bonds; hereinafter the same shall apply in this paragraph) through which the person who held the said book-entry transfer local government bonds before acquisition (hereinafter referred to in this paragraph as the “previous holder”) made entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds, the requirements listed in item (i) and (ii) shall apply) (such local government bonds hereinafter referred to as “local government bonds eligible for aggregation”), the nonresident’s or foreign corporation’s holding period pertaining to the said local government bonds eligible for aggregation shall include the previous holder’s holding period pertaining to the said local government bonds eligible for aggregation:

一 非居住者、外国法人、所得税法別表第一第一号に掲げる内国法人若しくは公益信託等の受託者又は第八条第一項に規定する金融機関（内国法人に限る。）、同条第二項に規定する金融商品取引業者等（内国法人に限る。）若しくは同条第三項に規定する内国法人により所有されていた振替地方債（非居住者又は外国法人により所有されていた振替地方債については政令で定めるものに限るものとし、公益信託等の受託者により所有されていた振替地方債については当該公益信託等の信託財産に属していたものに限る。）で、その取得の直前においてこれらの者が振替記載等を受けていたものであること。

(i) The said book-entry transfer local government bonds were held by a nonresident, foreign corporation, any of the domestic corporations listed in Appended Table 1, item (i) of the Income Tax Act or a trustee of a charitable trust, etc., or a financial institution prescribed in Article 8(1) (limited to a domestic corporation), financial instruments business operator, etc. prescribed in Article 8(2) (limited to a domestic corporation) or domestic corporation prescribed in Article 8(3) (in the case of book-entry transfer local government bonds that were held by a nonresident or foreign corporation: limited to those specified by a Cabinet Order; in the case of book-entry transfer local government bonds that were held by a trustee of a charitable trust, etc.: limited to those included in the trust property under the said charitable trust, etc.), and any of those persons held entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds immediately before the acquisition thereof.

二 当該非居住者又は外国法人がその取得後引き続き振替記載等を受けている振替地方債であること。

(ii) The said nonresident or foreign corporation has continued to hold entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds after the acquisition thereof.

三 当該非居住者又は外国法人が当該振替地方債の振替記載等を受けた特定振替機関等が、当該振替地方債の前所有者が当該振替地方債の振替記載等を受けた特定振替機関等から

当該前所有者の当該振替地方債に係る所有期間その他の財務省令で定める事項につき書面による方法その他政令で定める方法により通知を受けていること。

(iii) The specified book-entry transfer institution, etc. through which the said nonresident or foreign corporation has made entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds has received notice, from the specified book-entry transfer institution, etc. through which the previous holder of the said book-entry transfer local government bonds made entries or records under the book-entry transfer system regarding the said book-entry transfer local government bonds, stating the said pervious holder's holding period pertaining to the said book-entry transfer local government bonds and any other matters specified by an Ordinance of the Ministry of Finance, by way of a document or any other means specified by a Cabinet Order.

17 特定振替機関等による振替国債非課税適用申告書若しくは振替国債所有期間明細書又は振替地方債非課税適用申告書若しくは振替地方債所有期間明細書の提出の特例、第十五項第三号又は前項第三号の通知に係る書面等の保存に関する事項その他第一項から第四項まで及び第六項から前項までの規定の適用に関し必要な事項は、政令で定める。

(17) Special provisions for the submission by a specified book-entry transfer institution, etc. of a written application for tax exemption of book-entry transfer national government bonds or statement of the holding period of book-entry transfer national government bonds or a written application for tax exemption of book-entry transfer local government bonds or statement of the holding period of book-entry transfer local government bonds, matters concerning the preservation of documents, etc. pertaining to the notice set forth in paragraph (15)(iii) or paragraph (16)(iii), and other necessary matters concerning the application of the provisions of paragraph (1) to paragraph (4) and paragraph (6) to the preceding paragraph shall be specified by a Cabinet Order.

第六条 (民間国外債等の利子の課税の特例)

Article 6 (Special Provisions for Taxation on Interest on Foreign-issued Company Bonds)

1 内国法人は、平成十年四月一日から平成二十年三月三十一日までの間に発行された民間国外債（内国法人が国外において発行した債券で、その利子の支払が国外において行われるものをいう。第十一項において同じ。）のうち同項に規定する指定民間国外債以外のもの（以下この条において「一般民間国外債」という。）につき支払を受けるべき利子（第三条の三第二項又は第六項の規定の適用があるものを除く。）について所得税を納める義務があるものとし、その支払を受けるべき金額に対し百分の十五の税率を適用して所得税を課する。

(1) A domestic corporation shall be liable to pay income tax with respect to interest (excluding interest subject to the provisions of Article 3-3(2) or (6)) receivable on foreign-issued company bonds (meaning bonds issued outside Japan by a domestic corporation, interest on which is to be paid outside Japan; the same shall apply in paragraph (11)) other than designated foreign-issued company bonds prescribed in

paragraph (11) (hereinafter referred to in this Article as “general foreign-issued company bonds”), which have been issued during the period from April 1, 1998, to March 31, 2008, and income tax shall be imposed by applying a tax rate of 15 percent to the amount of interest receivable.

2 平成十年四月一日から平成二十年三月三十一日までの間に発行した一般民間国外債につき、居住者又は内国法人に対しその利子（第三条の三第三項又は第六項の規定の適用があるものを除く。）の支払をする者は、その支払の際、その支払をする金額に百分の十五の税率を乗じて計算した金額の所得税を徴収し、その徴収の日の属する月の翌月末日までに、これを国に納付しなければならない。

(2) A person who pays interest (excluding interest subject to the provision of Article 3-3(3) or (6)) on general foreign-issued company bonds that the person has issued during the period from April 1, 1998, to March 31, 2008, to a resident or domestic corporation shall, upon payment, collect income tax equivalent to the amount calculated by multiplying the amount of interest payable by a tax rate of 15 percent, and pay it to the State no later than the last day of the month following the month that includes the date of collection.

3 前項の規定により徴収して納付すべき所得税は、所得税法第二条第一項第四十五号に規定する源泉徴収に係る所得税とみなして、同法、国税通則法及び国税徴収法の規定を適用する。この場合において、第一項に規定する一般民間国外債につき支払を受けるべき利子の支払を受けるべき者が内国法人であるときは、当該内国法人に対する法人税法の規定の適用については、同法第六十八条第一項、第八十一条の十四第一項及び第百条第一項中「又は賞金」とあるのは「若しくは賞金又は租税特別措置法第六条第一項（民間国外債等の利子の課税の特例）に規定する一般民間国外債につき支払を受けるべき利子」と、「同法」とあるのは「所得税法又は租税特別措置法」とする。

(3) Income tax to be collected and paid pursuant to the provision of the preceding paragraph shall be deemed to be withholding income tax prescribed in Article 2(1)(xlv) of the Income Tax Act, and the provisions of the said Act, the Act on General Rules for National Taxes, and the National Tax Collection Act shall be applied thereto. In this case, where the person who is to receive interest receivable on general foreign-issued company bonds prescribed in paragraph (1) is a domestic corporation, with regard to the application of the provisions of the Corporation Tax Act to the said domestic corporation, the phrase “or prize money” in Article 68(1), Article 81-14(1) and Article 100(1) of the said Act shall be deemed to be replaced with “or prize money... or interest receivable on general foreign-issued company bonds prescribed in Article 6(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Interest on Foreign-issued Company Bonds, etc.),” and the phrase “the said Act” in these clauses shall be deemed to be replaced with “the Income Tax Act or the Act on Special Measures Concerning Taxation.”

4 非居住者又は外国法人が、平成十年四月一日から平成二十年三月三十一日までの間に発行された一般民間国外債の利子の支払を受ける場合において、その支払を受けるべき利子

につきこの項の規定の適用を受けようとする旨、その者の氏名又は名称及び国外にある住所若しくは居所又は本店若しくは主たる事務所の所在地その他財務省令で定める事項を記載した申告書（以下この条において「非課税適用申告書」という。）を、その支払を受ける際、その利子の支払をする者（当該利子の支払が支払の取扱者で政令で定めるもの（以下この項、第七項及び第十一項において「支払の取扱者」という。）を通じて行われる場合には、当該支払の取扱者及び利子の支払をする者）を経由してその支払をする者の当該利子に係る所得税法第十七条の規定による納税地（同法第十八条第二項の規定による指定があつた場合には、その指定をされた納税地）の所轄税務署長に提出したときは、その支払を受ける利子については、所得税を課さない。ただし、当該利子のうち、国内に恒久的施設を有する非居住者が支払を受けるものでその者の国内において行う事業に帰せられるものその他の政令で定めるものについては、この限りでない。

(4) Where a nonresident or foreign corporation receives payment of interest on general foreign-issued company bonds issued during the period from April 1, 1998, to March 31, 2008, and the nonresident or foreign corporation has submitted, upon receiving payment of interest, a written application stating that he/she or it seeks the application of the provision of this paragraph with respect to the interest receivable, as well as his/her or its name and his/her domicile or residence or the location of its head office or principal office, each of which is located outside Japan, and any other matters specified by an Ordinance of the Ministry of Finance (hereinafter referred to in this Article as a “written application for tax exemption”), via the person who pays the interest (in the case where the said interest is paid via a person in charge of handling payment specified by a Cabinet Order (hereinafter referred to in this paragraph, paragraph (7) and paragraph (11) as a “person in charge of handling payment”), submission shall be made via the said person in charge of handling payment and the person who pays the interest), to the competent district director having jurisdiction over the place for tax payment pursuant to the provision of Article 17 of the Income Tax Act which pertains to the person who makes payment in terms of the said interest (in the case where another place has been designated pursuant to the provision of Article 18(2) of the said Act: the designated place for tax payment), income tax shall not be imposed on the interest to be received; provided, however, that this shall not apply to such interest to be paid to a nonresident having permanent establishments in Japan, which is attributed to a business conducted by such nonresident or which is otherwise specified by a Cabinet Order.

5 所得税法第二百十二条の規定は、前項ただし書に規定する利子については、適用しない。

(5) The provision of Article 212 of the Income Tax Act shall not apply to the interest prescribed in the proviso of the preceding paragraph.

6 第四項の場合において、非課税適用申告書が同項に規定する税務署長に提出されたときは、同項に規定する利子の支払をする者においてその受理がされた時にその提出があつたものとみなす。

(6) In the case referred to in paragraph (4), where a written application for tax exemption

has been submitted to the district director prescribed in the said paragraph, it shall be deemed that the submission to the district director has been made when the written application has been received by the person who pays the interest prescribed in the said paragraph.

7 非居住者又は外国法人が、平成十年四月一日から平成二十年三月三十一日までの間に発行された一般民間国外債のうち特定民間国外債であつて支払の取扱者に政令で定めるところにより保管の委託をしているものにつきその利子の支払を受ける場合において、当該保管の委託を受けている支払の取扱者（以下この項において「保管支払取扱者」という。）で当該特定民間国外債の利子の受領の媒介、取次ぎ又は代理（以下この項において「媒介等」という。）をするものが、その媒介等に基づきその利子の交付を受けるときまでに、その利子（第三条の三第三項又は第六項の規定の適用があるものを除く。以下この項において同じ。）の支払を受けるべき者につき次の各号に掲げる場合の区分に応じ当該各号に定める事項その他財務省令で定める事項（以下この項及び第十四項において「利子受領者情報」という。）をその利子の支払をする者に対し（その利子の交付が、当該保管支払取扱者が保管の再委託をしている他の支払の取扱者を通じて行われる場合には、当該他の支払の取扱者を経由してその利子の支払をする者に対し）通知をし、かつ、その利子の支払をする者が、その利子の支払を行う際その利子の支払を受けるべき者に関する事項その他の財務省令で定める事項を記載した書類（当該保管支払取扱者から通知をされた利子受領者情報に基づき記載されたものに限る。第九項及び第十四項において「利子受領者確認書」という。）を作成し、これをその支払をする者の当該利子に係る所得税法第十七条の規定による納税地（同法第十八条第二項の規定による指定があつた場合には、その指定をされた納税地）の所轄税務署長に提出したときは、当該非居住者又は外国法人は、その支払を受けるべき利子につき第四項の規定による非課税適用申告書の提出をしたものとみなす。

(7) Where a nonresident or foreign corporation receives payment of interest on general foreign-issued company bonds issued during the period from April 1, 1998, to March 31, 2008, which fall under the category of specified foreign-issued company bonds and for which the nonresident or foreign corporation has, pursuant to the provision of a Cabinet Order, entrusted custody with the person in charge of handling payment, if [1] the said person in charge of handling payment thus entrusted with custody (hereinafter referred to in this paragraph as the “person in charge of handling custody and payment”) who provides intermediary, brokerage or agent services (hereinafter referred to in this paragraph as the “intermediary services, etc.”) for the receipt of interest on the said specified foreign-issued company bonds has, before receiving the delivery of such interest in the course of the intermediary services, etc., given notice of the matters specified in each of the following items for the category listed in the relevant item and any other matters specified by an Ordinance of the Ministry of Finance with respect to the person who is to receive the interest (excluding interest subject to the provision of Article 3-3(3) or (6); hereinafter the same shall apply in this paragraph) (these matters hereinafter referred to in this paragraph and paragraph (14)

as “interest recipient information”), to the person who pays the interest (in the case where the interest is delivered via another person in charge of handling payment with whom the said person in charge of handling custody and payment has further entrusted custody, notice shall be given to the person who pays the interest via such other person in charge of handling payment), and [2] the person who pays the interest has, upon payment of the interest, prepared a document stating the matters concerning the person who is to receive the interest and any other matters specified by an Ordinance of the Ministry of Finance (limited to a document prepared based on the information on the interest recipient provided by the said person in charge of handling custody and payment; referred to in paragraph (9) and paragraph (14) as the “interest recipient confirmation document”), and submitted it to the competent district director having jurisdiction over the place for tax payment prescribed in Article 17 of the Income Tax Act which pertains to the person who makes payment in terms of the said interest (in the case where another place has been designated pursuant to the provision of Article 18(2) of the said Act: the designated place for tax payment), the said nonresident or foreign corporation shall be deemed to have submitted a written application for tax exemption pursuant to the provision of paragraph (4) with respect to the interest receivable thereby:

一 当該利子の支払を受けるべき者がすべて非居住者又は外国法人である場合 その旨

(i) Where all persons who are to receive payment of the said interest are nonresidents or foreign corporations: This fact

二 当該利子の支払を受けるべき者に居住者又は内国法人が含まれている場合 当該利子の支払を受けるべき者のうち非居住者及び外国法人がその支払を受けるべき金額の合計額

(ii) Where there is a resident(s) or domestic corporation(s) among the persons who are to receive payment of the said interest: The total amount receivable by the nonresidents and foreign corporations who are to receive the said interest.

8 第四項本文及び前二項の規定は、金融機関又は金融商品取引業者で政令で定めるもの（内国法人に限る。次項において「国内金融機関等」という。）が平成十年四月一日から平成二十年三月三十一日までの間に発行された一般民間国外債の利子（第三条の三第二項又は第六項の規定の適用があるものを除く。）の支払を受ける場合について準用する。この場合において、第四項本文中「氏名又は名称及び国外にある住所若しくは居所又は本店若しくは主たる事務所」とあるのは「名称及び本店又は主たる事務所」と、前項第一号中「非居住者又は外国法人」とあるのは「非居住者若しくは外国法人又は次項に規定する国内金融機関等」と、同項第二号中「内国法人」とあるのは「内国法人（次項に規定する国内金融機関等を除く。）」と、「外国法人」とあるのは「外国法人並びに同項に規定する国内金融機関等」と読み替えるものとする。

(8) The provisions of the main clause of paragraph (4) and the provisions of the preceding two paragraphs shall apply mutatis mutandis where a financial institution or financial instruments business operator specified by a Cabinet Order (limited to a domestic

corporation; referred to in the next paragraph as a “domestic financial institution, etc.”) receives payment of interest (excluding interest subject to Article 3-3(2) or (6)) on general foreign-issued company bonds issued during the period from April 1, 1998, to March 31, 2008. In this case: in the main clause of paragraph (4), the phrase “his/her or its name and his/her domicile or residence or the location of its head office or principal office” shall be deemed to be replaced with “its name and the location of its head office or principal office”; in paragraph (7)(i), the phrase “nonresidents or foreign corporations” shall be deemed to be replaced with “nonresidents or foreign corporations or domestic financial institutions, etc. prescribed in the next paragraph”; in paragraph (7)(ii), the phrase “domestic corporation(s)” shall be deemed to be replaced with “domestic corporation(s) (excluding a domestic financial institution(s), etc. prescribed in the next paragraph,” and the phrase “foreign corporation(s)” shall be deemed to be replaced with “domestic corporation(s) and domestic financial institution(s), etc. prescribed in the said paragraph.”

9 第七項に規定する特定民間国外債とは、次に掲げる要件を満たしている一般民間国外債をいう。

(9) Specified foreign-issued company bonds prescribed in paragraph (7) shall mean general foreign-issued company bonds that satisfy the following requirements:

一 当該一般民間国外債の発行をする者が締結する引受契約等（債券の発行に係る引受け、募集又は売出しの取扱いその他これらに準ずるもの（以下この号において「引受け等」という。）に関する契約をいう。）に、当該一般民間国外債の引受け等を行う者は、当該一般民間国外債を居住者及び内国法人（国内金融機関等を除く。）に対して当該引受契約等に基づく募集又は売出し、募集又は売出しの取扱いその他これらに準ずるものにより取得させ、又は売り付けてはならない旨の定めがあること。

(i) In the underwriting contract, etc. (meaning a contract for underwriting, dealing in public offering or secondary distribution, or any other operations equivalent thereto pertaining to the issue of bonds (hereinafter referred to in this item as “underwriting, etc.”)) concluded by the person who issues the said general foreign-issued company bonds, it is provided that the person who performs the underwriting, etc. shall not pressure a resident or domestic corporation (excluding a domestic financial institution, etc.) into acquiring or buying the said general foreign-issued company bonds by way of public offering or secondary distribution, dealing in public offering or secondary distribution, or any other operations equivalent thereto under the said underwriting contract, etc.

二 当該一般民間国外債の券面及びその発行に係る目論見書に、居住者又は内国法人が当該一般民間国外債の利子の支払を受ける場合（国内金融機関等については、前項において準用する第四項本文及び第六項の規定によりその者による非課税適用申告書の提出がある場合又は前項において準用する第七項の規定により当該一般民間国外債の利子の支払をする者による利子受領者確認書の提出がある場合を除く。）には、次のイ又はロに掲げる場合の区分に応じそれぞれイ又はロに定める金額に係る利子について所得税が課

される旨の記載があること。

- (ii) In the certificates of the said general foreign-issued company bonds and the prospectus pertaining to the issue thereof, it is stated that where a resident or domestic corporation receives payment of interest on the said general foreign-issued company bonds (where a domestic financial institution, etc. receives payment, the case where it has submitted a written application for tax exemption pursuant to the provision of the main clause of paragraph (4) and the provision of paragraph (6) as applied mutatis mutandis pursuant to the preceding paragraph or where the person who pays interest on the said general foreign-issued company bonds has submitted an interest recipient confirmation document pursuant to the provision of paragraph (7) as applied mutatis mutandis pursuant to the preceding paragraph shall be excluded), income tax shall be imposed on any interest on the amount specified in (a) or (b) below for the category listed in (a) or (b) respectively:

イ 居住者又は内国法人が支払を受ける場合（ロに掲げる場合を除く。） その支払を受けるべき金額

- (a) Where a resident or domestic corporation receives payment (excluding the case listed in (b)): The amount receivable

ロ 第三条の三第六項に規定する公共法人等又は金融機関若しくは金融商品取引業者等が同項に規定する国内における支払の取扱者を通じて支払を受ける場合（これらの者による同項に規定する申告書の提出がある場合に限る。） その支払を受けるべき金額から同項に規定する政令で定める金額を控除した金額

- (b) Where a public corporation, etc. prescribed in Article 3-3(6) or a financial institution or financial instruments business operator, etc. receives payment via a person in charge of handling payment in Japan prescribed in the said paragraph (limited to the case where any of these has submitted a written application prescribed in the said paragraph): The amount receivable, after deducting therefrom the amount specified by a Cabinet Order prescribed in the said paragraph

1 0 非居住者又は外国法人が、平成十年四月一日から平成二十年三月三十一日までの間に発行された指定民間国外債につき支払を受ける利子については、所得税を課さない。ただし、当該利子のうち、国内に恒久的施設を有する非居住者が支払を受けるものでその者の国内において行う事業に帰せられるものその他の政令で定めるものについては、この限りでない。

- (10) Income tax shall not be imposed with respect to any interest to be received by a nonresident or foreign corporation on designated foreign-issued company bonds issued during the period from April 1, 1998, to March 31, 2008; provided, however, that this shall not apply to such interest to be paid to a nonresident having permanent establishments in Japan, which is attributed to a business conducted by such nonresident or which is otherwise specified by a Cabinet Order.

1 1 前項に規定する指定民間国外債とは、その国の法令又は慣行により利子の支払の取扱

者がその支払を受ける者に関する情報の開示をすることができない国であつてその開示をすることができないことについて国際的にも容認されていると認められるもののうち政令で定める国（以下この項において「指定国」という。）において発行された民間国外債であつて、その利子の支払が当該指定国において行われることその他の政令で定める要件を満たしているものをいう。

(11) Designated foreign-issued company bonds prescribed in the preceding paragraph shall mean foreign-issued company bonds issued in a state designated by a Cabinet Order where due to the laws or regulations enforced or practices accepted therein, the person in charge of handling payment of interest is not allowed to disclose the information on the person who is to receive payment and the fact that such disclosure is not allowed seems to be recognized internationally (hereinafter referred to in this paragraph as a “designated state”), which satisfy the requirement that interest thereon shall be paid in the relevant designated state and any other requirements specified by a Cabinet Order.

1 2 所得税法第二百十二条の規定は、第十項ただし書に規定する利子については、適用しない。

(12) The provision of Article 212 of the Income Tax Act shall not apply to the interest prescribed in the proviso of paragraph (10).

1 3 前各項の規定は、平成十年四月一日から平成二十年三月三十一日までの間に発行された外貨債（外貨公債の発行に関する法律（昭和三十八年法律第六十三号）第二条第一項及び第四条に規定する外貨債のうち、国外において発行されたものでその利子の支払が国外において行われるものに限る。）の利子について準用する。この場合において、第三項中「第六条第一項（民間国外債等の利子の課税の特例）」とあるのは、「第六条第十三項（外貨債の利子の課税の特例）において準用する同条第一項」と読み替えるものとする。

(13) The provisions of the preceding paragraphs shall apply mutatis mutandis to bonds in foreign currency (limited to bonds in foreign currency prescribed in Article 2(1) and Article 4 of the Act on the Issue of Government Bonds in Foreign Currency (Act No. 63 of 1963), which are issued outside Japan and interest on which is paid outside Japan) issued during the period from April 1, 1998, to March 31, 2008. In this case, the phrase “Article 6(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Interest on Foreign-issued company bonds, etc.)” in paragraph (3) shall be deemed to be replaced with “Article 6(1) of the Act on Special Measures Concerning Taxation as applied mutatis mutandis pursuant to Article 6(13) (Special Provisions for Taxation on Bonds in Foreign Currency).”

1 4 第三項に定めるもののほか、非課税適用申告書に記載された事項の確認のための手続その他の非課税適用申告書の提出に関する事項、利子受領者情報の通知並びにその通知に係る情報の保存及び管理に関する事項、利子受領者情報の通知があつた場合において当該利子受領者情報に変更がないときにおけるその通知の省略の特例、利子受領者確認書の提出に関する事項、一般民間国外債の利子につき第二項の規定により所得税を徴収された者

が確定申告書の提出をする場合に添付すべき書類に関する事項その他第一項、第二項及び第四項から前項までの規定の適用に関し必要な事項は、政令で定める。

(14) In addition to what is specified in paragraph (3), the procedure for confirmation of the matters stated in a written application for tax exemption and any other matters concerning the submission of a written application for tax exemption, matters concerning a notice of the interest recipient information as well as preservation and management of such information provided in the notice, special provisions for omitting a notice in the case where there is no change in the interest recipient information provided in the previous notice, matters concerning the submission of an interest recipient confirmation document, matters concerning documents to be attached to a final return form which is filed by a person who has been subject to the collection of income tax pursuant to the provision of paragraph (2) with respect to interest on general foreign-issued company bonds, and other necessary matters concerning the application of the provisions of paragraph (1), paragraph (2), and paragraph (4) to the preceding paragraph shall be specified by a Cabinet Order.

第七条 （特別国際金融取引勘定において経理された預金等の利子の非課税）

Article 7 (Exclusion from Taxation of Interest on Deposits, etc. Settled in the Special International Financial Transactions Account)

外国為替及び外国貿易法（昭和二十四年法律第二百二十八号）第二十一条第三項に規定する金融機関が、平成十年四月一日から平成二十年三月三十一日までの間に、外国法人で同項に規定する非居住者であることにつき財務省令で定めるところにより証明がされたものから預入を受け、又は借り入れる預金又は借入金で同項に規定する特別国際金融取引勘定（以下この条において「特別国際金融取引勘定」という。）において経理したものにつき、当該外国法人に対して支払う利子については、所得税を課さない。ただし、同法第二十一条第四項の規定に基づき定められた政令の規定のうち特別国際金融取引勘定の経理に関する事項に係るものに違反する事実が生じた場合の当該利子で当該事実が生じた日の属する計算期間に係るものについては、この限りでない。

Where a financial institution prescribed in paragraph (3) of Article 21 of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949) has received deposits or borrowings during the period from April 1, 1998, to March 31, 2008, from a foreign corporation that has been certified, pursuant to the provision of an Ordinance of the Ministry of Finance, as falling under the category of nonresident prescribed in the said paragraph, and settled such deposits or borrowings in a special international financial transactions account prescribed in the said paragraph (hereinafter referred to in this Article as a “special international financial transactions account”), income tax shall not be imposed with respect to any interest on the deposits or borrowings to be paid to the said foreign corporation; provided, however, that where any event has occurred that is in violation of the provision of a Cabinet Order established pursuant to the provision of Article 21(4) of the said Act, which pertains to the matters concerning the settlement of a

special international financial transactions account, the provision of the main clause of this Article shall not apply to such interest pertaining to the accounting period that includes the day on which such event has occurred.

**第四節の二 居住者の特定外国子会社等に係る所得等の課税の特例**

**Section 4-2 Special Provisions for Taxation on Income, etc. of Specified Foreign Subsidiary Companies, etc. Related to Residents**

**第一款 居住者の特定外国子会社等に係る所得の課税の特例**

**Subsection 1 Special Provisions for Taxation on Income of Specified Foreign Subsidiary Companies, etc. Related to Residents**

第四十条の四 (居住者に係る特定外国子会社等の留保金額の総収入金額算入)

Article 40-4 (Inclusion in Gross Income of Retained Income of Specified Foreign Subsidiary Companies, etc. Related to Residents)

1 次に掲げる居住者に係る外国関係会社のうち、本店又は主たる事務所の所在する国又は地域におけるその所得に対して課される税の負担が本邦における法人の所得に対して課される税の負担に比して著しく低いものとして政令で定める外国関係会社に該当するもの（以下この款において「特定外国子会社等」という。）が、昭和五十三年四月一日以後に開始する各事業年度（第二条第二項第十九号に規定する事業年度をいう。以下この条において同じ。）において、その未処分所得の金額から留保したものとして、政令で定めるところにより、当該未処分所得の金額につき当該未処分所得の金額に係る税額及び法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配（以下この項及び次項において「剰余金の配当等」という。）の額に関する調整を加えた金額（以下この条において「適用対象留保金額」という。）を有する場合には、その適用対象留保金額のうちその者の有する当該特定外国子会社等の直接及び間接保有の株式等の数に対応するものとしてその株式等（株式又は出資をいう。以下この項及び次項において同じ。）の請求権（剰余金の配当等、財産の分配その他の経済的な利益の給付を請求する権利をいう。以下この項及び次項において同じ。）の内容を勘案して政令で定めるところにより計算した金額（次条において「課税対象留保金額」という。）に相当する金額は、その者の雑所得に係る収入金額とみなして当該各事業年度終了の日の翌日から二月を経過する日の属する年分のその者の雑所得の金額の計算上、総収入金額に算入する。

(1) Where an affiliated foreign company related to any of the following residents, which falls under the category of affiliated foreign company specified by a Cabinet Order as a company whose tax burden to be imposed on its income earned in a state or territory where its head office or principal office is located is significantly lower than the tax burden to be imposed on the income of a corporation in Japan (hereinafter referred to in this Subsection as a “specified foreign subsidiary company, etc.”), in each business year (meaning a business year prescribed in Article 2(2)(xix); hereinafter the same shall apply in this Article) beginning on or after April 1, 1978, retains as part of the

amount of undistributed income, pursuant to the provision of a Cabinet Order, any amount that is adjusted, with respect to the said amount of undistributed income, based on the tax amount pertaining to the said amount of undistributed income and the amount of dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to in this paragraph and the next paragraph as “dividend of surplus, etc.”) (such adjusted amount hereinafter referred to in this Article as “eligible retained income”), the amount equivalent to the part of eligible retained income which is calculated pursuant to the method specified by a Cabinet Order as the amount of income corresponding to the number of shares, etc. of the said specified foreign subsidiary company, etc. held by the resident through direct and/or indirect ownership, while taking into consideration the contents of the claim (meaning a claim to demand dividend of surplus, etc., distribution of property and any other economic benefit; hereinafter the same shall apply in this paragraph and the next paragraph) vested in such shares, etc. (meaning shares or capital contributions; the same shall apply in this paragraph and the next paragraph) (such part of eligible retained income hereinafter referred to as “taxable retained income” in the next Article) shall be deemed to be the resident’s income categorized as miscellaneous income, and included in his/her gross income in the calculation of the amount of his/her miscellaneous income for the year that includes the day on which two months have elapsed since the day following the last day of the relevant business year:

一 その有する外国関係会社の直接及び間接保有の株式等の数の当該外国関係会社の発行済株式又は出資（当該外国関係会社が有する自己の株式等を除く。）の総数又は総額のうちを占める割合（当該外国関係会社が次のイからハまでに掲げる法人である場合には、当該割合とそれぞれイからハまでに定める割合のいずれか高い割合。次号において「直接及び間接の外国関係会社株式等の保有割合」という。）が百分の五以上である居住者

(i) A resident who holds shares, etc. of the affiliated foreign company through direct and/or indirect ownership, the ratio of whose shares, etc. to the total number or total amount of issued shares of or capital contributions to the said affiliated foreign company (excluding the shares, etc. held by the said affiliated foreign company) (in the case where the said foreign affiliated company is a corporation listed in (a) to (c): the said ratio or the ratio listed in (a) to (c), whichever is larger; referred to in the next item as the “direct and/or indirect ownership ratio for shares, etc. of an affiliated foreign company”) is five percent or more:

イ 議決権（剰余金の配当等に関する決議に係るものに限る。以下この号及び次項において同じ。）の数が一個でない株式等を発行している法人（ハに掲げる法人を除く。）

その有する当該外国関係会社の直接及び間接保有の議決権の数の当該外国関係会社の議決権の総数のうちを占める割合

(a) A corporation that issues shares, etc. in which more than one voting right (limited to a voting right pertaining to a resolution on dividend of surplus, etc.;

hereinafter the same shall apply in this item and the next paragraph) is vested (excluding a corporation listed in (c)): The ratio of the number of voting rights in the said affiliated foreign company held by the resident through direct and/or indirect ownership to the total number of voting rights in the said affiliated foreign company

ロ 請求権の内容が異なる株式等を発行している法人（ハに掲げる法人を除く。）その有する当該外国関係会社の直接及び間接保有の請求権に基づく剰余金の配当等の額の当該外国関係会社の株式等の請求権に基づき受けることができる剰余金の配当等の総額のうちに占める割合

(b) A corporation that issues shares, etc. in which different claims are vested (excluding a corporation listed in (c)): The ratio of the amount of dividend of surplus, etc. based on the claim for the said affiliated foreign company held by the resident through direct and/or indirect ownership to the total amount of dividend of surplus, etc. receivable based on the claims vested in the shares, etc. of the said affiliated foreign company

ハ 議決権の数が一個でない株式等及び請求権の内容が異なる株式等を発行している法人 イ又はロに定める割合のいずれか高い割合

(c) A corporation that issues both shares, etc. in which more than one voting right is vested and shares, etc. in which different claims are vested: The ratio specified in (a) or the ratio specified in (b), whichever is larger

二 直接及び間接の外国関係会社株式等の保有割合が百分の五以上である一の同族株主グループに属する居住者（前号に掲げる居住者を除く。）

(ii) A resident who belongs to a family shareholder group whose direct and/or indirect ownership ratio for shares, etc. of the foreign affiliated company is five percent or more (excluding the resident listed in the preceding item).

2 前項及びこの項において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(2) In the preceding paragraph and this paragraph, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 外国関係会社 外国法人で、その発行済株式又は出資（その有する自己の株式等を除く。）の総数又は総額のうちに居住者及び内国法人並びに特殊関係非居住者（居住者又は内国法人と政令で定める特殊の関係のある非居住者をいう。以下この号において同じ。）が有する直接及び間接保有の株式等の数の合計数又は合計額の占める割合（当該外国法人が次のイからハまでに掲げる法人である場合には、当該割合とそれぞれイからハまでに定める割合のいずれか高い割合）が百分の五十を超えるものをいう。

(i) Foreign affiliated company: A foreign corporation in which the **ratio** of the sum of the number or amount of shares, etc. held through direct and/or indirect ownership by residents, domestic corporations and specially-related nonresidents (meaning nonresidents who have a special relationship specified by a Cabinet Order with residents or domestic corporations; hereinafter the same shall apply in this item) to

the total number or total amount of issued shares or capital contributions (excluding the shares, etc. held by the foreign corporation) (in the case where the foreign corporation is a corporation listed in (a) to (c): the said ratio or the ratio listed in (a) to (c), whichever is larger) is more than 50 percent:

イ 議決権の数が一個でない株式等を発行している法人（ハに掲げる法人を除く。）

当該外国法人の議決権の総数のうちに居住者及び内国法人並びに特殊関係非居住者が有する当該外国法人の直接及び間接保有の議決権の数の合計数の占める割合

(a) A corporation that issues shares, etc. in which more than one voting right (excluding a corporation listed in (c)): The ratio of the sum of the number of voting rights in the said foreign corporation held through direct and/or indirect ownership by residents, domestic corporations and specially-related nonresidents to the total number of voting rights in the said foreign corporation

ロ 請求権の内容が異なる株式等を発行している法人（ハに掲げる法人を除く。） 当該外国法人の株式等の請求権に基づき受けることができる剰余金の配当等の総額のうち居住者及び内国法人並びに特殊関係非居住者が有する当該外国法人の直接及び間接保有の請求権に基づく剰余金の配当等の額の合計額の占める割合

(b) A corporation that issues shares, etc. in which different claims are vested (excluding a corporation listed in (c)): The ratio of the sum of the amount of dividend of surplus, etc. based on the claims for the said foreign corporation held through direct and/or indirect ownership by residents, domestic corporations and specially-related nonresidents to the total amount of dividend of surplus, etc. receivable based on the claims vested in the shares, etc. of the said foreign corporation

ハ 議決権の数が一個でない株式等及び請求権の内容が異なる株式等を発行している法人 イ又はロに定める割合のいずれか高い割合

(c) A corporation that issues both shares, etc. in which more than one voting right is vested and shares, etc. in which different claims are vested: The ratio specified in (a) or the ratio specified in (b), whichever is larger

二 未処分所得の金額 特定外国子会社等の各事業年度の決算に基づく所得の金額につき、法人税法及びこの法律による各事業年度の所得の金額の計算に準ずるものとして政令で定める基準により計算した金額を基礎として政令で定めるところにより当該各事業年度開始の日前七年以内に開始した各事業年度において生じた欠損の金額に係る調整を加えた金額をいう。

(ii) Amount of undistributed income: An amount adjusted, with respect to the amount of income of a specified foreign subsidiary company, etc. in its settlement of accounts for each business year, pursuant to the method specified by a Cabinet Order, based on the amount calculated in accordance with the standards specified by a Cabinet Order in a manner equivalent to the manner for calculating the amount of income for each business year pursuant to the Corporation Tax Act and this Act, in terms of the amount of loss incurred in each of the business years that commenced within

seven years before the first day of the relevant business year

三 直接及び間接保有の株式等の数 個人又は内国法人が直接に有する外国法人の株式の数又は出資の金額及び他の外国法人を通じて間接に有するものとして政令で定める当該外国法人の株式の数又は出資の金額の合計数又は合計額をいう

(iii) Number of shares, etc. (held) through direct and/or indirect ownership: The sum of the number of shares of or amount of capital contributions to a foreign corporation held directly by an individual or domestic corporation and the number of shares of or amount of capital contributions to the said foreign corporation specified by a Cabinet Order as being held indirectly by the said individual or domestic corporation via another foreign corporation

四 直接及び間接保有の議決権の数 個人又は内国法人が直接に有する外国法人の議決権の数及び他の外国法人を通じて間接に有するものとして政令で定める当該外国法人の議決権の数の合計数をいう。

(iv) Number of voting rights (held) through direct and/or indirect ownership: The sum of the number of voting rights in a foreign corporation held directly by an individual or domestic corporation and the number of voting rights in the said foreign corporation specified by a Cabinet Order as being held indirectly by the said individual or domestic corporation via another foreign corporation

五 直接及び間接保有の請求権に基づく剰余金の配当等の額 個人又は内国法人が直接に有する外国法人の株式等の請求権に基づき受けることができる剰余金の配当等の額及び他の外国法人を通じて間接に有する当該外国法人の株式等の請求権に基づき受けることができる剰余金の配当等の額として政令で定めるものの合計額をいう。

(v) Amount of dividend of surplus, etc. based on the claims (held) through direct and/or indirect ownership: The sum of the amount of dividend of surplus, etc. receivable based on the claims in the shares, etc. of a foreign corporation held directly by an individual or domestic corporation and the amount of dividend of surplus, etc. receivable based on the claims in the shares, etc. of the said foreign corporation specified by a Cabinet Order as being held indirectly by the said individual or domestic corporation via another foreign corporation

六 同族株主グループ 外国関係会社の株式等を直接又は間接に保有する者のうち、一の居住者又は内国法人及び当該一の居住者又は内国法人と政令で定める特殊の関係のある者（外国法人を除く。）をいう。

(vi) Family shareholder group: A group of persons who directly or indirectly hold shares, etc. of an affiliated foreign company, within which a resident or domestic corporation has a special relationship specified by a Cabinet Order with the rest of the persons in the group (excluding a foreign corporation)

3 第一項各号に掲げる居住者に係る特定外国子会社等（株式（出資を含む。）若しくは債券の保有、工業所有権その他の技術に関する権利、特別の技術による生産方式若しくはこれらに準ずるもの（これらの権利に関する使用権を含む。）若しくは著作権（出版権及び著作隣接権その他これに準ずるものを含む。）の提供又は船舶若しくは航空機の貸付けを

主たる事業とするものを除く。)がその本店又は主たる事務所の所在する国又は地域においてその主たる事業を行うに必要と認められる事務所、店舗、工場その他の固定施設を有し、かつ、その事業の管理、支配及び運営を自ら行っているものである場合（次項において「固定施設を有するものである場合」という。）における第一項の規定の適用については、同項中「調整を加えた金額」とあるのは、「調整を加えた金額から当該特定外国子会社等の事業に従事する者の人件費として政令で定める費用の額の百分の十に相当する金額を控除した金額」とする。

(3) With regard to the application of the provision of paragraph (1) in the case where a specified foreign subsidiary company, etc. related to a resident listed in each item of paragraph (1) (excluding a company engaged in, as its principal business, the holding of shares (including capital contributions) or bonds, the provision of industrial property rights or any other rights concerning technology, production methods involving special technology or any other equivalent rights or methods (including the right to use these rights) or copyrights (including rights of publication, neighboring rights and any other equivalent rights) or the lending of vessels or aircrafts) has an office, store, factory or any other fixed facility that is considered to be necessary for conducting its principal business in the state or territory where its head office or principal office is located, and takes charge of managing, controlling and operating the business by itself (referred to in the next paragraph as the “case where a specified foreign subsidiary company, etc. has a fixed facility”), the phrase “amount that is adjusted” in the said paragraph shall be deemed to be replaced with “amount that is adjusted,..., after deducting therefrom the amount equivalent to ten percent of the amount of expense specified by a Cabinet Order as a personnel expense for people engaged in the business at the said specified foreign subsidiary, etc.”

4 第一項及び前項の規定は、第一項各号に掲げる居住者に係る前項に規定する特定外国子会社等がその本店又は主たる事務所の所在する国又は地域において固定施設を有するものである場合であつて、各事業年度においてその行う主たる事業が次の各号に掲げる事業のいずれに該当するかに応じ当該各号に定める場合に該当するときは、当該特定外国子会社等のその該当する事業年度に係る適用対象留保金額については、適用しない。

(4) Where a specified foreign subsidiary company, etc. prescribed in the preceding paragraph that is related to a resident listed in each item of paragraph (1) has a fixed facility in the state or territory where its head office or principal office is located, and falls under any of the cases listed in the following items depending on the type of business listed in the following items to which its principal business corresponds in each business year, the provisions of paragraph (1) and the preceding paragraph shall not apply to the eligible retained income of the said specified foreign subsidiary company, etc. for the relevant business year:

一 卸売業、銀行業、信託業、証券業、保険業、水運業又は航空運送業 その事業を主として当該特定外国子会社等に係る第一項各号に掲げる居住者、当該特定外国子会社等に係る第六十六条の六第一項各号に掲げる内国法人、当該特定外国子会社等に係る第六十

八条の九十第一項各号に掲げる連結法人その他これらの者に準ずる者として政令で定めるもの以外の者との間で行っている場合として政令で定める場合

- (i) Wholesale business, banking business, trust business, securities business, insurance business, water transportation business or air transportation business: The case specified by a Cabinet Order in which the said specified foreign subsidiary company, etc. conducts business mainly with a person other than [1] a resident listed in each item of paragraph (1) who is related to the said specified foreign subsidiary company, etc., [2] a domestic corporation listed in each item of Article 66-6(1) that is related to the said specified foreign subsidiary company, etc., [3] a consolidated corporation listed in each item of Article 68-90(1) that is related to the said specified foreign subsidiary company, etc. or [4] any other person specified by a Cabinet Order as being equivalent to the persons mentioned in [1] to [3]

二 前号に掲げる事業以外の事業 その事業を主として本店又は主たる事務所の所在する国又は地域（当該国又は地域に係る水域で政令で定めるものを含む。）において行っている場合として政令で定める場合

- (ii) Business other than those listed in the preceding item: The case specified by a Cabinet Order in which the said specified foreign subsidiary company, etc. conducts a business mainly in the state or territory where its head office or principal office is located (including the water areas belonging to the said state or territory which are specified by a Cabinet Order).

5 第一項各号に掲げる居住者は、その者に係る特定外国子会社等の各事業年度の貸借対照表及び損益計算書その他の財務省令で定める書類を当該各事業年度終了の日の翌日から二月を経過する日の属する年分の確定申告書に添付しなければならない。

- (5) A resident listed in each item of paragraph (1) shall attach a balance sheet and profit and loss statement for each business year regarding the specified foreign subsidiary company, etc. related to the said resident as well as any other documents specified by an Ordinance of the Ministry of Finance, to his/her final return form for the year that includes the day on which two months have elapsed since the day following the last day of the relevant business year.

6 第三項又は第四項の規定は、確定申告書にこれらの規定の適用がある旨を記載した書面を添付し、かつ、その適用があることを明らかにする書類その他の資料を保存している場合に限り、適用する。

- (6) The provisions of paragraph (3) and paragraph (4) shall apply only where the resident has attached, to his/her final return form, a document stating that these provisions shall apply, and preserved documents or any other materials that certify that these provisions shall apply.

7 居住者が外国信託（投資信託及び投資法人に関する法律第二条第二十二項に規定する外国投資信託のうち第六十八条の三の三第一項に規定する特定投資信託に類するものをいう。以下この項において同じ。）の受益権を直接又は間接に保有する場合には、当該外国信託の受託者は、当該外国信託の信託資産等（信託財産に属する資産及び負債並びに当該

信託財産に帰せられる収益及び費用をいう。以下この項において同じ。)及び固有資産等(外国信託の信託資産等以外の資産及び負債並びに収益及び費用をいう。)ごとに、それぞれ別の者とみなして、この条(第三項、第四項及び前項を除く。)から第四十条の六までの規定を適用する。

(7) Where a resident holds, directly or indirectly, a beneficial right of a foreign trust (meaning a foreign investment trust prescribed in Article 2(22) of the Act on Investment Trust and Investment Corporation, which is similar to a specified investment trust prescribed in Article 68-3-3(1); hereinafter the same shall apply in this paragraph), the trustee of the said foreign trust shall be deemed to be a different person for each of the trust assets, etc. under the said foreign trust (meaning assets and liabilities included in the trust property and profits and expenses attributed to the said trust property; hereinafter the same shall apply in this paragraph) and the trustee's own assets, etc.(meaning the trustee's assets and liabilities as well as profits and expenses other than those included in the trust assets, etc. under the foreign trust), and the provisions of this Article (excluding paragraph (3), paragraph (4) and the preceding paragraph) to Article 40-6 shall be applied thereto.

8 法人税法第四条の六第二項及び第四条の七の規定は、前項の規定を適用する場合について準用する。

(8) The provisions of Article 4-6(2) and Article 4-7 of the Corporation Tax Act shall apply in the case where the provision of the preceding paragraph shall apply.

#### 第四十条の五

##### Article 40-5

1 その年分以前の各年分の所得税について前条第一項の規定の適用を受ける居住者に係る特定外国子会社等につき第一号若しくは第二号に掲げる事実が生じた場合又は当該居住者に係る同条第二項第一号に規定する外国関係会社(当該特定外国子会社等から法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配(以下この項において「剰余金の配当等」という。)の支払(第二号に定める金額の同号に掲げる交付を含む。)を受けた外国関係会社のうち政令で定めるものに限る。以下この条において同じ。)につき第三号に掲げる事実が生じた場合において、これらの号に規定する金額のうち、その者に係る課税対象留保金額から充てられたものとして政令で定めるところにより計算した金額(以下この条において「課税済配当等の額」という。)が含まれているときは、その課税済配当等の額に相当する金額は、政令で定めるところにより、その者のこれらの事実の生じた日の属する年分の特定外国子会社等又は外国関係会社から受ける剰余金の配当等の額(所得税法第二十五条第一項の規定により当該特定外国子会社等又は当該外国関係会社からの剰余金の配当等とみなされるものの金額を含む。以下この条及び次条において「配当等の額」という。)に係る配当所得の金額又は前条第一項の規定によりその総収入金額に算入されることとなる課税対象留保金額に係る雑所得の金額の計算上控除する。

(1) Where an event listed in item (i) or item (ii) has occurred with regard to a specified

foreign subsidiary company, etc. related to a resident who is subject to the provision of paragraph (1) of the preceding Article with respect to its income tax for the relevant year and each year before the relevant year, or where an event listed in item (iii) has occurred with regard to an affiliated foreign company prescribed in paragraph (2)(i) of the said Article (limited to an affiliated foreign company that has received, from the said specified foreign subsidiary company, etc., payment of dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to in this paragraph as “dividend of surplus, etc.”) (such payment shall include the delivery listed in item (ii) of the amount specified in the said item), which is specified by a Cabinet Order; hereinafter the same shall apply in this Article) that is related to the said resident, if the amount prescribed in each item contains any amount calculated pursuant to the method specified by a Cabinet Order as being appropriated from the taxable retained income pertaining to the resident (such amount hereinafter referred to in this Article as “taxed amount of dividend, etc.”), the amount equivalent to the taxed amount of dividend, etc. shall, pursuant to the provision of a Cabinet Order, be deducted when calculating the amount of dividend income pertaining to the amount of dividend of surplus, etc. to be received by the resident from the specified foreign subsidiary company, etc. or foreign affiliated company for the year that includes the day on which the relevant event has occurred (including any amount that shall be deemed to be dividend of surplus, etc. from the said specified foreign subsidiary company, etc. or the said affiliated foreign company pursuant to the provision of Article 25(1) of the Income Tax Act; hereinafter referred to in this Article and the next Article as the “amount of dividend, etc.”) or calculating the amount of miscellaneous income pertaining to the taxable retained income to be included in the resident’s gross income pursuant to the provision of paragraph (1) of the preceding Article:

一 剰余金の配当等の支払 その支払う剰余金の配当等の額

(i) Payment of dividend of surplus, etc.: The amount of dividend of surplus, etc. to be paid

二 法人税法第二十四条第一項 各号に掲げる事由による金銭その他の資産の交付 その交付により減少することとなる利益積立金額（第二条第二項第二十号に規定する利益積立金額をいう。次号において同じ。）に相当する金額

(ii) Delivery of money or any other assets by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve (meaning the amount of profit reserve prescribed in Article 2(2)(xx); the same shall apply in the next item) which is to be decreased due to the delivery

三 当該居住者に対する剰余金の配当等の支払又は法人税法第二十四条第一項 各号に掲げる事由による金銭その他の資産の交付 その支払う剰余金の配当等の額又はその交付により減少することとなる利益積立金額に相当する金額

(iii) Payment of dividend of surplus, etc. to the said resident or delivery of money or any other assets to the said resident by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve which is to be decreased due to the amount of dividend of surplus, etc. to be paid or the delivery

四 当該居住者に対する収益の分配の支払 その支払う収益の分配の額

(iv) Payment of distribution of profit to the resident: The amount of distribution of profit to be paid

2 前項に規定する居住者のその年の前年以前三年内の各年において、課税済配当等の額に相当する金額のうち、同項の規定による控除をしてもなお控除しきれない金額（この項の規定により前年以前の各年において控除されたものを除く。以下この項において「控除未済配当等の額」という。）がある場合には、当該控除未済配当等の額は、政令で定めるところにより、その者のその年分の特定外国子会社等又は外国関係会社から受ける配当等の額に係る配当所得の金額又は前条第一項の規定によりその総収入金額に算入されることとなる課税対象留保金額に係る雑所得の金額の計算上控除する。

(2) Where the amount equivalent to the taxed amount of dividend, etc. of the resident prescribed in the preceding paragraph for each of the three years preceding the relevant year contains any amount that remains after making deduction pursuant to the provision of the said paragraph (excluding any amount deducted for each of these years pursuant to the provision of this paragraph; hereinafter referred to in this paragraph as the “remaining amount of dividend, etc. after deduction”), the said remaining amount of dividend, etc. after deduction shall, pursuant to the provision of a Cabinet Order, be deducted when calculating the amount of dividend income pertaining to the amount of dividend of surplus, etc. to be received by the resident from the specified foreign subsidiary company, etc. or foreign affiliated company for the relevant year or calculating the amount of miscellaneous income pertaining to the taxable retained income to be included in the resident’s gross income pursuant to the provision of paragraph (1) of the preceding Article.

3 第一項又は前項の規定は、第一項に規定する年分の確定申告書を提出し、又は当該確定申告書及びその翌年分以後前項の規定の適用を受けようとする年分までの各年分の確定申告書を連続して提出している場合であつて、その提出する第一項に規定する年分の確定申告書又は当該各年分の確定申告書に、それぞれ同項又は前項の規定による控除を受ける金額についてのその控除に関する記載があり、かつ、当該金額並びに第一項又は前項に規定する特定外国子会社等又は外国関係会社から受ける配当等の額に係る配当所得の金額及び課税対象留保金額に係る雑所得の金額の計算に関する明細書の添付がある場合に限り、適用する。この場合において、第一項又は前項の規定により控除される金額は、当該金額として記載された金額に限るものとする。

(3) The provisions of paragraph (1) and the preceding paragraph shall apply only where the resident has filed a final return form for the year prescribed in paragraph (1) or has continued to file the said final return form as well as final return forms for the

subsequent years from the year following the said year until the year in which the resident seeks the application of the provision of the preceding paragraph, and the resident has stated, in his/her final return form for the year prescribed in paragraph (1) as well as final return forms for the said subsequent years, the deduction of the deductible amounts pursuant to the provision of the said paragraph or the preceding paragraph, and attached thereto a written statement concerning the said deductible amounts as well as the calculation of the amount of dividend income pertaining to the amount of dividend, etc. to be received from the specified foreign subsidiary company or affiliated foreign company and the amount of miscellaneous income pertaining to the taxable retained income to be included in the resident's gross income, both of which are prescribed in paragraph (1) and the preceding paragraph. In this case, the amount to be deducted pursuant to the provision of paragraph (1) or the preceding paragraph shall be limited to the amount stated as such amount to be deducted.

4 税務署長は、第一項若しくは第二項の規定による控除を受けようとする年分の確定申告書の提出がなかつた場合又は当該控除をされるべきこととなる金額の全部若しくは一部についての前項の記載若しくは明細書の添付がない確定申告書の提出があつた場合においても、その提出又は記載若しくは添付がなかつたことについてやむを得ない事情があると認めるときは、同項の記載をした書類及び同項の明細書の提出があつた場合に限り、同項の記載又は明細書の添付がなかつた金額につき第一項又は第二項の規定を適用することができる。

(4) Even where a resident has not filed a final return form for the year for which he/she seeks deduction pursuant to the provision of paragraph (1) or paragraph (2) or has filed a final return form without a statement made therein or written statement attached thereto regarding the whole or part of the amount to be deducted, the district director may, when he/she finds any unavoidable reason for the resident's failure to file a necessary final return form, make a necessary statement therein or attach a necessary written statement thereto, apply the provision of paragraph (1) or paragraph (2) to any amount for which the statement or written statement set forth in the said paragraph has not been made or attached, only if a document containing the statement set forth in the said paragraph and a written statement set forth in the said paragraph are submitted.

#### 第四十条の六

#### Article 40-6

居住者が第四十条の四第一項各号に掲げる者に該当するかどうかの判定に関する事項、居住者がその者に係る特定外国子会社等から受ける配当等の額に係る所得税法第九十五条第一項に規定する控除限度額の計算その他前二条の規定の適用に関し必要な事項は、政令で定める。

Matters concerning the determination as to whether or not a resident falls under any of the categories listed in the items of Article 44-4(1), the calculation of the maximum

amount of deduction prescribed in Article 95(1) of the Income Tax Act with regard to the amount of dividend, etc. that a resident receives from a specified foreign subsidiary company, etc. related to the said resident, and other necessary matters concerning the application of the provisions of the preceding two Articles shall be specified by a Cabinet Order.

**第三款 特殊関係株主等である居住者に係る特定外国法人に係る所得の課税の特例**

**Subsection 3 Special Provisions for Taxation on Income, etc. of Specified Foreign Corporations Related to Residents Who Are Specially-Related Shareholders, etc.**

第四十条の十 (特殊関係株主等である居住者に係る特定外国法人の留保金額の総収入金額算入)

Article 40-10 (Inclusion in Gross Income of Retained Income of Specified Foreign Corporations Related to Residents Who Are Specially-Related Shareholders, etc.)

- 1 特殊関係株主等 (特定株主等に該当する者並びにこれらの者と政令で定める特殊の関係のある個人及び法人をいう。以下この款において同じ。) と特殊関係内国法人との間に当該特殊関係株主等が当該特殊関係内国法人の発行済株式又は出資 (自己が有する自己の株式又は出資を除く。以下この項及び次項において「発行済株式等」という。) の総数又は総額の百分の八十以上の数又は金額の株式等 (株式又は出資をいう。以下この項及び次項において同じ。) を間接に保有する関係として政令で定める関係 (次項において「特定関係」という。) がある場合において、当該特殊関係株主等と特殊関係内国法人との間に発行済株式等の保有を通じて介在するものとして政令で定める外国法人 (以下この款において「外国関係法人」という。) のうち、本店又は主たる事務所の所在する国又は地域におけるその所得に対して課される税の負担が本邦における法人の所得に対して課される税の負担に比して著しく低いものとして政令で定める外国関係法人に該当するもの (以下この款において「特定外国法人」という。) が、平成十九年十月一日以後に開始する各事業年度 (第二条第二項第十九号に規定する事業年度をいう。以下この条において同じ。) において、その未処分所得の金額から留保したものとして、政令で定めるところにより、当該未処分所得の金額につき当該未処分所得の金額に係る税額及び法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配 (以下この項において「剰余金の配当等」という。) の額に関する調整を加えた金額 (以下この条において「適用対象留保金額」という。) を有するときは、その適用対象留保金額のうち当該特殊関係株主等である居住者の有する当該特定外国法人の直接及び間接保有の株式等の数に対応するものとしてその株式等の請求権 (剰余金の配当等、財産の分配その他の経済的な利益の給付を請求する権利をいう。) の内容を勘案して政令で定めるところにより計算した金額 (次条において「課税対象留保金額」という。) に相当する金額は、当該特殊関係株主等である居住者の雑所得に係る収入金額とみなして当該各事業年度終了の日の翌日から二月を経過する日の属する年分の当該居住者の雑所得の金額の計算上、総収入金額に算入する。

(1) Where, between a specially-related shareholder, etc. (meaning a person who falls under the category of specified shareholder, etc. as well as an individual and a corporation having a special relationship therewith as specified by a Cabinet Order; hereinafter the same shall apply in this Subsection) and a specially-related domestic corporation, there is a relationship specified by a Cabinet Order as a relationship whereby the said specially-related shareholder, etc. indirectly holds shares, etc. (meaning shares or capital contributions; hereinafter the same shall apply in this paragraph and the next paragraph) that accounts for 80 percent or more of the total number or total amount of issued shares of or capital contributions to the said specially-related domestic corporation (excluding the shares or capital contributions held by the corporation; hereinafter referred to in this paragraph and the next paragraph as “issued shares, etc.”) (such relationship referred to in the next paragraph as a “specified relationship”), and a foreign corporation specified by a Cabinet Order as acting as an intermediary between the said specially-related shareholder, etc. and the said specially-related domestic corporation by way of the holding of the issued shares, etc. (hereinafter referred to in this Subsection as an “affiliated foreign corporation”), which falls under the category of affiliated foreign corporation specified by a Cabinet Order as a corporation whose tax burden to be imposed on its income earned in a state or territory where its head office or principal office is located is significantly lower than the tax burden to be imposed on the income of a corporation in Japan (hereinafter referred to in this Subsection as a “specified foreign corporation”), in each business year (meaning a business year prescribed in Article 2(2)(xix); hereinafter the same shall apply in this Article) beginning on or after October 1, 2007, retains as part of the amount of undistributed income, pursuant to the provision of a Cabinet Order, any amount that is adjusted, with respect to the said amount of undistributed income, based on the tax amount pertaining to the said amount of undistributed income and the amount of dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to in this paragraph as “dividend of surplus, etc.”) (such adjusted amount hereinafter referred to in this Article as “eligible retained income”), the amount equivalent to the part of eligible retained income which is calculated pursuant to the method specified by a Cabinet Order as the amount of income corresponding to the number of shares, etc. of the said specified foreign corporation held by the resident who is the said specially-related shareholder, etc. through direct and/or indirect ownership, while taking into consideration the contents of the claim (meaning a claim to demand dividend of surplus, etc., distribution of property and any other economic benefit) vested in such shares, etc. (such part of eligible retained income referred to in the next Article as “taxable retained income”) shall be deemed to be the income of the resident who is the said specially-related shareholder, etc. categorized as miscellaneous income, and included in his/her gross income in the calculation of the amount of his/her

miscellaneous income for the year that includes the day on which two months have elapsed since the day following the last day of the relevant business year:

2 この款において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(2) In this Subsection, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 特定株主等 特定関係が生ずることとなる直前に特定内国法人（当該直前に株主等（所得税法第二条第一項第八号の二に規定する株主等をいう。）の五人以下並びにこれらと政令で定める特殊の関係のある個人及び法人によつて発行済株式等の百分の八十以上の数又は金額の株式等を保有される内国法人をいう。次号において同じ。）の株式等を有する個人及び法人をいう。

(i) Specified shareholder, etc.: An individual and corporation holding, at the time immediately before a specified relationship is established, shares, etc. of a specified domestic corporation (meaning a domestic corporation wherein not more than five shareholders, etc. (meaning shareholders, etc. prescribed in Article 2(1)(viii)-2 of the Income Tax Act) as well as individuals and corporations having a special relationship therewith as specified by a Cabinet Order hold shares, etc. that account for 80 percent or more of the total number or total amount of its issued shares, etc. at that time; the same shall apply in the next item)

二 特殊関係内国法人 特定内国法人又は特定内国法人からその資産及び負債の大部分の移転を受けたものとして政令で定める内国法人をいう。

(ii) Specially-related domestic corporation: A specified domestic corporation, or a domestic corporation specified by a Cabinet Order as a corporation that has received the transfer of the majority of assets and liabilities from a specified domestic corporation

三 未処分所得の金額 特定外国法人の各事業年度の決算に基づく所得の金額につき、法人税法及びこの法律による各事業年度の所得の金額の計算に準ずるものとして政令で定める基準により計算した金額を基礎として政令で定めるところにより当該各事業年度開始の日前七年以内に開始した各事業年度において生じた欠損の金額に係る調整を加えた金額をいう。

(iii) Amount of undistributed income: An amount adjusted, with respect to the amount of income of a specified foreign corporation in its settlement of accounts for each business year, pursuant to the method specified by a Cabinet Order, based on the amount calculated in accordance with the standards specified by a Cabinet Order in a manner equivalent to the manner for calculating the amount of income for each business year pursuant to the Corporation Tax Act and this Act, in terms of the amount of loss incurred in each of the business years that commenced within seven years before the first day of the relevant business year

四 直接及び間接保有の株式等の数 居住者又は内国法人が直接に有する外国法人の株式の数又は出資の金額及び他の外国法人を通じて間接に有するものとして政令で定める当該外国法人の株式の数又は出資の金額の合計数又は合計額をいう。

(iv) Number of shares, etc. held through direct and/or indirect ownership: The sum of the number of shares of or amount of capital contributions to a foreign corporation held directly by a resident or domestic corporation and the number of shares of or amount of capital contributions to the said foreign corporation specified by a Cabinet Order as being held indirectly by the said individual or domestic corporation via another foreign corporation

3 特殊関係株主等である居住者に係る特定外国法人（株式（出資を含む。）若しくは債券の保有、工業所有権その他の技術に関する権利、特別の技術による生産方式若しくはこれらに準ずるもの（これらの権利に関する使用権を含む。）若しくは著作権（出版権及び著作隣接権その他これに準ずるものを含む。）の提供又は船舶若しくは航空機の貸付けを主たる事業とするものを除く。）がその本店又は主たる事務所の所在する国又は地域においてその主たる事業を行うに必要と認められる事務所、店舗、工場その他の固定施設を有し、かつ、その事業の管理、支配及び運営を自ら行っているものである場合（次項において「固定施設を有するものである場合」という。）における第一項の規定の適用については、同項中「調整を加えた金額」とあるのは、「調整を加えた金額から当該特定外国法人の事業に従事する者の人件費として政令で定める費用の額の百分の十に相当する金額を控除した金額」とする。

(3) With regard to the application of the provision of paragraph (1) in the case where a specified foreign corporation related to a resident who is a specially-related shareholder, etc. (excluding a corporation engaged in, as its principal business, the holding of shares (including capital contributions) or bonds, the provision of industrial property rights or any other rights concerning technology, production methods involving special technology or any other equivalent rights or methods (including the right to use these rights) or copyrights (including rights of publication, neighboring rights and any other equivalent rights) or the lending of vessels or aircrafts) has an office, store, factory or any other fixed facility that is considered to be necessary for conducting its principal business in the state or territory where its head office or principal office is located, and takes charge of managing, controlling and operating the business by itself (referred to as the “case where a specified foreign corporation has a fixed facility” in the next paragraph), the phrase “amount that is adjusted” in the said paragraph shall be deemed to be replaced with “amount that is adjusted,..., after deducting therefrom the amount equivalent to ten percent of the amount of expense specified by a Cabinet Order as a personnel expense for people engaged in the business at the said specified foreign corporation.”

4 第一項及び前項の規定は、特殊関係株主等である居住者に係る同項に規定する特定外国法人がその本店又は主たる事務所の所在する国又は地域において固定施設を有するものである場合であつて、各事業年度においてその行う主たる事業が次の各号に掲げる事業のいずれに該当するかに応じ当該各号に定める場合に該当するときは、当該特定外国法人のその該当する事業年度に係る適用対象留保金額については、適用しない。

(4) Where a specified foreign corporation prescribed in the preceding paragraph that is

related to a resident who is a specially-related shareholder, etc. has a fixed facility in the state or territory where its head office or principal office is located, and falls under any of the cases listed in the following items depending on the type of business listed in the following items to which its principal business corresponds in each business year, the provisions of paragraph (1) and the preceding paragraph shall not apply to the eligible retained income of the said specified foreign corporation for the relevant business year:

一 卸売業、銀行業、信託業、証券業、保険業、水運業又は航空運送業 その事業を主として当該特定外国法人に係る特殊関係内国法人、特殊関係株主等その他これらの者に準ずる者として政令で定めるもの以外の者との間で行っている場合として政令で定める場合

(i) Wholesale business, banking business, trust business, securities business, insurance business, water transportation business or air transportation business: The case specified by a Cabinet Order in which the said specified foreign corporation conducts business mainly with a person other than [1] a specially-related domestic corporation that is related to the said specified foreign corporation, [2] a specially-related shareholder, etc. or [3] any other person specified by a Cabinet Order as being equivalent to the persons mentioned in [1] or [2]

二 前号に掲げる事業以外の事業 その事業を主として本店又は主たる事務所の所在する国又は地域（当該国又は地域に係る水域で第四十条の四第四項第二号に規定する政令で定めるものを含む。）において行っている場合として政令で定める場合

(ii) Business other than those listed in the preceding item: The case specified by a Cabinet Order in which the said specified foreign corporation conducts business mainly in the state or territory where its head office or principal office is located (including the water areas belonging to the said state or territory which are specified by a Cabinet Order prescribed in Article 40-4(4)(ii)).

5 特殊関係株主等である居住者は、当該居住者に係る特定外国法人の各事業年度の貸借対照表及び損益計算書その他の財務省令で定める書類を当該各事業年度終了の日の翌日から二月を経過する日の属する年分の確定申告書に添付しなければならない。

(5) A resident who is a specially-related shareholder, etc. shall attach a balance sheet and profit and loss statement for each business year regarding the specified foreign corporation related to the said resident as well as any other documents specified by an Ordinance of the Ministry of Finance, to his/her final return form for the year that includes the day on which two months have elapsed since the day following the last day of the relevant business year.

6 第三項又は第四項の規定は、確定申告書にこれらの規定の適用がある旨を記載した書面を添付し、かつ、その適用があることを明らかにする書類その他の資料を保存している場合に限り、適用する。

(6) The provisions of paragraph (3) and paragraph (4) shall apply only where the resident has attached, to his/her final return form, a document stating that these provisions

shall apply, and preserved documents or any other materials that certify that these provisions shall apply.

7 特殊関係株主等である居住者に係る外国関係法人が第四十条の四第二項第一号に規定する外国関係会社に該当し、かつ、当該特殊関係株主等である居住者が同条第一項各号に掲げる居住者に該当する場合には、第一項の規定は、適用しない。

(7) The provision of paragraph (1) shall not apply where an affiliated foreign corporation related to a resident who is a specially-related shareholder, etc. falls under the category of affiliated foreign company prescribed in Article 40-4(2)(i) and the said resident who is the said specially-related shareholder, etc. falls under the category of resident listed in each item of Article 40-4(1).

8 特殊関係株主等である居住者が外国信託（投資信託及び投資法人に関する法律第二条第二十二項に規定する外国投資信託のうち第六十八条の三の三第一項に規定する特定投資信託に類するものをいう。以下この項において同じ。）の受益権を直接又は間接に保有する場合には、当該外国信託の受託者は、当該外国信託の信託資産等（信託財産に属する資産及び負債並びに当該信託財産に帰せられる収益及び費用をいう。以下この項において同じ。）及び固有資産等（外国信託の信託資産等以外の資産及び負債並びに収益及び費用をいう。）ごとに、それぞれ別の者とみなして、この条（第三項、第四項及び第六項を除く。）から第四十条の十二までの規定を適用する。

(8) Where a resident who is a specially-related shareholder, etc. holds, directly or indirectly, a beneficial right of a foreign trust (meaning a foreign investment trust prescribed in Article 2(22) of the Act on Investment Trust and Investment Corporation, which is similar to a specified investment trust prescribed in Article 68-3-3(1); hereinafter the same shall apply in this paragraph), the trustee of the said foreign trust shall be deemed to be a different person for each of the trust assets, etc. under the said foreign trust (meaning assets and liabilities included in the trust property and profits and expenses attributed to the said trust property; hereinafter the same shall apply in this paragraph) and the trustee's own assets, etc. (meaning the trustee's assets and liabilities as well as profits and expenses other than those included in the trust assets, etc. under the foreign trust), and the provisions of this Article (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 40-12 shall be applied thereto.

9 法人税法第四条の六第二項及び第四条の七の規定は、前項の規定を適用する場合について準用する。

(9) The provisions of Article 4-6(2) and Article 4-7 of the Corporation Tax Act shall apply mutatis mutandis in the case where the provision of the preceding paragraph shall apply.

#### 第四十条の十一

##### Article 40-11

1 その年分以前の各年分の所得税について前条第一項の規定の適用を受ける居住者に係る

特定外国法人につき第一号若しくは第二号に掲げる事実が生じた場合又は当該居住者に係る外国関係法人（当該特定外国法人から法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配（以下この項において「剰余金の配当等」という。）の支払（第二号に定める金額の同号に掲げる交付を含む。）を受けた外国関係法人のうち政令で定めるものに限る。以下この条において同じ。）につき第三号に掲げる事実が生じた場合において、これらの号に規定する金額のうち、その者に係る課税対象留保金額から充てられたものとして政令で定めるところにより計算した金額（以下この条において「課税済配当等の額」という。）が含まれているときは、その課税済配当等の額に相当する金額は、政令で定めるところにより、その者のこれらの事実の生じた日の属する年分の特定外国法人又は外国関係法人から受ける剰余金の配当等の額（所得税法第二十五条第一項の規定により当該特定外国法人又は当該外国関係法人からの剰余金の配当等とみなされるものの金額を含む。以下この条及び次条において「配当等の額」という。）に係る配当所得の金額又は前条第一項の規定によりその総収入金額に算入されることとなる課税対象留保金額に係る雑所得の金額の計算上控除する。

- (1) Where an event listed in item (i) or item (ii) has occurred with regard to a specified foreign corporation related to a resident who is subject to the provision of paragraph (1) of the preceding Article with respect to its income tax for the relevant year and each year before the relevant year, or where an event listed in item (iii) has occurred with regard to an affiliated foreign corporation (limited to an affiliated foreign corporation that has received, from the said specified foreign corporation, payment of dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to in this paragraph as “dividend of surplus, etc.”) (such payment shall include the delivery listed in item (ii) of the amount specified in the said item (ii)), which is specified by a Cabinet Order; hereinafter the same shall apply in this Article) that is related to the said resident, if the amount prescribed in each item contains any amount calculated pursuant to the method specified by a Cabinet Order as being appropriated from the taxable retained income pertaining to the resident (such amount hereinafter referred to in this Article as “taxed amount of dividend, etc.”), the amount equivalent to the taxed amount of dividend, etc. shall, pursuant to the provision of a Cabinet Order, be deducted when calculating the amount of dividend income pertaining to the amount of dividend of surplus, etc. to be received by the resident from the specified foreign corporation or foreign affiliated corporation for the year that includes the day on which the relevant event has occurred (including any amount that shall be deemed to be dividend of surplus, etc. from the said specified foreign corporation or the said affiliated foreign corporation pursuant to the provision of Article 25(1) of the Income Tax Act; hereinafter referred to in this Article and the next Article as the “amount of dividend, etc.” ) or calculating the amount of miscellaneous income pertaining to the taxable retained income to be included in the resident’s gross income pursuant to the provision of paragraph (1) of the preceding Article:

- 一 剰余金の配当等の支払 その支払う剰余金の配当等の額
- (i) Payment of dividend of surplus, etc.: The amount of dividend of surplus, etc. to be paid
- 二 法人税法第二十四条第一項各号に掲げる事由による金銭その他の資産の交付 その交付により減少することとなる利益積立金額（第二条第二項第二十号に規定する利益積立金額をいう。次号において同じ。）に相当する金額
- (ii) Delivery of money or any other assets by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve (meaning the amount of profit reserve prescribed in Article 2(2)(xx); the same shall apply in the next item) which is to be decreased due to the delivery
- 三 当該居住者に対する剰余金の配当等の支払又は法人税法第二十四条第一項各号に掲げる事由による金銭その他の資産の交付 その支払う剰余金の配当等の額又はその交付により減少することとなる利益積立金額に相当する金額
- (iii) Payment of dividend of surplus, etc. to the resident or delivery of money or any other assets to the resident by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve which is to be decreased due to the amount of dividend of surplus, etc. to be paid or the delivery
- 2 前項に規定する居住者のその年の前年以前三年内の各年において、課税済配当等の額に相当する金額のうち、同項の規定による控除をしてもなお控除しきれない金額（この項の規定により前年以前の各年において控除されたものを除く。以下この項において「控除未済配当等の額」という。）がある場合には、当該控除未済配当等の額は、政令で定めるところにより、その者のその年分の特定外国法人又は外国関係法人から受ける配当等の額に係る配当所得の金額又は前条第一項の規定によりその総収入金額に算入されることとなる課税対象留保金額に係る雑所得の金額の計算上控除する。
- (2) Where the amount equivalent to the taxed amount of dividend, etc. of the resident prescribed in the preceding paragraph for each of the three years preceding the relevant year contains any amount that remains after making deductions pursuant to the provision of the said paragraph (excluding any amount deducted for each of these years pursuant to the provision of this paragraph; hereinafter referred to in this paragraph as the “remaining amount of dividend, etc. after deduction”), the said remaining amount of dividend, etc. after deduction shall, pursuant to the provision of a Cabinet Order, be deducted when calculating the amount of dividend income pertaining to the amount of dividend of surplus, etc. to be received by the resident from the specified foreign corporation or foreign affiliated corporation for the relevant year or calculating the amount of miscellaneous income pertaining to the taxable retained income to be included in the resident’s gross income pursuant to the provision of paragraph (1) of the preceding Article.
- 3 第四十条の五第三項及び第四項の規定は、前二項の規定を適用する場合について準用す

る。この場合において、次の表の上欄に掲げるこれらの規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

- (3) The provisions of Article 40-5(3) and (4) shall apply mutatis mutandis in the case where the provisions of the preceding two paragraphs shall apply. In this case, each term or phrase listed in the middle column of the table below that appears in the provision listed in the upper [left hand] column of the same table shall be deemed to be replaced with the corresponding term or phrase listed in the lower [right hand] column of the same table.

<p>第四十条の五第三項 Article 40-5(3)</p>	<p>第一項又は前項の規定は、 第一項 ↓ [第一項又は前項の規定は、 第一項に規定する年分の確定申告書を提出し] The provisions of paragraph (1) and the preceding paragraph shall apply only where the resident has filed a final return form for the year prescribed in paragraph (1)</p>	<p>第四十条の十一第一項又は第二項の規定は、同条第一項 ↓ [第四十条の十一第一項又は第二項の規定は、同条第一項に規定する年分の確定申告書を提出し] The provisions of Article 40-11(1) or (2) shall apply only where the resident has filed a final return form for the year prescribed in paragraph (1) of the said Article</p>
	<p>以後前項 ↓ [その翌年分以後前項の規定の適用を受けようとする年] the year following the said year until the year in which the resident seeks the application of the provision of the preceding paragraph</p>	<p>以後同条第二項 ↓ [その翌年分以後同条第二項の規定の適用を受けようとする年] the year following the said year until the year in which the resident seeks the application of the provision of paragraph (2) of the said Article</p>
	<p>提出する第一項 ↓ [その提出する第一項に規定する年分の確定申告書] his/her final return form for the year prescribed in paragraph (1)</p>	<p>提出する同条第一項 [その提出する同条第一項に規定する年分の確定申告書] his/her final return form for the year prescribed in paragraph (1) of the said Article</p>
	<p>同項又は前項</p>	<p>同項又は同条第二項</p>

	the said paragraph or the preceding paragraph	the said paragraph or paragraph (2) of the said Article
	第一項又は前項に規定する特定外国子会社等又は外国関係会社  [第一項又は前項に規定する特定外国子会社等又は外国関係会社から受ける配当等の額に係る配当所得の金額...] the amount of dividend income pertaining to the amount of dividend, etc. to be received from the specified foreign subsidiary company, etc. or affiliated foreign company..., both of which are prescribed in paragraph (1) and the preceding paragraph	同条第一項又は第二項に規定する特定外国法人又は外国関係法人  [同条第一項又は第二項に規定する特定外国法人又は外国関係法人から受ける配当等の額に係る配当所得の金額...] the amount of dividend income pertaining to the amount of dividend, etc. to be received from the specified foreign corporation or affiliated foreign corporation..., both of which are prescribed in paragraph (1) or (2) of the said Article
	、第一項又は前項 paragraph (1) or the preceding paragraph	、同条第一項又は第二項 paragraph (1) or (2) of the said Article
第四十条の五第四項 Article 40-5(4)	第一項 paragraph (1)	第四十条の十一第一項 Article 40-11(1)
	前項 preceding paragraph	同条第三項において準用する前項 preceding paragraph as applied mutatis mutandis pursuant to paragraph (3) of the said Article

#### 第四十条の十二

#### Article 40-12

特殊関係株主等と特殊関係内国法人との間に第四十条の十第一項に規定する特定関係があるかどうかの判定に関する事項、居住者がその者に係る特定外国法人から受ける配当等の額に係る所得税法第九十五条第一項に規定する控除限度額の計算その他前二条の規定の適用に関し必要な事項は、政令で定める。

Matters concerning the determination as to whether or not there is a specified relationship prescribed in Article 40-10(1) between a specially-related shareholder, etc. and a specially-related domestic corporation, the calculation of the maximum amount of

deduction prescribed in Article 95(1) of the Income Tax Act with regard to the amount of dividend, etc. that a resident receives from a specified foreign corporation related to the said resident, and other necessary matters concerning the application of the provisions of the preceding two Articles shall be specified by a Cabinet Order.

## 第六節 その他の特例

### Section 6 Other Special Provisions

第四十一条の十二 (償還差益等に係る分離課税等)

Article 41-12 (Separate Taxation, etc. for Profit from Redemption, etc.)

- 1 個人が昭和六十三年四月一日以後に発行された割引債について支払を受けるべき償還差益については、所得税法第二十二条及び第八十九条並びに第百六十五条の規定にかかわらず、他の所得と区分し、その支払を受けるべき金額に対し、百分の十八（東京湾横断道路の建設に関する特別措置法（昭和六十一年法律第四十五号）第二条第一項に規定する東京湾横断道路建設事業者が同法第十条第一項の認可を受けて発行する社債及び民間都市開発の推進に関する特別措置法第三条第一項に規定する民間都市開発推進機構が同法第八条第三項の認可を受けて発行する債券のうち、割引債に該当するもの（次項及び第三項において「特定割引債」という。）につき支払を受けるべき償還差益については、百分の十六）の税率を適用して所得税を課する。
  - (1) With respect to profit receivable by an individual from redemption of discount bonds issued on or after April 1, 1988, notwithstanding the provisions of Article 22, Article 89 and Article 165 of the Income Tax Act, income tax shall be imposed separately from his/her other income, by applying a tax rate of 18 percent (or 16 percent in the case of company bonds issued by a Trans-Tokyo Bay Highway constructor prescribed in Article 2(1) of the Act on Special Measures Concerning the Construction of the Trans-Tokyo Bay Highway (Act No. 45 of 1986) with the approval set forth in Article 10(1) of the said Act and bonds issued by the Organization for Promoting Urban Development prescribed in Article 3(1) of the Act on Special Measures Concerning the Promotion of Urban Development with the approval set forth in Article 8(3) of the said Act, which fall under the category of discount bonds (referred to in the next paragraph and paragraph (3) as “specified discount bonds”) to such amount receivable.
  - 2 内国法人又は外国法人は、昭和六十三年四月一日以後に発行された割引債につき支払を受けるべき償還差益について所得税を納める義務があるものとし、その支払を受けるべき金額について百分の十八（特定割引債につき支払を受けるべき償還差益については、百分の十六）の税率を適用して所得税を課する。
    - (2) A domestic corporation or foreign corporation shall be liable to pay income tax with respect to profit receivable from redemption of discount bonds issued on or after April 1, 1988, and income tax shall be imposed by applying a tax rate of 18 percent (or 16 percent in the case of profit receivable from redemption of specified discount bonds).
  - 3 昭和六十三年四月一日以後に発行された割引債の発行者（これに準ずる者として政令で

定めるものを含む。第五項及び第六項において同じ。)は、政令で定めるところにより、当該割引債の発行の際これを取得する者からその割引債の券面金額から発行価額を控除した金額に百分の十八(特定割引債につき支払を受けるべき償還差益については、百分の十六)の税率を乗じて計算した金額の所得税を徴収し、その徴収の日の属する月の翌月十日までに、これを国に納付しなければならない。

(3) The issuer (including a person specified by a Cabinet Order as being equivalent thereto; the same shall apply in paragraph (5) and paragraph (6)) of discount bonds issued on or after April 1, 1988, shall collect, upon issue of the said discount bonds, from the person who is to acquire the bonds, income tax equivalent to the amount calculated by deducting the issue price from the face value of the said discount bonds and then multiplying the result by a tax rate of 18 percent (or 16 percent in the case of profit receivable from redemption of specified discount bonds), and pay it to the State no later than the tenth day of the month following the month that includes the date of collection, pursuant to the provision of a Cabinet Order.

4 前項の規定により徴収して納付すべき所得税は、所得税法第二条第一項第四十五号に規定する源泉徴収に係る所得税とみなして、同法(第二編、第三編及び第五編第一章を除く。)並びに国税通則法及び国税徴収法の規定を適用するものとし、前項の割引債につき償還(買入消却を含む。)が行われる場合には、同項の規定により徴収される所得税は、政令で定めるところにより、同項の取得者(当該取得者と当該償還を受ける者とが異なる場合には、当該償還を受ける者)が償還差益に対する所得税として当該償還を受ける時に徴収される所得税とみなす。この場合において、当該取得者が内国法人又は外国法人であるときは、当該内国法人又は外国法人に対する法人税法の規定の適用については、同法第六十八条第一項、第八十一条の十四第一項及び第百条第一項中「又は賞金」とあるのは「若しくは賞金又は租税特別措置法第四十一条の十二第二項(償還差益に対する分離課税等)に規定する償還差益」と、「同法」とあるのは「所得税法又は租税特別措置法」と、同法第一百四十四条中「所得税法の」とあるのは「所得税法又は租税特別措置法の」と、「(同法」とあるのは「(所得税法)とする。

(4) Income tax to be collected and paid pursuant to the provision of the preceding paragraph shall be deemed to be withholding income tax prescribed in Article 2(1)(xlv) of the Income Tax Act, and the provisions of the said Act (excluding Part II, Part III, and Part V, Chapter I), the Act on General Rules for National Taxes, and the National Tax Collection Act shall be applied thereto; where redemption (including retirement by purchase) is made with respect to discount bonds set forth in the preceding paragraph, income tax to be collected pursuant to the provision of the preceding paragraph shall, pursuant to the provision of a Cabinet Order, be deemed to be income tax that is to be collected from the acquirer set forth in the said paragraph (in the case where the said acquirer is not the person who is to receive the redemption: the said person who is to receive the redemption) as income tax on profit from redemption when the acquirer receives the said redemption. In this case, where the said acquirer is a domestic corporation or foreign corporation, with regard to the application of the provisions of

the Corporation Tax Act to the said domestic corporation or foreign corporation: in Article 68(1), Article 81-14(1) and Article 100(1) of the said Act, the phrase “or prize money” shall be deemed to be replaced with “or prize money... or profit from redemption prescribed in Article 41-12(2) of the Act on Special Measures Concerning Taxation (Separate Taxation, etc. for Profit from Redemption),” and the phrase “the said Act” shall be deemed to be replaced with “the Income Tax Act or the Act on Special Measures Concerning Taxation”; in Article 144 of the said Act, “the Income Tax Act” shall be deemed to be replaced with “the Income Tax Act or the Act on Special Measures Concerning Taxation,” and the phrase “the said Act” shall be deemed to be replaced with “the Income Tax Act.”

5 昭和六十三年四月一日以後に発行された割引債につき、その発行者が償還期限を繰り上げて償還をする場合又は当該期限前に買入消却をする場合には、当該発行者は、政令で定めるところにより、その償還（買入消却を含む。）を受ける者に対し、第三項の規定により徴収された所得税で前項の所得税とみなされたものの額に相当する金額の一部を還付する。

(5) Where the issuer of discount bonds issued on or after April 1, 1988, redeems the said discount bonds by bringing the redemption date forward or retires the said discount bonds by purchase prior to the redemption date, the said issuer shall refund, pursuant to the provision of a Cabinet Order, to the person who is to receive such redemption (including retirement by purchase), part of the amount equivalent to the amount of income tax collected pursuant to the provision of paragraph (3) and deemed to be income tax set forth in the preceding paragraph.

6 昭和六十三年四月一日以後に発行された割引債につき、その発行者が所得税法第十一条第一項若しくは第二項に規定する法人又は同条第三項に規定する公益信託若しくは加入者保護信託の受託者に対し、償還差益の支払（公益信託又は加入者保護信託の受託者にあつては、当該信託財産について受ける支払に限る。）をする場合には、当該発行者は、政令で定めるところにより、その支払を受ける者に対し、第三項の規定により徴収された所得税で第四項の所得税とみなされたものの額（前項の規定により還付を受ける額を除く。）に相当する金額の全部又は一部を還付する。

(6) Where the issuer of discount bonds issued on or after April 1, 1988, makes payment of profit from redemption of the said discount bonds to a corporation prescribed in Article 11(1) or (2) of the Income Tax Act or a trustee of a charitable trust or participant protection trust prescribed in paragraph (3) of the said Article (in the case of payment to a trustee of a charitable trust or participant protection trust: such payment of profit from redemption shall be limited to payment related to the relevant trust property), the said issuer shall refund, pursuant to the provision of a Cabinet Order, to the person who is to receive payment, the whole or part of the amount equivalent to the amount of income tax collected pursuant to the provision of paragraph (3) and deemed to be income tax set forth in paragraph (4) (excluding the amount for which a refund shall be made pursuant to the provision of the preceding paragraph).

7 前各項に規定する割引債とは、割引の方法により発行される公社債（政令で定めるものに限る。）で次に掲げるもの以外のものをいい、これらの規定に規定する償還差益とは、割引債の償還金額（買入消却が行われる場合には、その買入金額）がその発行価額を超える場合におけるその差益をいう。

(7) Discount bonds prescribed in the preceding paragraphs shall mean government or company bonds (limited to those specified by a Cabinet Order) issued by means of a discount, except for those listed in the following, and profit from the redemption prescribed in these paragraphs shall mean margin profit generated when the redemption price of discount bonds (or the purchase price of discount bonds in the case of retirement by purchase) exceeds the issue price thereof:

一 外貨公債の発行に関する法律第一条第一項 又は第三項（同法第四条において準用する場合を含む。）の規定により発行される同法第一条第一項 に規定する外貨債（同法第四条 に規定する外貨債を含む。）

(i) Bonds in foreign currency prescribed in Article 1(1) of the Act on the Issue of Government Bonds in Foreign Currency that are issued pursuant to the provision of Article 1(1) of the said Act or paragraph (3) of the said Article (including the cases where it is applied mutatis mutandis pursuant to Article 4 of the said Act) (including bonds in foreign currency prescribed in Article 4 of the said Act)

二 特別の法令により設立された法人が当該法令の規定により発行する債券のうち政令で定めるもの

(ii) Bonds issued by a corporation established under special laws or regulations pursuant to the provision of the said laws or regulations, which are specified by a Cabinet Order

8 第三項から第六項までに定めるもののほか、第一項及び第二項の規定の適用に関し必要な事項は、政令で定める。

(8) In addition to what is specified in paragraph (3) to paragraph (6), necessary matters concerning the application of the provisions of paragraph (1) and paragraph (2) shall be specified by a Cabinet Order.

9 平成十一年四月一日以後に割引の方法により発行される公社債で次に掲げるもの（これらに類するものとして政令で定めるものを含む。）のうち、その発行の日から償還期限までの期間が一年以下であるもの（以下この項において「短期公社債」という。）が、その発行の際にその銘柄が同一である他の短期公社債のすべてとともに特定振替記載等（社債等の振替に関する法律に定めるところにより行われる同法の振替口座簿への記載又は記録（以下この条において「振替記載等」という。）のうち政令で定めるものをいう。以下この項において同じ。）がされる場合には、当該特定振替記載等がされる短期公社債（特定の者によつて所有されるものとして財務省令で定める要件を満たすものに限る。以下この条において「特定短期公社債」という。）は、第一項から第六項までに規定する割引債に該当しないものとする。

(9) Where, with respect to government or company bonds issued by means of a discount on or after April 1, 1999, that are listed in the following (including those specified by a

Cabinet Order as being similar thereto), for which a period from the date of issue to the redemption date is not more than one year (hereinafter referred to in this paragraph as “short-term government or company bonds”), specified entries or records under the book-entry transfer system (meaning entries or records in a transfer account book set forth in the Act on Book-Entry Transfer of Company Bonds, etc. which are made pursuant to the provisions of the said Act; hereinafter referred to in this Article as “entries or records under the book-entry transfer system”), which are specified by a Cabinet Order; hereinafter the same shall apply in this paragraph) are made together with all other short-term government or company bonds that have the same brand at the time of issue, such short-term government or company bonds for which the said specified entries or records under the book-entry transfer system are made (limited to those that satisfy the requirements specified by an Ordinance of the Ministry of Finance for bonds held by a specified person; hereinafter referred to in this Article as “specified short-term government or company bonds”) shall not fall under the category of discount bonds prescribed in paragraph (1) to paragraph (6):

- 一 国債整理基金特別会計法（明治三十九年法律第六号）第五条第一項 又は第五条ノ二の規定により発行される国債
  - (i) National government bonds issued pursuant to the provision of Article 5(1) or Article 5-2 of the Special Account for the National Debt Consolidation Fund Act (Act No. 6 of 1906)
- 二 食糧管理特別会計法（大正十年法律第三十七号）第三条 又は第四条 の規定により発行される国債
  - (ii) National government bonds issued pursuant to the provision of Article 3 or Article 4 of the Foodstuff Control Special Account Act (Act No. 37 of 1921)
- 三 財政法（昭和二十二年法律第三十四号）第七条第一項 の規定により発行される国債
  - (iii) National government bonds issued pursuant to the provision of Article 7(1) of the Public Finance Act (Act No. 34 of 1947)
- 四 国有林野事業特別会計法（昭和二十二年法律第三十八号）第六条第一項 又は第二項 ただし書の規定により発行される国債
  - (iv) National government bonds issued pursuant to the provision of Article 6(1) or the proviso of Article 6(2) of the Special Account for National Forest Service Act (Act No. 38 of 1947)
- 五 外国為替資金特別会計法（昭和二十六年法律第五十六号）第四条第一項 又は第十八条第一項 若しくは第二項 ただし書の規定により発行される国債
  - (v) National government bonds issued pursuant to the provision of Article 4(1) or Article 18(1) or the proviso of Article 18(2) of the Foreign Exchange Fund Special Account Act (Act No. 56 of 1951)
- 六 財政融資資金法（昭和二十六年法律第百号）第九条第一項 の規定により発行される国債
  - (vi) National government bonds issued pursuant to the provision of Article 9(1) of the

Fiscal Loan Fund Act (Act No. 100 of 1951)

七 財政融資資金特別会計法（昭和二十六年法律第百一号）第十一条第一項又は第十二条の規定により発行される国債

(vii) National government bonds issued pursuant to the provision of Article 11(1) or Article 12 of the Fiscal Loan Fund Special Account Act (Act No. 101 of 1951)

八 石油及びエネルギー需給構造高度化対策特別会計法（昭和四十二年法律第十二号）第十二条第二項又は第十三条第一項の規定により発行される国債

(viii) National government bonds issued pursuant to the provision of Article 12(2) or Article 13(1) of the Act on the Special Account for Petroleum and the More Sophisticated Structure of Demand and Supply of Energy Policies (Act No. 12 of 1967)

九 社債等の振替に関する法律第六十六条第一号に規定する短期社債又は同法附則第三十六条第一項に規定する振替外債のうち財務省令で定める要件を満たすもの

(ix) Short-term company bonds prescribed in Article 66(i) of the Act on Book-Entry Transfer of Company Bonds, etc. or book-entry transfer bonds in foreign currency prescribed in Article 36(1) of the Supplementary Provisions of the said Act, which satisfy the requirements specified by an Ordinance of the Ministry of Finance

十 商工組合中央金庫法（昭和十一年法律第十四号）第三十三条ノ二に規定する短期商工債

(x) Short-term Shoko Chukin Bank bonds prescribed in Article 33-2 of the Shoko Chukin Bank Act (Act No. 14 of 1936)

十一 投資信託及び投資法人に関する法律第百三十九条の十二第一項に規定する短期投資法人債

(xi) Short-term investment corporation bonds prescribed in Article 139-12(1) of the Act on Investment Trust and Investment Corporation

十二 信用金庫法（昭和二十六年法律第二百三十八号）第五十四条の四第一項に規定する短期債

(xii) Short-term bonds prescribed in Article 54-4(1) of the Shinkin Bank Act (Act No. 238 of 1951)

十三 保険業法（平成七年法律第百五号）第六十一条の十第一項に規定する短期社債

(xiii) Short-term company bonds prescribed in Article 61-10(1) of the Insurance Business Act (Act No. 105 of 1995)

十四 資産の流動化に関する法律第二条第八項に規定する特定短期社債

(xiv) Specified short-term company bonds prescribed in Article 2(8) of the Act on Securitization of Assets

十五 農林中央金庫法（平成十三年法律第九十三号）第六十二条の二第一項に規定する短期農林債

(xv) Short-term Norinchukin Bank bonds prescribed in Article 62-2(1) of the Norinchukin Bank Act (Act No. 93 of 2001)

10 国内において発行される特定短期公社債の譲渡をしたことによる所得として政令で定

めるものについては、第三十七条の十五第一項の規定は、適用しない。

(10) The provision of Article 37-15(1) shall not apply to any income specified by a Cabinet Order as income from the transfer of specified short-term government or company bonds issued in Japan.

1 1 国内において発行される特定短期公社債の譲渡については、第三十七条の十五第二項の規定は、適用しない。

(11) The provision of Article 37-15(2) shall not apply to the transfer of specified short-term government or company bonds issued in Japan.

1 2 平成十一年四月一日以後最初に特定振替機関等（社債等の振替に関する法律第二条第二項に規定する振替機関及び同法第四十八条の規定により当該振替機関とみなされる者並びに当該振替機関（当該みなされる者を含む。）の同法第三条第一項第五号に規定する業務規程の定めるところにより口座の開設を受けた特定口座管理機関（第五条の二第五項第二号に規定する特定口座管理機関をいう。）及び特定間接口座管理機関（第五条の二第五項第三号に規定する特定間接口座管理機関をいう。）をいう。以下この条において同じ。）又は外国仲介業者（第五条の二第五項第八号に規定する外国間接口座管理機関（以下この条において「外国間接口座管理機関」という。）及び同項第七号に規定する外国再間接口座管理機関（以下この条において「外国再間接口座管理機関」という。）をいう。以下この条において同じ。）に開設され、又は開設されている口座において当該特定振替機関等の営業所等（第五条の二第一項に規定する営業所等をいう。以下この条において同じ。）又は当該外国仲介業者の国外営業所等（外国仲介業者の国外にある営業所又は事務所をいう。以下この項及び次項において同じ。）を通じて特定振替国債等（特定短期公社債並びに社債等の振替に関する法律第九十条第二項に規定する分離元本振替国債及び財務省令で定めるところにより同条第一項に規定する元利分離が行われた同条第三項に規定する分離利息振替国債をいう。以下この条において同じ。）の振替記載等を受ける者（法人税法別表第一に掲げる法人、特定振替機関等、外国仲介業者その他の政令で定めるものを除く。）は、その者の氏名又は名称及び住所（国内に住所を有しない者にあつては、財務省令で定める場所。以下この条において同じ。）その他の財務省令で定める事項を記載した告知書を、その最初に振替記載等（当該口座においてされるものに限る。以下この条において同じ。）を受けるとき、その振替記載等を受ける特定振替機関等の営業所等の長に対し、又はその振替記載等を受ける外国仲介業者（当該外国仲介業者が外国再間接口座管理機関である場合には、当該外国仲介業者（当該外国仲介業者が他の外国再間接口座管理機関において当該特定振替国債等の振替記載等を受ける場合には、当該外国仲介業者及び当該特定振替国債等の振替記載等に係る他の外国再間接口座管理機関）及び当該特定振替国債等の振替記載等に係る外国間接口座管理機関）を経由して当該外国仲介業者（当該外国仲介業者が外国再間接口座管理機関である場合には、当該特定振替国債等の振替記載等に係る外国間接口座管理機関）が当該特定振替国債等の振替記載等を受ける特定振替機関等の営業所等の長に対し提出しなければならない。この場合において、当該告知書の提出をする者は、当該告知書の提出（当該外国仲介業者を経由して提出する場合を除く。以下この項において同じ。）をする特定振替機関等の営業所等の長又は当該外国仲介業者の国外営業所等の長にその者の住民票の写し、法人の登記事項証明書その他の政令で定める書類

(以下この項から第十八項までにおいて「確認書類」という。)を提示しなければならないものとし、当該告知書の提出を受ける特定振替機関等の営業所等の長又は当該外国仲業者の国外営業所等の長は、当該告知書に記載されている氏名又は名称及び住所を当該確認書類により確認しなければならないものとする。

- (12) Where a person (excluding the corporations listed in Appended Table 1 of the Corporation Tax Act, specified book-entry transfer institution, etc., foreign intermediary and any other person specified by a Cabinet Order) makes, for the first time since April 1, 1999, entries or records under the book-entry transfer system with regard to specified book-entry transfer national government bonds, etc. (meaning specified short-term government or company bonds, principal-only book-entry transfer national government bonds prescribed in Article 90(2) of the Act on Book-Entry Transfer of Company Bonds, etc., and coupon-only book-entry transfer national government bonds prescribed in paragraph (3) of the said Article for which separate trading of principal and interest prescribed in paragraph (1) of the said Article has been conducted pursuant to the provision of an Ordinance of the Ministry of Finance; hereinafter the same shall apply in this Article) in the person's account that will be or has been established with a specified book-entry transfer institution, etc. (meaning a [1] book-entry transfer institution prescribed in Article 2(2) of the Act on Book-Entry Transfer of Company Bonds, etc., [2] an institution that shall be deemed to be the said book-entry transfer institution pursuant to the provision of Article 48 of the said Act, and [3] a specified account management institution (meaning a specified account management institution prescribed in Article 5-2(5)(ii) and specified indirect account management institution (meaning a specified indirect account management institution prescribed in Article 5-2(5)(iii)), with each of which the said book-entry transfer institution (including an institution that shall be deemed as such) has established an account in accordance with the operational rules prescribed in Article 3(1)(v) of the said Act; hereinafter the same shall apply in this Article) or established with a foreign intermediary (meaning a foreign indirect account management institution prescribed in Article 5-2(5)(viii) (hereinafter referred to in this Article as a "foreign indirect account management institution") and a foreign further indirect account management institution prescribed in Article 5-2(5)(vii) (hereinafter referred to in this Article as a "foreign further indirect account management institution"); hereinafter the same shall apply in this Article), via a business office, etc. (meaning a business office, etc. prescribed in Article 5-2(1); hereinafter the same shall apply in this Article) of the said specified book-entry transfer institution, etc. or an overseas business office, etc. (meaning a business office or any other office of a foreign intermediary which is located outside Japan; hereinafter the same shall apply in this paragraph and the next paragraph) of the said foreign intermediary, such person shall, upon making the first entries or records under the book-entry transfer system (limited to those made in the said account; hereinafter the same shall apply in this Article), submit a written notice

stating the person's name and address (or any other place specified by an Ordinance of the Ministry of Finance in the case where the person does not have an address in Japan; hereinafter the same shall apply in this Article) and any other matters specified by an Ordinance of the Ministry of Finance, to the head of the business office, etc. of the specified book-entry transfer institution, etc. through which the person makes the entries or records under the book-entry transfer system, or submit such a written notice via the foreign intermediary through which the person makes entries or records under the book-entry transfer system (in the case where the said foreign intermediary is a foreign further indirect account management institution, submission shall be made via the said foreign intermediary (in the case where the said foreign intermediary makes entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc. through another foreign further indirect account management institution, submission shall be made via the said foreign intermediary and such other foreign further indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc.) and the foreign indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc.), to the head of the business office, etc. of the specified book-entry transfer institution, etc. through which the said foreign intermediary (in the case where the said foreign intermediary is a foreign further indirect account management institution: the foreign indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc.) makes entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc. In this case, such person who submits the said written notice shall present a copy of the person's certificate of residence, certificate of registered matters of the corporation and any other document specified by a Cabinet Order (hereinafter referred to in this paragraph to paragraph (18) as "identification documents") to the head of the business office, etc. of the specified book-entry transfer institution, etc. to which the said written notice is submitted (excluding the case where the said written notice is submitted via the said foreign intermediary; hereinafter the same shall apply in this paragraph) or to the head of the overseas business office, etc. of the said foreign intermediary to which the said written notice is submitted, and the head of the business office, etc. of the specified book-entry-transfer institution, etc. to which the said written notice is submitted or the head of the overseas business office, etc. of the said foreign intermediary to which the said written notice is submitted shall confirm, by the said identification documents, the name and address stated in the said written notice.

13 前項前段の場合において、同項の告知書が同項の外国仲介業者の国外営業所等の長に

受理されたときは、当該告知書は、その受理された時に同項の特定振替国債等の振替記載等を受ける特定振替機関等の営業所等の長に提出されたものとみなす。

(13) In the case referred to in the first part of the preceding paragraph, where the written notice set forth in the said paragraph has been received by the head of the overseas business office, etc. of the foreign intermediary set forth in the said paragraph, it shall be deemed that the said written notice has been submitted to the head of the business office, etc. of the specified book-entry transfer institution, etc. through which the person makes entries or records under the book-entry transfer system regarding the specified book-entry transfer national government bonds, etc. set forth in the said paragraph, when it has been received by the said head of the overseas business office, etc. of the foreign intermediary.

14 第十二項後段の確認をした外国仲介業者は、同項の振替記載等を受ける者の各人別に、同項の確認をした旨を証する書類、当該確認に係る同項の確認書類その他の政令で定める書類を、当該外国仲介業者が当該特定振替国債等の振替記載等を受ける特定振替機関等の営業所等の長に（当該外国仲介業者が外国再間接口座管理機関である場合には、当該特定振替国債等の振替記載等に係る外国間接口座管理機関（当該外国仲介業者が他の外国再間接口座管理機関において当該特定振替国債等の振替記載等を受ける場合には、当該特定振替国債等の振替記載等に係る他の外国再間接口座管理機関及び当該特定振替国債等の振替記載等に係る外国間接口座管理機関）を経由して当該外国間接口座管理機関が当該特定振替国債等の振替記載等を受ける特定振替機関等の営業所等の長に）提出しなければならない。

(14) A foreign intermediary that has made a confirmation set forth in the second part of paragraph (12) shall, for each person who makes entries or records under the book-entry transfer system set forth in the said paragraph, submit a document certifying that the confirmation set forth in the said paragraph has been made, the identification documents used for the said confirmation and any other document specified by a Cabinet Order, to the head of the business office, etc. of the specified book-entry transfer institution through which the said foreign intermediary makes the said entries or records under the book-entry transfer system regarding the specified book-entry transfer national government bonds, etc. (in the case where the said foreign intermediary is a foreign further indirect account management institution, submission shall be made via the foreign indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc. (in the case where the said foreign intermediary makes entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc. through another foreign further indirect account management institution, submission shall be made via the said foreign intermediary and such other foreign further indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government

bonds, etc.) to the head of the business office, etc. of the specified book-entry transfer institution, etc. through which the said foreign indirect account management institution makes entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc.)

15 外国仲介業者は、第十二項に規定する振替記載等を受ける者が当該外国仲介業者から振替記載等を受けた特定振替国債等につき帳簿を備え、当該振替記載等を受ける者の各人別に、政令で定めるところにより、当該特定振替国債等につき振替記載等がされた日その他の財務省令で定める事項を記載し、又は記録しなければならない。

(15) A foreign intermediary shall keep books with regard to the book-entry transfer national government bonds, etc. for which the person who makes entries or records under the book-entry transfer system prescribed in paragraph (12) has made entries or records under the book-entry transfer system through the said foreign intermediary, and shall state or record in such books, pursuant to the provision of a Cabinet Order, the day on which entries or records under the book-entry transfer system have been made with regard to the said book-entry transfer national government bonds, etc., and any other matters specified by an Ordinance of the Ministry of Finance, for each person who makes entries or records under the book-entry transfer system.

16 外国仲介業者は、前項に規定する振替記載等を受ける者の各人別に、政令で定めるところにより、当該振替記載等を受ける者が当該外国仲介業者から振替記載等を受けた特定振替国債等につき振替記載等がされた日その他の財務省令で定める事項を当該外国仲介業者が当該特定振替国債等の振替記載等を受けた特定振替機関等（当該外国仲介業者が外国再間接口座管理機関である場合には、当該特定振替国債等の振替記載等に係る外国間接口座管理機関が当該特定振替国債等の振替記載等を受けた特定振替機関等）に対し書面による方法その他政令で定める方法により通知しなければならない。この場合において、当該特定振替機関等は、当該特定振替国債等につき帳簿を備え、当該各人別に、政令で定めるところにより、これらの事項を記載し、又は記録しなければならない。

(16) A foreign intermediary shall, for each person who makes entries or records under the book-entry transfer system prescribed in the preceding paragraph, pursuant to the provision of a Cabinet Order, give notice of the day on which entries or records under the book-entry transfer system have been made with regard to the specified book-entry transfer national government bonds, etc. for which the said person who makes entries or records under the book-entry transfer system has made entries or records under the book-entry transfer system through the said foreign intermediary, and any other matters specified by an Ordinance of the Ministry of Finance, to the specified book-entry transfer institution, etc. through which the said foreign intermediary has made entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc. (in the case where the said foreign intermediary is a foreign further indirect account management institution, notice shall be given to the specified book-entry transfer institution, etc. through which the foreign indirect account management institution pertaining to the entries or

records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc. has made entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc.) by way of a document or any other means specified by a Cabinet Order. In this case, the said specified book-entry transfer institution, etc. shall keep books with regard to the said book-entry transfer national government bonds, etc., and shall state or record, pursuant to the provision of a Cabinet Order, these matters in such books for each person who makes the said entries or records under the book-entry transfer system.

17 平成十一年四月一日以後に特定振替国債等の譲渡（振替記載等に係る口座からの振替によりされるものを除く。以下この項において同じ。）をした者（法人税法 別表第一に掲げる法人その他の政令で定めるものを除く。）でその特定振替国債等の譲渡を受けた法人（同法第二条第八号 に規定する人格のない社団等を含む。以下この条において同じ。）から国内においてその特定振替国債等の譲渡の対価の支払を受けるものは、その支払を受けるべき時まで、その者の氏名又は名称及び住所を当該譲渡を受けた法人（以下この項において「支払者」という。）に告知しなければならない。この場合において、その支払を受ける者は、当該支払者にその者の確認書類を提示しなければならないものとし、当該支払者は、当該告知された氏名又は名称及び住所を当該確認書類により確認しなければならないものとする。

(17) A person (excluding the corporations listed in Appended Table 1 of the Corporation Tax Act and any other persons specified by a Cabinet Order) who has transferred specified book-entry transfer national government bonds, etc. on or after April 1, 1999 (excluding the transfer made by way of book-entry transfer from the account pertaining to entries or records under the book-entry transfer system; hereinafter the same shall apply in this paragraph), and therefore receives, in Japan, payment of a consideration for the transfer of the specified book-entry transfer national government bonds, etc. from the corporation that has accepted the transfer of the specified book-entry transfer national government bonds, etc. (including an association or foundation without juridical personality prescribed in Article 2(viii) of the said Act; hereinafter the same shall apply in this Article) shall notify the corporation that has accepted the said transfer (hereinafter referred to in this paragraph as the “payer”) of the person’s name and address by the time the person is to receive payment. In this case, the person who receives payment shall present the person’s identification document to the said payer, and the said payer shall confirm, by the said identification document, the person’s name and address stated in the notification.

18 平成十一年四月一日以後に国内において特定振替国債等の償還（買入消却を含む。以下この項において同じ。）又は利息（第十二項に規定する分離利息振替国債に係るものに限る。以下この条において同じ。）の支払によりその償還金（買入消却が行われる場合にあつては、その買入れの対価。以下この条において同じ。）又は利息の支払を受ける者（法人税法 別表第一に掲げる法人その他の政令で定めるものを除く。）は、その者の氏名又は

名称及び住所その他の財務省令で定める事項を記載した告知書を、その償還又は利息の支払を受ける際、その償還金又は利息の支払の取扱者に（当該支払の取扱者が外国仲介業者である場合には、当該外国仲介業者（当該外国仲介業者が外国再間接口座管理機関である場合において、当該外国仲介業者が外国間接口座管理機関において当該特定振替国債等の振替記載等を受けるときは当該外国仲介業者及び当該外国間接口座管理機関とし、当該外国仲介業者が他の外国再間接口座管理機関において当該特定振替国債等の振替記載等を受けるときは当該外国仲介業者、当該特定振替国債等の振替記載等に係る他の外国再間接口座管理機関及び当該特定振替国債等の振替記載等に係る外国間接口座管理機関とする。）を経由して当該外国仲介業者（当該外国仲介業者が外国再間接口座管理機関である場合には、当該特定振替国債等の振替記載等に係る外国間接口座管理機関）が当該特定振替国債等の振替記載等を受ける特定振替機関等の営業所等の長に）提出しなければならない。この場合において、当該告知書の提出をする者は、当該支払の取扱者にその者の確認書類を提示しなければならないものとし、当該支払の取扱者は、当該告知書に記載されている氏名又は名称及び住所を当該確認書類により確認しなければならないものとする。

- (18) Where, in Japan on or after April, 1, 1999, a person (excluding the corporations listed in Appended Table 1 of the Corporation Tax Act and any other person specified by a Cabinet Order) receives, due to the redemption (including retirement by purchase; hereinafter the same shall apply in this paragraph) of specified book-entry transfer national government bonds, etc., payment of redemption money (or a consideration for the purchase in the case of retirement by purchase; hereinafter the same shall apply in this Article), or receives, due to interest payment pertaining to specified book-entry transfer national government bonds, etc. (limited to interest on coupon-only book-entry transfer national government bonds prescribed in paragraph (12); hereinafter the same shall apply in this Article), payment of interest, such person shall, upon receiving the redemption or interest payment, submit a written notice stating the person's name and address and any other matters specified by an Ordinance of the Ministry of Finance to the person in charge of handling payment of redemption money or interest (in the case where the said person in charge of handling payment is a foreign intermediary, submission shall be made via the said foreign intermediary (in the case where the said foreign intermediary is a foreign further indirect account management institution, and the said foreign intermediary makes entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc. through a foreign indirect account management institution, submission shall be made via the said foreign intermediary and the said foreign indirect account management institution; in the case where the said foreign intermediary is a foreign further indirect account management institution, and the said foreign intermediary makes entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc. through another foreign further indirect account management institution, submission shall be made via [1] the said foreign intermediary, [2] such other foreign further

indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc., and [3] the foreign indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc.) to the head of the business office, etc. of the specified book-entry transfer institution through which the said foreign intermediary (in the case where the said foreign intermediary is a foreign further indirect account management institution: the foreign indirect account management pertaining to the entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc.) makes entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc.) In this case, the person who submits the said written notice shall present the person's identification document to the said person in charge of handling payment, and the said person in charge of handling payment shall confirm, by the said identification document, the person's name and address stated in the written notice.

19 第十三項の規定は、前項前段の告知書の提出について、第十四項の規定は、前項後段の確認をする者について、それぞれ準用する。この場合において、第十三項中「前項前段」とあるのは「第十八項前段」と、第十四項中「第十二項後段」とあるのは「第十八項後段」と読み替えるものとする。

(19) The provision of paragraph (13) shall apply mutatis mutandis to the submission of a written notice set forth in the first part of the preceding paragraph, and the provision of paragraph (14) shall apply mutatis mutandis to the person who makes the confirmation set forth in the second part of the preceding paragraph. In this case, the phrase “first part of the preceding paragraph” in paragraph (13) shall be deemed to be replaced with “first part of paragraph (18),” and the phrase “second part of paragraph (12)” in paragraph (14) shall be deemed to be replaced with “second part of paragraph (18).”

20 第五条の二第九項の規定による確認に係る振替記載等に係る口座において特定振替国債等の振替記載等を受ける場合の第十二項の規定による告知書の提出の特例、同項の規定による確認に係る振替記載等に係る口座において振替記載等がされている特定振替国債等の償還金及び利息に係る第十八項の規定による告知書の提出の特例その他第十二項から前項までの規定の適用に関し必要な事項は、政令で定める。

(20) Special provisions for the submission of a written notice pursuant to the provision of paragraph (12) in the case where entries or records under the book-entry transfer system regarding specified book-entry transfer national government bonds, etc. are made in the account pertaining to entries or records under the book-entry transfer system that has been confirmed pursuant to the provision of Article 5-2(9), special provisions for the submission of a written notice pursuant to the provision of paragraph (18) with regard to redemption money and interest on specified book-entry transfer

national government bonds, etc. for which entries or records under the book-entry transfer system have been made in the account pertaining to entries or records under the book-entry transfer system that has been confirmed pursuant to the provision of Article 5-2(9), and other necessary matters concerning the application of the provisions of paragraph (12) to the preceding paragraph shall be specified by a Cabinet Order.

21 平成十一年四月一日以後に個人又は法人（法人税法 別表第一に掲げる法人、特定振替機関等、外国仲介業者その他の政令で定めるものを除く。次項において同じ。）に対し国内において特定振替国債等の譲渡の対価の支払をする次の各号に掲げる者（当該各号に掲げる者が外国仲介業者である場合には、当該外国仲介業者（当該外国仲介業者が外国再間接口座管理機関である場合には、当該特定振替国債等の振替記載等に係る外国間接口座管理機関）が当該特定振替国債等の振替記載等を受ける特定振替機関等とする。以下この項において「支払者」という。）は、その対価の支払を受ける者の各人別に、その支払を受ける者の氏名又は名称及び住所、その支払をした特定振替国債等の譲渡の対価の額その他の財務省令で定める事項を記載した調書（第二十三項から第二十五項までにおいて「特定振替国債等の譲渡対価の支払調書」という。）を、その支払の確定した日（その支払者が当該特定振替国債等に係る当該外国仲介業者の当該特定振替機関等である場合には、当該特定振替機関等が当該外国仲介業者から第十六項の規定による通知を受けた日。以下この項において同じ。）の属する年の翌年一月三十一日までに（政令で定めるところによりその支払者の営業所等でその対価の支払事務を取り扱うものの所在地の所轄税務署長（以下この項において「所轄税務署長」という。）の承認を受けた場合には、その支払の確定した日の属する月の翌月末日までに）、当該所轄税務署長に提出しなければならない。

(21) Where a person listed in each of the following items pays, in Japan on or after April 1, 1999, a consideration for the transfer of specified book-entry transfer national government bonds, etc. to an individual or a corporation (excluding the corporations listed in Appended Table 1 of the Corporation Tax Act, specified book-entry transfer institution, etc., foreign intermediary, and any other person specified by a Cabinet Order; the same shall apply in the next paragraph) (such person hereinafter referred to in this paragraph as the “payer”; in the case where the person listed in each of the said items is a foreign intermediary, the payer shall be the specified book-entry transfer institution, etc. through which the said foreign intermediary (in the case where the said foreign intermediary is a foreign further indirect account management institution: the foreign indirect account management institution pertaining to the entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc.) makes entries or records under the book-entry transfer system regarding the said specified book-entry transfer national government bonds, etc.), the payer shall, for each person who receives payment of a consideration, submit a report stating the name and address of the person who receives the payment, the paid amount of the consideration of the transfer of the specified book-entry transfer national government bonds, etc., and any other matters specified by an Ordinance of the Ministry of Finance (referred to in paragraph (23) to paragraph

(25) as a “report of payment of a consideration for the transfer of specified book-entry transfer national government bonds, etc.”), to the competent district director having jurisdiction over the location of the payer’s business office, etc. where the affairs for payment of a consideration are handled; hereinafter referred to in this paragraph as the “competent district director”), no later than January 31 of the year following the year that includes the day on which payment has been determined (in the case where the payer is the said specified book-entry transfer institution, etc. that is related to the foreign intermediary with regard to the said specified book-entry transfer national government bonds, etc.: the day on which the said specified book-entry transfer institution, etc. has received a notice pursuant to the provision of paragraph (16) from the said foreign intermediary; hereinafter the same shall apply in this paragraph) (in the case where approval has been obtained from the competent district director pursuant to the provision of a Cabinet Order, submission shall be made no later than the last day of the month following the month that includes the day on which payment has been determined):

一 その特定振替国債等の譲渡を受けた法人（次号に掲げる者を通じてその譲渡を受けたものを除く。）

(i) A corporation that has accepted the transfer of the specified book-entry transfer national government bonds, etc. (excluding such corporation that has accepted the transfer via the person listed in the next item)

二 その特定振替国債等の譲渡について売委託を受けた特定振替機関等又は外国仲介業者

(ii) A specified book-entry transfer institution, etc. or foreign intermediary that has been entrusted with sales with regard to the transfer of the specified book-entry transfer national government bonds, etc.

2 平成十一年四月一日以後に個人又は法人に対し国内において特定振替国債等の償還金又は利息の支払の取扱いをする者（当該支払の取扱いをする者が外国仲介業者である場合には、当該特定振替国債等に係る当該外国仲介業者の前項に規定する特定振替機関等とする。以下この項において「支払の取扱者」という。）は、その償還金又は利息の支払を受ける者の各人別に、その支払を受ける者の氏名又は名称及び住所、その支払をした特定振替国債等の償還金又は利息の額その他の財務省令で定める事項を記載した調書（次項から第二十五項までにおいて「特定振替国債等の償還金等の支払調書」という。）を、その支払をした日の属する年の翌年一月三十一日までに（政令で定めるところによりその支払の取扱者の営業所等でその償還金又は利息の支払事務を取り扱うものの所在地の所轄税務署長（以下この項において「所轄税務署長」という。）の承認を受けた場合には、その支払をした日の属する月の翌月末日までに）、当該所轄税務署長に提出しなければならない。

(22) Where a person handles, in Japan on or after April 1, 1999, payment of redemption money or interest on specified book-entry transfer national government bonds, etc. to an individual or corporation (hereinafter referred to in this paragraph as the “person in charge of handling payment”; in the case where the person who handles the said payment is a foreign intermediary, the person in charge of handling payment shall be

the specified book-entry transfer institution, etc. prescribed in the preceding paragraph that is related to the said foreign intermediary with regard to the said specified book-entry transfer national government bonds, etc.), the person in charge of handling payment shall, for each person who receives payment of redemption money or interest, submit a report stating the name and address of the person who receives payment, the paid amount of redemption money or interest of the specified book-entry transfer national government bonds, etc., and any other matters specified by an Ordinance of the Ministry of Finance (referred to in the next paragraph to paragraph (25) as a “report of payment of redemption money, etc. of specified book-entry transfer national government bonds, etc.”), to the competent district director having jurisdiction over the location of the business office, etc. of the person in charge of handling payment where the affairs for payment of redemption money, etc. are handled; hereinafter referred to in this paragraph as the “competent district director”), no later than January 31 of the year following the year that includes the day on which payment has been made (in the case where approval has been obtained from the competent district director pursuant to the provision of a Cabinet Order, submission shall be made no later than the last day of the month following the month that includes the day on which payment has been made).

23 第二十一項に規定する特定振替国債等の譲渡の対価の支払をする者又は前項に規定する特定振替国債等の償還金若しくは利息の支払の取扱いをする者は、政令で定めるところにより税務署長の承認を受けた場合には、これらの規定により調書に記載すべきものとされる事項を記録した光ディスク、磁気テープその他の財務省令で定める記録用の媒体（以下この項において「光ディスク等」という。）の提出をもつてこれらの規定による調書の提出に代えることができる。この場合における前二項、次項及び第二十五項並びに第四十二条の三の規定の適用については、当該光ディスク等は、それぞれ特定振替国債等の譲渡対価の支払調書又は特定振替国債等の償還金等の支払調書とみなす。

(23) Where the person who pays a consideration for the transfer of specified book-entry transfer national government bonds, etc. prescribed in paragraph (21) or the person who handles payment of redemption money or interest on specified book-entry national government bonds, etc. prescribed in the preceding paragraph has obtained approval from the district director pursuant to the provision of a Cabinet Order, the person may submit an optical disk, magnetic disk or any other recording medium specified by an Ordinance of the Ministry of Finance (hereinafter referred to in this paragraph as an “optical disk, etc.”) in which the matters to be stated in a report pursuant to the provisions of the said paragraphs are recorded, instead of submitting the report pursuant to the provisions of the said paragraphs. In this case, with regard to the application of the provisions of the preceding two paragraphs, the next paragraph, paragraph (25), and Article 42-3, the said optical disk, etc. shall be deemed to be a report of payment of a consideration for the transfer of specified book-entry transfer national government bonds, etc. or a report of payment of redemption money, etc. of

specified book-entry transfer national government bonds, etc.

24 前項に定めるもののほか、特定振替国債等の譲渡対価の支払調書又は特定振替国債等の償還金等の支払調書の提出の特例その他第二十一項及び第二十二項の規定の適用に関し必要な事項は、政令で定める。

(24) In addition to what is specified in the preceding paragraph, special provisions for the submission of a report of payment of a consideration for the transfer of specified book-entry transfer national government bonds, etc. or a report of payment of redemption money, etc. of specified book-entry transfer national government bonds, etc., and other necessary matters concerning the application of the provisions of paragraph (21) and paragraph (22) shall be specified by a Cabinet Order.

25 国税庁、国税局又は税務署の当該職員は、特定振替国債等の譲渡対価の支払調書又は特定振替国債等の償還金等の支払調書の提出に関する調査について必要があるときは、当該特定振替国債等の譲渡対価の支払調書又は特定振替国債等の償還金等の支払調書を提出する義務がある者に質問し、又はその者の特定振替国債等の譲渡の対価の支払又は特定振替国債等の償還金若しくは利息の支払の取扱いに関する帳簿書類その他の物件を検査することができる。

(25) The relevant official of the National Tax Agency, the Regional Taxation Bureau, or the Tax Office may, when it is necessary in the examination concerning the submission of a report of payment of a consideration for the transfer of specified book-entry transfer national government bonds, etc. or a report of payment of redemption money, etc. of specified book-entry transfer national government bonds, etc., ask questions of the person who is obliged to submit the said report of payment of a consideration for the transfer of specified book-entry transfer national government bonds, etc. or a report of payment of redemption money, etc. of specified book-entry transfer national government bonds, etc., or inspect the person's books, documents and any other materials concerning the handling of payment of a consideration for the transfer of specified book-entry transfer national government bonds, etc. or payment of redemption money or interest on specified book-entry transfer national government bonds, etc.

26 国税庁、国税局又は税務署の当該職員は、前項の規定による質問又は検査をする場合には、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(26) The relevant official of the National Tax Agency, the Regional Taxation Bureau, or the Tax Office shall, when asking questions or conducting an inspection pursuant to the provision of the preceding paragraph, carry an identification card and present it to the person concerned when requested

27 第二十五項の規定による質問又は検査の権限は、犯罪捜査のために認められたものと解してはならない。

(27) The authority to ask questions or conduct an inspection pursuant to the provision of paragraph (25) shall not be construed to be granted for criminal investigation.

第四十一条の十三 (民間国外債の発行差金の非課税)

Article 41-13 (Exclusion from Taxation of Discount on Bonds Regarding Foreign-Issued Company Bonds)

非居住者が平成十年四月一日から平成二十年三月三十一日までの間に発行された第六条第一項に規定する民間国外債につき支払を受ける発行差金（その民間国外債の償還により受ける金額がその民間国外債の発行価額を超える場合におけるその差益をいう。）については、所得税を課さない。ただし、当該発行差金のうち、国内に恒久的施設を有する非居住者が支払を受けるものでその者の国内において行う事業に帰せられるものその他の政令で定めるものについては、この限りでない。

Income tax shall not be imposed with respect to any discount on foreign-issued company bonds (meaning a margin generated where the amount to be received due to redemption of foreign-issued company bonds exceeds the issue price of the foreign-issued company bonds) to be received by a nonresident with regard to foreign-issued company bonds prescribed in Article 6(1) issued during the period from April 1, 1998, to March 31, 2008; provided, however, that this shall not apply to such discount on foreign-issued company bonds to be received by a nonresident who has permanent establishments in Japan, which is attributed to a business conducted by the said nonresident in Japan or which is otherwise specified by a Cabinet Order

第四十二条 (免税芸能法人等が支払う芸能人等の役務提供報酬等に係る源泉徴収の特例)

Article 42 (Special Provisions for Withholding at Source of Remuneration, etc. Paid by Tax-Exempt Entertainment Corporations, etc. to Entertainers for Their Provision of Services)

1 国内において所得税法第百六十一条第二号 に規定する事業（映画若しくは演劇の俳優、音楽家その他の芸能人又は職業運動家の役務の提供（以下この項及び第三項において「芸能人等の役務提供」という。）を主たる内容とする事業に限る。）を行う非居住者又は外国法人（国内に居所を有し、又は国内に事務所、事業所その他これらに準ずるものを有するものを除く。）で、芸能人等の役務提供に係る同号 に掲げる対価につき同法第百六十二条 に規定する条約（以下この項において「租税条約」という。）の規定により所得税が免除されるもの（国内に恒久的施設（当該租税条約に定める恒久的施設をいう。以下この項において同じ。）を有しないこと又はその対価がその国内に有する恒久的施設に帰せられないことを要件として所得税が免除されるものに限る。以下この項及び第三項において「免税芸能法人等」という。）が、国外においてその所得税を免除される対価のうちから次の各号に掲げる者に対して当該各号に定める給与若しくは報酬又は対価（以下この条において「芸能人等の役務提供報酬」という。）を支払うときは、当該免税芸能法人等は、その支払の際、当該芸能人等の役務提供報酬の額に百分の二十の税率を乗じて計算した金額の所得税を徴収し、その徴収の日の属する月の翌月末日までに、これを国に納付しなければならない。

(1) Where a nonresident or foreign corporation (excluding a nonresident having a residence in Japan or a foreign corporation having an office, place of business or any

other business facility equivalent thereto in Japan) engaged in conducting, in Japan, the business prescribed in Article 161(ii) of the Income Tax Act (limited to a business that is mainly intended to provide the services of motion picture or theatre artistes , musicians and any other entertainers, or professional athletes (hereinafter referred to in this paragraph and paragraph (3) as the “provision of the services of entertainers, etc.”)), which is exempt from income tax pursuant to the provisions of a convention prescribed in Article 162 of the said Act (hereinafter referred to in this paragraph as a “tax convention”) with respect to the consideration listed in Article 161(ii) of the said Act for the provision of the services of entertainers, etc. (such nonresident or foreign corporation shall be limited to those to be exempt from income tax on condition that the nonresident or foreign corporation has no permanent establishments (meaning permanent establishments specified by the said tax convention; hereinafter the same shall apply in this paragraph) in Japan or that the consideration to be received by the nonresident or foreign corporation is not attributed to his/her or its permanent establishments located in Japan; hereinafter referred to in this paragraph and paragraph (3) as a “tax-exempt entertainment corporation, etc.”), pays outside Japan to the person listed in any of the following items, pay, remuneration or consideration specified in the relevant item (hereinafter referred to in this Article as “remuneration for the provision of the services of entertainers, etc.”), from the consideration for which the tax-exempt entertainment corporation, etc. is exempt from income tax, the said tax-exempt entertainment corporation, etc. shall, upon payment, collect income tax equivalent to the amount calculated by multiplying the amount of remuneration for the provision of the services of entertainers, etc. by a tax rate of 20 percent, and pay it to the State no later than the last day of the month following the month that includes the date of collection:

一 当該事業のために芸能人等の役務提供をする他の非居住者 その芸能人等の役務提供に係る所得税法第百六十一条第八号 に掲げる給与又は報酬

(i) Another nonresident who carries out the provision of the services of entertainers, etc. for the said business: Pay or remuneration listed in Article 161(viii) of the Income Tax Act which pertains to his/her provision of the services of entertainers, etc.

二 当該事業のために芸能人等の役務提供を主たる内容とする事業を行う他の非居住者又は外国法人 その芸能人等の役務提供に係る所得税法第百六十一条第二号 に掲げる対価

(ii) Another nonresident or foreign corporation engaged in conducting a business that is mainly intended to provide the services of entertainers, etc. for the said business: Consideration listed in Article 161(ii) of the Income Tax Act which pertains to his/her or its provision of the services of entertainers, etc.

2 前項の規定により徴収して納付すべき所得税は、所得税法第二条第一項第四十五号 に規定する源泉徴収に係る所得税とみなして、同法 、 国税通則法 及び 国税徴収法 の規定を

適用する。この場合において、所得税法 及び法人税法 の規定の適用については、次に定めるところによる。

(2) Income tax to be collected and paid pursuant to the provision of the preceding paragraph shall be deemed to be withholding income tax prescribed in Article 2(1)(xlv) of the Income Tax Act, and the provisions of the said Act, the Act on General Rules for National Taxes, and the National Tax Collection Act shall be applied thereto. In this case, the provisions of the Income Tax Act and the Corporation Tax Act shall be applied pursuant to the following provisions:

一 前項第二号に掲げる者が同号に定める対価につき同項の規定により所得税を徴収された場合における所得税法第二百十五条 の規定の適用については、同条 中「源泉徴収義務)」とあるのは「源泉徴収義務) 又は租税特別措置法第四十二条第一項 (免税芸能法人等が支払う芸能人等の役務提供報酬等に係る源泉徴収の特例)」と、「同項」とあるのは「これら」とする。

(i) Where the person listed in item (ii) of the preceding paragraph has been subject to the collection of income tax pursuant to the provision of the said paragraph with respect to the consideration specified in the said item, with regard to the application of the provision of Article 215 of the Income Tax Act, the phrase “Article 212(1) (Withholding Liability)” in the said Article shall be deemed to be replaced with “Article 212(1) (Withholding Liability) or the provision of Article 42(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Withholding at Source of Remuneration, etc. Paid by Tax-Exempt Entertainment Corporations, etc. to Entertainers for Their Provision of Services),” and the term “the said paragraph [Article 212(1)]” in the said Article shall be deemed to be replaced with “these clauses.”

二 芸能人等の役務提供報酬の支払を受ける者が非居住者である場合における当該非居住者に対する所得税法第七十二条 及び第二百十四条 の規定の適用については、同法第七十二条第一項 中「源泉徴収)」とあるのは「源泉徴収) 又は租税特別措置法第四十二条第一項 (免税芸能法人等が支払う芸能人等の役務提供報酬等に係る源泉徴収の特例)」と、「次編第五章の」とあるのは「次編第五章又は租税特別措置法第四十二条第一項の」と、同法第二百十四条第一項中「源泉徴収義務)」とあるのは「源泉徴収義務) 及び租税特別措置法第四十二条第一項 (免税芸能法人等が支払う芸能人等の役務提供報酬等に係る源泉徴収の特例)」とする。

(ii) Where the person who receives payment of remuneration for the provision of the services of entertainers, etc. is a nonresident, with regard to the application of the provisions of Article 172 and Article 214 of the Income Tax Act to the said nonresident: in Article 172(1) of the said Act, the phrase “Part IV, Chapter V (Withholding at Source of Income of Nonresidents or Corporations)” shall be deemed to be replaced with “Part IV, Chapter V (Withholding at Source of Income of Nonresidents or Corporations) or the provision of Article 42(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Withholding at Source of

Remuneration, etc. Paid by Tax-Exempt Entertainment Corporations, etc. to Entertainers for Their Provision of Services),” and the phrase “Part IV, Chapter V” shall be deemed to be replaced with “Part IV, Chapter V or the provision of Article 42(1) of the Act on Special Measures Concerning Taxation”; in Article 214(1), the phrase “Article 212(1) (Withholding Liability)” shall be deemed to be replaced with “Article 212(1) (Withholding Liability) and the provision of Article 42(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Withholding at Source of Remuneration, etc. Paid by Tax-Exempt Entertainment Corporations, etc. to Entertainers for Their Provision of Services).”

三 芸能人等の役務提供報酬の支払を受ける者が外国法人である場合における当該外国法人に対する所得税法第百八十条及び法人税法第百四十四条の規定の適用については、所得税法第百八十条第一項中「前二条」とあるのは「前二条並びに租税特別措置法第四十二条第一項（免税芸能法人等が支払う芸能人等の役務提供報酬等に係る源泉徴収の特例）」と、法人税法第百四十四条中「源泉徴収義務」とあるのは「源泉徴収義務」又は租税特別措置法第四十二条第一項（免税芸能法人等が支払う芸能人等の役務提供報酬等に係る源泉徴収の特例）」と、「同法第二百五条」とあるのは「所得税法第二百五条」と、「同項」とあるのは「同法第二百二十二条第一項又は租税特別措置法第四十二条第一項」と、「同法第六十一条第八号」とあるのは「所得税法第六十一条第八号」とする。

(iii) Where the person who receives payment of remuneration for the provision of the services of entertainers, etc. is a foreign corporation, with regard to the application of the provisions of Article 180 of the Income Tax Act and Article 144 of the Corporation Tax Act to the said foreign corporation: in Article 180(1) of the Income Tax Act, the phrase “the preceding two Articles” shall be deemed to be replaced with “the preceding two Articles and the provision of Article 42(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Withholding at Source of Remuneration, etc. Paid by Tax-Exempt Entertainment Corporations, etc. to Entertainers for Their Provision of Services)”; in Article 144 of the Corporation Tax Act, the phrase “Article 212(1) of the Income Tax Act (Withholding Liability Regarding Income of Nonresidents or Foreign Corporations)” shall be deemed to be replaced with “Article 212(1) of the Income Tax Act (Withholding Liability Regarding Income of Nonresidents or Foreign Corporations) or the provision of Article 42(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Withholding at Source of Remuneration, etc. Paid by Tax-Exempt Entertainment Corporations, etc. to Entertainers for Their Provision of Services),” the phrase “Article 215 of the said Act” shall be deemed to be replaced with “Article 215 of the Income Tax Act,” the phrase “the said paragraph [Article 212(1) of the said Act]” shall be deemed to be replaced with “Article 212(1) of the said Act or the provision of Article 42(1) of the Act on Special Measures Concerning Taxation,” and the phrase “Article 161(viii) of the said Act” shall be deemed to be replaced with “Article

161(viii) of the Income Tax Act.”

- 3 免税芸能法人等が芸能人等の役務提供に係る所得税法第六十一条第二号 に掲げる対価の支払を受ける場合における同法第七十九条 及び第二百十三条第一項 の規定の適用については、同法第七十九条第一号 及び第二百十三条第一項第一号 中「百分の二十」とあるのは、「百分の十五」とする。
- (3) With regard to the application of the provisions of Article 179 and Article 213(1) of the Income Tax Act in the case where a tax-exempt entertainment corporation, etc. receives payment of the consideration listed in Article 161(ii) of the said Act for the provision of the services of entertainers, etc., the phrase “20 percent” in Article 179(i) and Article 213(1)(i) of the said Act shall be deemed to be replaced with “15 percent.”
- 4 第一項第二号に掲げる者が非居住者である場合における同項の規定により徴収された所得税の処理その他同項及び前項の規定の適用に関し必要な事項は、政令で定める。
- (4) The treatment of income tax collected, pursuant to the provision of paragraph (1), by the person listed in paragraph (1)(ii) who is a nonresident, and other necessary matters concerning the application of the provisions of the said paragraph and the preceding paragraph shall be specified by a Cabinet Order.

第四十二条の二 (外国金融機関等の債券現先取引に係る利子の課税の特例)

Article 42-2 (Special Provisions for Taxation on Interest Received by Foreign Financial Institutions, etc. from Bond Transactions with Repurchase/Resale Agreements)

- 1 外国金融機関等が、平成十四年四月一日から平成二十年三月三十一日までの間において開始した所得税法第六十一条第六号 に掲げる国内源泉所得の基因となる次に掲げる債券の買戻又は売戻条件付売買取引として政令で定めるもの（政令で定める要件を満たすものに限る。第十項において「債券現先取引」という。）につき、特定金融機関等から同号に掲げる利子の支払を受ける場合には、その支払を受ける利子（政令で定めるものを除く。以下この条において「特定利子」という。）については、所得税を課さない。
- (1) Where a foreign financial institution, etc. receives payment of interest listed in Article 161(vi) of the Income Tax Act from a specified financial institution, etc., with respect to a bond transaction with a repurchase or resale agreement specified by a Cabinet Order regarding any of the following bonds, which has been commenced during the period from April 1, 2002, to March 31, 2008, and from which the domestic source income listed in Article 161(vi) of the said Act arises (limited to such transaction that satisfies the requirements specified by a Cabinet Order; referred to in paragraph (10) as a “bond transaction with a repurchase/resale agreement”), income tax shall not be imposed on the interest to be received (excluding the interest specified by a Cabinet Order; hereinafter referred to in this Article as “specified interest”):
  - 一 社債等の振替に関する法律第八十八条 に規定する振替国債
  - (i) Book-entry transfer national government bonds prescribed in Article 88 of the Act on Book-Entry Transfer of Company Bonds, etc.
  - 二 外国又はその地方公共団体が発行し、又は保証する債券

(ii) Bonds issued or guaranteed by a foreign state or local public entity thereof

三 外国法人が発行し、又は保証する債券で政令で定めるもの（前号に掲げるものを除く。）

(iii) Bonds issued or guaranteed by a foreign corporation, which are specified by a Cabinet Order (excluding those listed in the preceding item)

2 前項の規定は、特定利子の支払を受ける外国金融機関等（第四項第一号イに掲げる外国法人に限る。）が次の各号に掲げる外国法人のいずれかに該当する場合には、適用しない。

(2) The provision of the preceding paragraph shall not apply where the foreign financial institution, etc. that receives payment of specified interest (limited to a foreign corporation listed in paragraph (4)(i)(a)) falls under the category of foreign corporation listed in any of the following items:

一 当該特定利子を支払う特定金融機関等の第六十六条の五第四項第一号に規定する国外支配株主等に該当する外国法人（所得税法第百六十二条に規定する条約の我が国以外の締約国の法人を除く。）

(i) A foreign corporation (excluding a corporation of the Contracting State other than Japan of a convention prescribed in Article 162 of the Income Tax Act) that falls under the category of foreign controlling shareholder, etc. prescribed in Article 66-5(4)(i), which is related to the specified financial institution, etc. that pays the said specified interest

二 居住者又は内国法人に係る第四十条の四第一項又は第六十六条の六第一項に規定する特定外国子会社等に該当する外国法人（前号に掲げる外国法人を除く。）

(ii) A foreign corporation that falls under the category of specified foreign subsidiary company, etc. prescribed in Article 40-4(1) or Article 66-6(1), which is related to a resident or domestic corporation (excluding a foreign corporation listed in the preceding item)

三 外国法人のその本店又は主たる事務所の所在する国又は地域（以下この号において「本店所在地国」という。）において当該特定利子について外国法人税（法人税法第六十九条第一項に規定する外国法人税をいう。以下この号において同じ。）が課されないこととされている場合（当該特定利子が本店所在地国以外の国又は地域に所在する営業所又は事務所（第四項及び第七項において「営業所等」という。）において行う事業に帰せられる場合であつて、当該国又は地域において当該特定利子について外国法人税が課される場合を除く。）における当該外国法人（前二号に掲げる外国法人を除く。）

(iii) A foreign corporation (excluding the foreign corporations listed in the preceding two items) in the case where foreign corporation tax (meaning foreign corporation tax prescribed in Article 69(1) of the Corporation Tax Act; hereinafter the same shall apply in this item) shall not be imposed on the foreign corporation with respect to the said specified interest in the state or territory where its head office or principal office is located (hereinafter referred to in this item as the “state of the head office”) (excluding the case where the said specified interest is attributed to a business

conducted by the foreign corporation at its business office or other office (referred to in paragraph (4) and paragraph (7) as a “business office, etc.”) located in any state or territory other than the state of the head office, and foreign corporation tax shall be imposed on the foreign corporation with respect to the said specified interest in such state or territory)

3 第一項の規定は、国内に恒久的施設を有する外国法人が支払を受ける特定利子で、その者の国内において行う事業に帰せられるものについては、適用しない。

(3) The provision of paragraph (1) shall not apply to specified interest which is received by a foreign corporation having permanent establishments in Japan and is attributed to a business conducted by the foreign corporation in Japan.

4 この条において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(4) In this Article, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 外国金融機関等 次に掲げる外国法人をいう。

(i) Foreign financial institution, etc.: Any of the following foreign corporations:

イ 外国の法令に準拠して当該国において銀行業、証券業又は保険業を営む外国法人

(a) A foreign corporation engaged in the banking business, securities business or insurance business in a foreign state in accordance with the laws and regulations of the said state

ロ 外国の中央銀行

(b) A central bank of a foreign state

ハ 国際間の取極に基づき設立された国際機関

(c) An international organization established based on an international agreement

二 特定金融機関等 次に掲げる法人をいう。

(ii) Specified financial institution, etc.: Any of the following corporations:

イ 第八条第一項に規定する金融機関及び同条第二項に規定する金融商品取引業者等で金融機関等が行う特定金融取引の一括清算に関する法律（平成十年法律第百八号）第二条第二項に規定する金融機関等に該当する法人（国内に営業所等を有するものに限る。）

(a) A corporation (limited to a corporation that has a business office, etc. in Japan) which is a financial institution prescribed in Article 8(1) or which is a financial instruments business operator prescribed in paragraph (2) of the said Article that falls under the category of financial institution prescribed in Article 2(2) of the Act on Collective Clearing of Specified Financial Transactions Conducted by Financial Institutions, etc. (Act No. 108 of 1998)

ロ 日本銀行

(b) The Bank of Japan

5 第一項の規定の適用を受けようとする外国金融機関等は、政令で定めるところにより、その支払を受けるべき特定利子につき同項の規定の適用を受けようとする旨、その者の名称及び本店又は主たる事務所の所在地（国内に恒久的施設を有する外国法人にあつては、

財務省令で定める場所。以下この条において同じ。) その他の財務省令で定める事項を記載した申告書(以下この条において「非課税適用申告書」という。)を、最初にその支払を受けるべき日の前日までに、その特定利子の支払をする者を経由してその支払をする者の当該特定利子に係る所得税法第十七条の規定による納税地(同法第十八条第二項の規定による指定があつた場合には、その指定をされた納税地)の所轄税務署長に提出しなければならない。

(5) A foreign financial institution, etc. that seeks the application of the provision of paragraph (1) shall, pursuant to the provision of a Cabinet Order, submit a written application stating that it seeks the application of the provision of the said paragraph with respect to the specified interest receivable, as well as its name and the location of its head office or principal office (or any other place specified by an Ordinance of the Ministry of Finance in the case of a foreign corporation having permanent establishments in Japan; hereinafter the same shall apply in this Article) and any other matters specified by an Ordinance of the Ministry of Finance (hereinafter referred to in this Article as a “written application for tax exemption”), no later than the day preceding the day on which the foreign financial institution, etc. is to receive payment for the first time, via the person who pays the specified interest, to the competent district director having jurisdiction over the place for tax payment pursuant to the provision of Article 17 of the Income Tax Act which pertains to the person who makes payment in terms of the said specified interest (in the case where another place has been designated pursuant to the provision of Article 18(2) of the said Act: the designated place for tax payment).

6 前項の場合において、非課税適用申告書が同項に規定する税務署長に提出されたときは、同項の特定利子の支払をする者においてその受理がされた時にその提出があつたものとみなす。

(6) In the case referred to in the preceding paragraph, where a written application for tax exemption has been submitted to the district director prescribed in the said paragraph, it shall be deemed that the submission to the district director has been made when the written application has been received by the person who pays the specified interest set forth in the said paragraph.

7 非課税適用申告書の提出をする外国金融機関等は、その提出をする際、その経由する特定金融機関等の営業所等の長に当該提出をする者の法人の登記事項証明書その他の政令で定める書類を提示しなければならないものとし、当該特定金融機関等の営業所等の長は、当該非課税適用申告書に記載されている名称及び本店又は主たる事務所の所在地を当該書類により確認しなければならないものとする。

(7) A foreign financial institution, etc. that submits a written application for tax exemption shall, upon submission, present its certificate of registered matters of the corporation and any other document specified by a Cabinet Order to the head of the business office, etc. of the specified financial institution, etc. via which submission is made, and the head of the business office, etc. of the said specified financial institution,

etc. shall confirm, by the said documents, the name and the location of the head office or principal office stated in the said written application.

8 非課税適用申告書を提出した外国金融機関等が、当該非課税適用申告書を提出した後、その名称又は本店若しくは主たる事務所の所在地の変更をした場合には、その者は、その変更をした日以後最初に当該非課税適用申告書の提出をする際に経由した特定金融機関等から特定利子の支払を受けるべき日の前日までに、その変更をした後のその者の名称及び本店又は主たる事務所の所在地その他の財務省令で定める事項を記載した申告書を当該特定金融機関等を経由して第五項に規定する税務署長に提出しなければならない。この場合において、当該申告書を提出しなかつたときは、その該当することとなつた日以後に当該特定金融機関等から支払を受ける特定利子については、第一項の規定は、適用しない。

(8) Where a foreign financial institution, etc. that has submitted a written application for tax exemption has, after submission, changed its name or the location of its head office or principal office, the foreign financial institution, etc. shall, no later than the day preceding the day on which the foreign financial institution, etc. is to receive, for the first time since the date of change, payment of specified interest from the specified financial institution, etc. via which the said written application for tax exemption has been submitted, submit a written application stating the new name and location of the head office or principal office of the foreign financial institution, etc. and any other matters specified by an Ordinance of the Ministry of Finance, to the district director prescribed in paragraph (5) via the said specified financial institution, etc. In this case, where the foreign financial institution, etc. has failed to submit the said written application, the provision of paragraph (1) shall not apply to the specified interest to be received by the foreign financial institution, etc. from the said specified financial institution, etc. on or after the day on which the change has been made.

9 第七項の規定は、前項の規定により同項に規定する申告書を提出する外国金融機関等が当該申告書を提出する場合について準用する。この場合において、第七項中「非課税適用申告書の提出をする外国金融機関等」とあるのは「次項に規定する申告書の提出をする外国金融機関等」と、「当該非課税適用申告書」とあるのは「当該申告書」と、「名称」とあるのは「変更後の名称」と読み替えるものとする。

(9) The provision of paragraph (7) shall apply *mutatis mutandis* where the foreign financial institution, etc. that submits a written application prescribed in the preceding paragraph submits the said written application pursuant to the provision of the said paragraph. In this case, in paragraph (7), the phrase “foreign financial institution, etc. that submits a written application for tax exemption” shall be deemed to be replaced with “foreign financial institution, etc. that submits a written application prescribed in the next paragraph,” the phrase “the said written application for tax exemption” shall be deemed to be replaced with “the said written application,” and the term “the name and the location” shall be deemed to be replaced with “new name and new location.”

10 特定金融機関等は、非課税適用申告書の提出をした外国金融機関等との間の債券現先取引につき帳簿を備え、各人別に、政令で定めるところにより、これらの債券現先取引に

係る契約が締結された日その他の財務省令で定める事項を記載し、又は記録しなければならない。

(10) A specified financial institution, etc. shall keep books with regard to bond transactions with repurchase/resale agreements conducted with a foreign financial institution, etc. that has submitted a written application for tax exemption, and shall state or record in such books, pursuant to the provision of a Cabinet Order, the day on which a contract for such bond transaction with a repurchase/resale agreement was concluded and any other matters specified by an Ordinance of the Ministry of Finance, for each foreign financial institution, etc. that has submitted a written application for tax exemption.

1 1 非課税適用申告書の提出期限その他第一項から第三項まで及び第五項から前項までの規定の適用に関し必要な事項は、政令で定める。

(11) The due date of filing a written application for tax exemption, and other necessary matters concerning the application of the provisions of paragraph (1) to paragraph (3) and paragraph (5) to the preceding paragraph shall be specified by a Cabinet Order.

#### 第七節の二 国外関連者との取引に係る課税の特例等

#### Section 7-2 Special Provisions for Taxation on Transactions with Foreign Affiliated Persons, etc.

第六十六条の四 (国外関連者との取引に係る課税の特例)

Article 66-4 (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons)

1 法人が、昭和六十一年四月一日以後に開始する各事業年度において、当該法人に係る国外関連者（外国法人で、当該法人との間にいずれか一方の法人が他方の法人の発行済株式又は出資（当該他方の法人が有する自己の株式又は出資を除く。）の総数又は総額の百分の五十以上の数又は金額の株式又は出資を直接又は間接に保有する関係その他の政令で定める特殊の関係（次項及び第六項において「特殊の関係」という。）のあるものをいう。以下この条において同じ。）との間で資産の販売、資産の購入、役務の提供その他の取引を行つた場合に、当該取引（当該国外関連者が法人税法第四百四十一条第一号 から第三号までに掲げる外国法人のいずれに該当するかに応じ、当該国外関連者のこれらの号に掲げる国内源泉所得に係る取引のうち政令で定めるものを除く。以下この条において「国外関連取引」という。）につき、当該法人が当該国外関連者から支払を受ける対価の額が独立企業間価格に満たないとき、又は当該法人が当該国外関連者に支払う対価の額が独立企業間価格を超えるときは、当該法人の当該事業年度の所得及び解散（合併による解散を除く。以下この条において同じ。）による清算所得（清算所得に対する法人税を課される法人の清算中の事業年度の所得及び同法第百三条第一項第二号の規定により解散による清算所得とみなされる金額を含む。第七項において同じ。）に係る同法 その他法人税に関する法令の規定の適用については、当該国外関連取引は、独立企業間価格で行われたものとみなす。

(1) Where a corporation has, in each business year beginning on or after April 1, 1986, conducted a transaction for the sale of assets, purchase of assets, provision of services or any other transaction with a foreign affiliated person related to the said corporation (meaning a foreign corporation that has a relationship with the said corporation whereby either corporation holds, directly or indirectly, shares or capital contributions that account for 50 percent or more of the total number or total amount of issued shares of or capital contributions to the other corporation (excluding the shares or capital contributions held by the other corporation) or any other special relationship specified by a Cabinet Order (referred to in the next paragraph and paragraph (6) as a “special relationship”); hereinafter the same shall apply in this Article), if the amount of the consideration received by the said corporation from the said foreign affiliated person with respect to the said transaction (excluding, depending on the category of foreign corporation listed in Article 141(i) to (iii) of the Corporation Tax Act corresponding to the said foreign affiliated person, a transaction from which the said foreign affiliated person earns the domestic source income listed in the relevant item, which is specified by a Cabinet Order; hereinafter referred to in this Article as a “foreign affiliated transaction”) is below the arm’s length price or if the amount of the consideration paid by the said corporation to the said foreign affiliated person with respect to the said transaction is over the arm’s length price, with regard to the application of the provisions of the said Act and any other provisions concerning corporation tax on the said corporation’s income for the said business year and its liquidation income due to dissolution (excluding dissolution as a result of a merger; hereinafter the same shall apply in this Article) (liquidation income shall include the income of a corporation that is liable for corporation tax on liquidation income for the business year when liquidation is in progress, and any amount that shall be deemed to be liquidation income due to dissolution pursuant to the provision of Article 103(1)(ii) of the said Act; the same shall apply in paragraph (7)), the said foreign affiliated transaction shall be deemed to have been conducted at the arm’s length price.

2 前項に規定する独立企業間価格とは、国外関連取引が次の各号に掲げる取引のいずれに該当するかに応じ当該各号に定める方法により算定した金額をいう。

(2) The arm’s length price prescribed in the preceding paragraph shall mean the amount calculated by the method specified in each of the following items for the category of transaction listed in the relevant item corresponding to the foreign affiliated transaction:

一 棚卸資産の販売又は購入 次に掲げる方法（二に掲げる方法は、イからハまでに掲げる方法を用いることができない場合に限り、用いることができる。）

(i) Sale or purchase of inventory assets: Any of the following methods (the method listed in (d) may be applied only where the methods listed in (a) to (c) are unavailable):

イ 独立価格比準法（特殊の関係のない売手と買手が、国外関連取引に係る棚卸資産と

同種の棚卸資産を当該国外関連取引と取引段階、取引数量その他が同様の状況の下で売買した取引の対価の額（当該同種の棚卸資産を当該国外関連取引と取引段階、取引数量その他に差異のある状況の下で売買した取引がある場合において、その差異により生じる対価の額の差を調整できるときは、その調整を行った後の対価の額を含む。）に相当する金額をもつて当該国外関連取引の対価の額とする方法をいう。）

- (a) Comparable uncontrolled price method (meaning the method which uses, as the amount of the consideration for a foreign affiliated transaction, the amount equivalent to the amount of the consideration for a transaction wherein the seller and the buyer who are not in a special relationship have sold or bought inventory assets of the same type as the inventory assets pertaining to the said foreign affiliated transaction, under circumstances where the transaction level, transaction volume and any other conditions are similar to those of the said foreign affiliated transaction (in the case where such inventory assets of the same type have been sold or bought under circumstances where the transaction level, transaction volume and any other conditions are different from those of the said foreign affiliated transaction, and any variance arising from such difference in the conditions can be adjusted, the amount of the consideration as adjusted shall be included)

ロ 再販売価格基準法（国外関連取引に係る棚卸資産の買手が特殊の関係にない者に対して当該棚卸資産を販売した対価の額（以下この項において「再販売価格」という。）から通常の利潤の額（当該再販売価格に政令で定める通常の利益率を乗じて計算した金額をいう。）を控除して計算した金額をもつて当該国外関連取引の対価の額とする方法をいう。）

- (b) Resale price method (meaning the method which uses, as the amount of the consideration for a foreign affiliated transaction, the amount calculated by deducting, from the amount of the consideration gained by the buyer of the inventory assets involved in the said foreign affiliated transaction for having sold the said inventory assets to a person who is not in a special relationship therewith (hereinafter referred to in this paragraph as the “resale price”), the amount of normal profit (meaning the amount calculated by multiplying the said resale price by the normal profit margin specified by a Cabinet Order)

ハ 原価基準法（国外関連取引に係る棚卸資産の売手の購入、製造その他の行為による取得の原価の額に通常の利潤の額（当該原価の額に政令で定める通常の利益率を乗じて計算した金額をいう。）を加算して計算した金額をもつて当該国外関連取引の対価の額とする方法をいう。）

- (c) Cost plus method (meaning the method which uses, as the amount of the consideration for a foreign affiliated transaction, the amount calculated by adding, to the amount of the cost incurred by the seller of the inventory assets involved in the said foreign affiliated transaction for having acquired the inventory assets by purchase, manufacture or any other acts, the amount of

normal profit (meaning the amount calculated by multiplying the said amount of cost by the normal profit margin specified by a Cabinet Order)

ニ イからハまでに掲げる方法に準ずる方法その他政令で定める方法

(d) A method equivalent to the methods listed in (a) to (c) or any other method specified by a Cabinet Order

二 前号に掲げる取引以外の取引 次に掲げる方法（ロに掲げる方法は、イに掲げる方法を用いることができない場合に限り、用いることができる。）

(ii) A transaction other than the transaction listed in the preceding item: Any of the following methods (the method listed in (b) may be applied only where the method listed in (a) is unavailable):

イ 前号イからハまでに掲げる方法と同等の方法

(a) A method equivalent to the methods listed in (a) to (c) of the preceding item

ロ 前号ニに掲げる方法と同等の方法

(b) A method equivalent to the method listed in (d) of the preceding item

3 法人が各事業年度において支出した寄附金の額（法人税法第三十七条第七項に規定する寄附金の額をいう。以下この項及び次項において同じ。）のうち当該法人に係る国外関連者に対するもの（同法第百四十一条第一号から第三号までに掲げる外国法人に該当する国外関連者に対する寄附金の額で当該国外関連者の各事業年度の所得の金額の計算上益金の額に算入されるものを除く。）は、当該法人の各事業年度の所得の金額（同法第百二条第一項第一号に規定する所得の金額を含む。）の計算上、損金の額に算入しない。この場合において、当該法人に対する同法第三十七条の規定の適用については、同条第一項中「次項」とあるのは、「次項又は租税特別措置法第六十六条の四第三項（国外関連者との取引に係る課税の特例）」とする。

(3) Any part of the amount of a contribution (meaning the amount of a contribution prescribed in Article 37(7) of the Corporation Tax Act; hereinafter the same shall apply in this paragraph and the next paragraph) expended by a corporation in each business year, which has been paid to a foreign affiliated person related to the said corporation (excluding any amount of contribution paid to a foreign affiliated person that falls under the category of foreign corporation listed in Article 141(i) to (iii) of the said Act, which shall be included in the amount of gross profit in the calculation of the said foreign affiliated person's income for the relevant business year), shall not be included in the amount of deductible expense in the calculation of the amount of the said corporation's income for the relevant business year (including the amount of income prescribed in Article 102(1)(i) of the said Act). In this case, with regard to the application of the provision of Article 37 of the said Act to the said corporation, the term "the next paragraph" in paragraph (1) of the said Article shall be deemed to be replaced with "the next paragraph or the provision of Article 66-4(3) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons)."

4 第一項の規定の適用がある場合における国外関連取引の対価の額と当該国外関連取引に

係る同項に規定する独立企業間価格との差額（寄附金の額に該当するものを除く。）は、法人の各事業年度の所得の金額（法人税法第百二条第一項第一号に規定する所得の金額を含む。）の計算上、損金の額に算入しない。

(4) In the case where the provision of paragraph (1) shall apply, any variance between the amount of the consideration for a foreign affiliated transaction and the arm's length price prescribed in the said paragraph which pertains to the said foreign affiliated transaction (excluding a variance that shall be deemed to be the amount of the contribution) shall not be included in the amount of deductible expense in the calculation of the corporation's income for each business year (including the amount of income prescribed in Article 102(1)(i) of the Corporation Tax Act).

5 前項に規定する差額で法人の清算中に生じたものは、当該法人の解散による清算所得の金額の計算上、残余財産の価額に算入する。

(5) Any variance prescribed in the preceding paragraph that has arisen during the liquidation of a corporation shall be included in the value of residual property in the calculation of the amount of liquidation income arising from the dissolution of the said corporation.

6 法人が当該法人に係る国外関連者との取引を他の者（当該法人に係る他の国外関連者及び当該国外関連者と特殊の関係のある内国法人を除く。以下この項において「非関連者」という。）を通じて行う場合として政令で定める場合における当該法人と当該非関連者との取引は、当該法人の国外関連取引とみなして、第一項の規定を適用する。

(6) In the case specified by a Cabinet Order where a corporation conducts a transaction with a foreign affiliated person related to the said corporation via another person (excluding any other foreign affiliated person related to the said corporation, and a domestic corporation having a special relationship with such other foreign affiliated person; hereinafter referred to in this paragraph as a "non-affiliated person"), the transaction between the said corporation and the said non-affiliated person shall be deemed to be the said corporation's foreign affiliated transaction, and the provision of paragraph (1) shall be applied thereto.

7 国税庁の当該職員又は法人の納税地の所轄税務署若しくは所轄国税局の当該職員が、法人にその各事業年度における国外関連取引に係る第一項に規定する独立企業間価格を算定するために必要と認められる帳簿書類（その作成又は保存に代えて電磁的記録（電子的方式、磁気的方式その他の人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものをいう。）の作成又は保存がされている場合における当該電磁的記録を含む。次項、第九項及び第十二項第二号において同じ。）又はその写しの提示又は提出を求めた場合において、当該法人がこれらを遅滞なく提示し、又は提出しなかつたときは、税務署長は、次の各号に掲げる方法（第二号に掲げる方法は、第一号に掲げる方法を用いることができない場合に限り、用いることができる。）により算定した金額を当該独立企業間価格と推定して、当該法人の当該事業年度の所得の金額若しくは欠損金額又は解散による清算所得の金額につき法人税法第二条第四十三号に規定する更正（第十六項において「更正」という。）又は同条第四十四号に規定

する決定（第十六項において「決定」という。）をすることができる。

(7) Where the relevant official of the National Tax Agency or the relevant official of the Tax Office or Regional Taxation Bureau having jurisdiction over a corporation's place for tax payment has requested the corporation to present or submit the books and documents that are considered to be necessary for the calculation of the arm's length price prescribed in paragraph (1) which pertains to a foreign affiliated transaction conducted by the corporation in each business year or copies of such books and documents (in the case where the corporation, instead of preparing or preserving such books and documents, prepares or preserves electromagnetic records (meaning records made in an electronic form, a magnetic form, or any other form not recognizable to human perception, which are used in information processing by computers), such electromagnetic records shall be included; the same shall apply in the next paragraph, paragraph (9) and paragraph (12)(ii)), if the said corporation has failed to present or submit these books and documents or copies thereof without delay, the district director may presume the amount calculated by the method listed in any of the following items (the method listed in item (ii) may be applied only where the method listed in (i) is unavailable) to be the said arm's length price, and thereby make a reassessment prescribed in Article 2(xliii) of the Corporation Tax Act (referred to in paragraph (16) as a "reassessment") or a determination prescribed in item (xliv) of the said Article (referred to in paragraph (16) as a "determination") with respect to the said corporation's amount of income or amount of loss for the relevant business year or the amount of liquidation income arising from its dissolution:

一 当該法人の当該国外関連取引に係る事業と同種の事業を営む法人で事業規模その他の事業の内容が類似するものの当該事業に係る売上総利益率又はこれに準ずる割合として政令で定める割合を基礎とした第二項第一号ロ若しくはハに掲げる方法又は同項第二号イに掲げる方法（同項第一号イに掲げる方法と同等の方法を除く。）

(i) The method listed in paragraph (2)(i)(b) or (c) or the method listed in paragraph (2)(ii)(a) (excluding the method equivalent to the method listed in paragraph (2)(i)(a)), which is applied based on the gross profit margin gained by another corporation from its business on condition that such other corporation's business is the same type as the said corporation's business involving the said foreign affiliated transaction, and that the size and other details are similar between the two businesses, or any other ratio specified by a Cabinet Order as a ratio equivalent to the gross profit margin

二 第二項第一号ニに規定する政令で定める方法又は同項第二号ロに掲げる方法（当該政令で定める方法と同等の方法に限る。）に類するものとして政令で定める方法

(ii) A method specified by a Cabinet Order as being similar to the method prescribed in paragraph (2)(i)(d) or the method listed in paragraph (2)(ii)(b) (limited to the method equivalent to the said method specified by a Cabinet Order)

8 国税庁の当該職員又は法人の納税地の所轄税務署若しくは所轄国税局の当該職員は、法

人と当該法人に係る国外関連者との間の取引に関する調査について必要があるときは、当該法人に対し、当該国外関連者が保存する帳簿書類又はその写しの提示又は提出を求めることができる。この場合において、当該法人は、当該提示又は提出を求められたときは、当該帳簿書類又はその写しの入手に努めなければならない。

(8) The relevant official of the National Tax Agency or the relevant official of the Tax Office or Regional Taxation Bureau having jurisdiction over a corporation's place for tax payment may, when it is necessary in the examination concerning the transaction between the corporation and a foreign affiliated person related to the said corporation, request the said corporation to present or submit the books and documents preserved by the said foreign affiliated person or copies thereof. In this case, the said corporation shall endeavor to obtain the said books and documents or copies thereof when requested to present or submit them.

9 国税庁の当該職員又は法人の納税地の所轄税務署若しくは所轄国税局の当該職員は、法人が第七項に規定する帳簿書類又はその写しを遅滞なく提示し、又は提出しなかつた場合において、当該法人の各事業年度における国外関連取引に係る第一項に規定する独立企業間価格を算定するために必要があるときは、その必要と認められる範囲内において、当該法人の当該国外関連取引に係る事業と同種の事業を営む者に質問し、又は当該事業に関する帳簿書類を検査することができる。

(9) Where a corporation has failed to present or submit the books and documents or copies thereof prescribed in paragraph (7) without delay, the relevant official of the National Tax Agency or the relevant official of the Tax Office or Regional Taxation Bureau having jurisdiction over the corporation's place for tax payment may, when it is necessary for the calculation of the said corporation's arm's length price prescribed in paragraph (1) which pertains to a foreign affiliated transaction in each business year, ask questions of a person who is engaged in a business that is the same type as the said corporation's business involving the said foreign affiliated transaction, or inspect the books and documents concerning the said business, to the extent considered necessary for such calculation.

10 前項の規定による質問又は検査の権限は、犯罪捜査のために認められたものと解してはならない。

(10) The authority to ask questions or conduct an inspection pursuant to the provision of the preceding paragraph shall not be construed as being granted for criminal investigation.

11 国税庁、国税局又は税務署の当該職員は、第九項の規定による質問又は検査をする場合には、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(11) The relevant official of the National Tax Agency, the Regional Taxation Bureau, or the Tax Office shall, when asking questions or conducting an inspection pursuant to the provision of paragraph (9), carry an identification card and present it to the person concerned when requested.

1 2 次の各号のいずれかに該当する者は、十万円以下の罰金に処する。

(12) Any person who falls under any of the following shall be punished by a fine of not more than 100,000 yen:

一 第九項の規定による当該職員の質問に対して答弁せず、若しくは偽りの答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した者

(i) A person who has failed to answer or made a false answer to the questions given by the relevant official pursuant to the provision of paragraph (9) or has refused, obstructed or avoided the inspection pursuant to the provision of the said paragraph  
二 前号の検査に関し偽りの記載又は記録をした帳簿書類を提示した者

(ii) A person who has presented books and documents which contain false statements or records concerning the inspection set forth in the preceding item

1 3 法人の代表者（人格のない社団等の管理人を含む。）又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して前項の違反行為をしたときは、その行為者を罰するほか、その法人又は人に対して同項の刑を科する。

(13) Where the representative person of a corporation (including the administrator of an association or foundation without juridical personality) or an agent, employee or other worker of a corporation or an individual has committed any of the acts of violation set forth in the preceding paragraph with regard to the business of the said corporation or individual, not only the offender shall be punished but also the said corporation or individual shall be punished by the fine prescribed in the said paragraph.

1 4 人格のない社団等について前項の規定の適用がある場合には、その代表者又は管理人がその訴訟行為につきその人格のない社団等を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。

(14) Where the provision of the preceding paragraph shall apply to an association or foundation without juridical personality, its representative person or administrator shall represent the association or foundation without juridical personality with regard to its procedural act, and the legal provisions concerning criminal procedure that are applicable in the case where a corporation stands as the accused or the suspect shall apply *mutatis mutandis*.

1 5 法人は、各事業年度において当該法人に係る国外関連者との間で取引を行つた場合には、当該国外関連者の名称及び本店又は主たる事務所の所在地その他財務省令で定める事項を記載した書類を当該事業年度の確定申告書（法人税法第二条第三十一号に規定する確定申告書をいう。）に添付しなければならない。

(15) A corporation shall, where it has conducted a transaction with a foreign affiliated person related to the said corporation in each business year, attach a document stating the said foreign affiliated person's name and the location of its head office or principal office and any other matters specified by an Ordinance of the Ministry of Finance, to the final return form (meaning a final return form prescribed in Article 2(xxxi) of the Corporation Tax Act) for the relevant business year.

1 6 更正若しくは決定（以下この項において「更正決定」という。）又は国税通則法第三

十二条第五項 に規定する賦課決定（以下この項において「賦課決定」という。）で次の各号に掲げるものは、同法第七十条第一項 から第四項 まで（同条第二項第二号 及び第三号 に掲げる更正（同項 に規定する純損失等の金額に係るものに限る。）に係る部分を除く。）の規定にかかわらず、当該各号に定める期限又は日から六年を経過する日まで、することができる。この場合において、同条第五項 及び同法第七十一条第一項 の規定の適用については、同法第七十条第五項 中「前各項」とあるのは「前各項及び租税特別措置法第六十六条の四第十六項（国外関連者との取引に係る課税の特例）」と、同法第七十一条第一項中「が前条」とあるのは「が前条及び租税特別措置法第六十六条の四第十六項（国外関連者との取引に係る課税の特例）」と、「前条」とあるのは「前条及び同項」とする。

(16) A reassessment or determination (hereinafter referred to in this paragraph as a “reassessment or determination”) or an assessment and decision prescribed in Article 32(5) of the Act on General Rules for National Taxes (hereinafter referred to in this paragraph as an “assessment and decision”), which is listed in any of the following items, may be made within six years from the due date or other date specified in the relevant item, notwithstanding the provisions of Article 70(1) to (4) of the said Act (excluding the part concerning the reassessment listed in paragraph (2)(ii) and (iii) of the said Article (limited to a reassessment pertaining to the amount of net loss, etc. prescribed in the said paragraph)). In this case, with regard to the application of the provisions of Article 70(5) and Article 71(1) of the said Act: in Article 70(5) of the said Act, the phrase “preceding paragraphs” shall be deemed to be replaced with “preceding paragraphs and the provision of Article 66-4(16) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons)”; in Article 71(1) of the said Act, the phrase “preceding Article” shall be deemed to be replaced with “preceding Article and the provision of Article 66-4(16) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons),” and the phrase “preceding Article” shall be deemed to be replaced with “preceding Article and the said paragraph [Article 66-4(16) of the said Act].”

一 法人が当該法人に係る国外関連者との取引を第一項に規定する独立企業間価格と異なる対価の額で行った事実に基づいてする法人税に係る更正決定又は当該更正決定に伴い国税通則法第十九条第一項 に規定する課税標準等若しくは税額等に異動を生ずべき法人税に係る更正決定 これらの更正決定に係る法人税の同法第二条第七号 に規定する法定申告期限（同法第六十一条第一項 に規定する還付請求申告書に係る更正については、当該還付請求申告書を提出した日）

(i) A reassessment or determination of corporation tax to be made based on the fact that a corporation has conducted a transaction with a foreign affiliated person related to the said corporation at the amount of consideration that is different from the arm’s length price prescribed in paragraph (1), or a reassessment or determination of corporation tax to be made, upon the said reassessment or

determination, to make a change to the tax base, etc. or tax amount, etc. prescribed in Article 19(1) of the Act on General Rules for National Taxes: The statutory due date of tax return prescribed in Article 2(vii) of the said Act with regard to corporation tax pertaining to the relevant reassessment or determination (in the case of a reassessment based on a return of claim for a refund prescribed in Article 61(1) of the said Act: the day on which the said return of claim for a refund has been filed)

二 前号に規定する事実に基づいてする法人税に係る更正決定若しくは国税通則法第二条第六号 に規定する納税申告書（同法第十七条第二項 に規定する期限内申告書を除く。以下この号において「納税申告書」という。）の提出又は当該更正決定若しくは当該納税申告書の提出に伴い前号に規定する異動を生ずべき法人税に係る更正決定若しくは納税申告書の提出に伴いこれらの法人税に係る同法第六十九条 に規定する加算税についてする賦課決定 その納税義務の成立の日

(ii) A reassessment or determination of corporation tax to be made based on the fact prescribed in the preceding item or submission of a tax return form prescribed in Article 2(vi) of the Act on General Rules for National Taxes (excluding a return form within the due date prescribed in Article 17(2) of the said Act; hereinafter referred to in this item as a “tax return form”), or an assessment and decision to be made, upon the reassessment or determination or submission of a tax return form, so as to impose additional tax prescribed in Article 69 of the said Act with regard to the corporation tax to which the change prescribed in the preceding item shall be made upon the said reassessment or determination or the said submission of a tax return form: The date of the establishment of the relevant tax liability

1 7 法人が当該法人に係る国外関連者との取引を第一項に規定する独立企業間価格と異なる対価の額で行ったことに伴い納付すべき税額が過少となり、又は国税通則法第二条第六号 に規定する還付金の額が過大となつた法人税に係る同法第七十二条第一項 に規定する国税の徴収権の時効は、同法第七十三条第三項 の規定の適用がある場合を除き、当該法人税の同法第七十二条第一項 に規定する法定納期限から一年間は、進行しない。

(17) Where, with regard to corporation tax, the tax amount payable due to the fact that a corporation has conducted a transaction with a foreign affiliated person related to the said corporation at the amount of consideration that is different from the arm's length price prescribed in paragraph (1) falls short, or the amount of the refund prescribed in Article 2(vi) of the Act on General Rules for National Taxes is in excess, the prescription of the right of collection of national tax prescribed in Article 72(1) of the said Act shall not run for one year from the statutory due date prescribed in Article 72(1) of the said Act for the said corporation tax, except where the provision of Article 73(3) of the said Act shall apply.

1 8 前項の場合においては、国税通則法第七十三条第三項 ただし書の規定を準用する。この場合において、同項 ただし書中「二年」とあるのは、「一年」と読み替えるものとする。

(18) In the case referred to in the preceding paragraph, the provision of the proviso of

Article 73(3) of the Act on General Rules for National Taxes shall apply mutatis mutandis. In this case, the phrase “two years” in the said proviso shall be deemed to be replaced with “one year.”

19 第一項の規定の適用がある場合において、法人と当該法人に係る国外関連者（法人税法第百三十九条に規定する条約（以下この項及び次条第一項において「租税条約」という。）の規定により租税条約の我が国以外の締約国（以下この項及び次条第一項において「条約相手国」という。）の居住者又は法人とされるものに限る。）との間の国外関連取引に係る第一項に規定する独立企業間価格につき財務大臣が当該条約相手国の権限ある当局との間で当該租税条約に基づく合意をしたことその他の政令で定める要件を満たすときは、国税局長又は税務署長は、政令で定めるところにより、当該法人が同項の規定の適用により納付すべき法人税に係る延滞税のうちその計算の基礎となる期間で財務大臣が当該条約相手国の権限ある当局との間で合意をした期間に対応する部分に相当する金額を免除することができる。

(19) Where the provision of paragraph (1) shall apply, and with respect to the arm's length price prescribed in paragraph (1) which pertains to a foreign affiliated transaction conducted between a corporation and a foreign affiliated person related to the said corporation (limited to a foreign affiliated person who shall be deemed, pursuant to the provisions of a convention prescribed in Article 139 of the Corporation Tax Act (hereinafter referred to in this paragraph and paragraph (1) of the next Article as a “tax convention”), to be a resident or corporation in the Contracting State other than Japan (hereinafter referred to in the this paragraph and paragraph (1) of the next Article as the “other Contracting State”) of the tax convention), the Minister of Finance has reached an agreement under the said tax convention with the competent authority of the said other Contracting State, or any other requirement specified by a Cabinet Order is satisfied, the regional commissioner or the district director may, pursuant to the provision of a Cabinet Order, grant exemption from the part of the delinquent tax imposed with regard to the corporation tax payable by the said corporation pursuant to the provision of paragraph (1), which corresponds to the base period for the calculation of the delinquent tax for which the Minister of Finance has reached an agreement with the competent authority of the said other Contracting State.

20 外国法人が国外関連者に該当するかどうかの判定に関する事項その他第一項から第七項までの規定の適用に関し必要な事項は、政令で定める。

(20) Matters concerning the determination as to whether or not a foreign corporation falls under the category of foreign affiliated person, and other necessary matters concerning the application of the provisions of paragraph (1) to paragraph (7) shall be specified by a Cabinet Order.

第六十六条の四の二 （国外関連者との取引に係る課税の特例に係る納税の猶予）

Article 66-4-2 (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons)

1 内国法人が租税条約の規定に基づき国税庁長官に対し当該租税条約に規定する申立てをした場合（外国法人が租税条約の規定に基づき当該外国法人に係る条約相手国の権限ある当局に対し当該租税条約に規定する申立てをした場合を含む。）には、税務署長等（国税通則法第四十六条第一項に規定する税務署長等をいう。以下この条において同じ。）は、これらの申立てに係る前条第十六項第一号に掲げる更正決定により納付すべき法人税の額（これらの申立てに係る条約相手国との間の租税条約に規定する協議の対象となるものに限る。）及び当該法人税の額に係る同法第六十九条に規定する加算税の額として政令で定めるところにより計算した金額を限度として、これらの申立てをした者の申請に基づき、その納期限（同法第三十七条第一項に規定する納期限をいい、当該申請が当該納期限後であるときは当該申請の日とする。）から当該条約相手国の権限ある当局との間の合意に基づく同法第二十六条の規定による更正があつた日（当該合意がない場合その他の政令で定める場合にあつては、政令で定める日）の翌日から一月を経過する日までの期間（第七項において「納税の猶予期間」という。）に限り、その納税を猶予することができる。ただし、当該申請を行う者につき当該申請の時に於いて当該法人税の額以外の国税の滞納がある場合は、この限りでない。

(1) Where a domestic corporation has, pursuant to the provisions of a tax convention, filed an objection prescribed in the said tax convention with the Commissioner of the National Tax Agency (including the cases where a foreign corporation has, pursuant to the provisions of a tax convention, filed an objection prescribed in the said tax convention with the competent authority of the other Contracting State which is related to the foreign corporation), the district director, etc. (meaning the district director, etc. prescribed in Article 46(1) of the Act on General Rules for National Taxes; hereinafter the same shall apply in this Article) may, upon application by the corporation that has filed the objection, grant a grace of tax payment, up to the amount calculated pursuant to the method specified by a Cabinet Order as the amount of corporation tax payable based on the reassessment or determination listed in paragraph (16)(i) of the preceding Article which pertains to the objection (limited to the amount to be covered by the consultation prescribed in the tax convention with the other Contracting State which pertains to the objection), including the amount of additional tax prescribed in Article 69 of the said Act with regard to the said amount of corporation tax, for the period from the due date for tax payment (meaning the due date for tax payment prescribed in Article 37(1) of the said Act; in the case where the application has been filed after the due date for tax payment, the period shall start from the date of the filing of the said application) until the day on which one month has elapsed since the day following the day on which a reassessment has been made pursuant to the provision of Article 26 of the said Act based on an agreement with the competent authority of the other Contracting State (in the case where there is no such agreement or in any other case specified by a Cabinet Order: the date specified by a Cabinet Order) (this period shall be referred to as the “grace period for tax payment” in paragraph (7)); provided, however, that this shall not apply where the corporation that

has filed the application has been, at the time of filing the application, delinquent in payment of national tax other than the said amount of corporation tax.

2 税務署長等は、前項の規定による納税の猶予（以下この条において「納税の猶予」という。）をする場合には、その猶予に係る金額に相当する担保を徴さなければならない。ただし、その猶予に係る税額が五十万円以下である場合又は担保を徴することができない特別の事情がある場合は、この限りでない。

(2) The district director, etc. shall, when granting a grace of tax payment pursuant to the provision of the preceding paragraph (hereinafter referred to in this Article as a “grace of tax payment”), collect security equivalent to the amount under the grace period; provided, however, that this shall not apply where the tax amount under the grace period is not more than 500,000 yen or where there are special circumstances where it is impossible to collect security.

3 国税通則法第四十六条第六項の規定は、前項の規定により担保を徴する場合について準用する。

(3) The provision of Article 46(6) of the Act on General Rules for National Taxes shall apply mutatis mutandis where security is collected pursuant to the provision of the preceding paragraph.

4 国税通則法第四十七条及び第四十八条の規定は、納税の猶予をする場合又は納税の猶予を認めない場合について準用する。この場合において、同法第四十七条第二項中「前条第一項から第三項まで又は第七項」とあるのは、「租税特別措置法第六十六条の四の二第一項（国外関連者との取引に係る課税の特例に係る納税の猶予）」と読み替えるものとする。

(4) The provisions of Article 47 and Article 48 of the Act on General Rules for National Taxes shall apply mutatis mutandis where a grace of tax payment is granted or is not granted. In this case, the phrase “paragraph (1) to paragraph (3) or paragraph (7) of the preceding Article” in Article 47(2) of the said Act shall be deemed to be replaced with “Article 66-4-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons).”

5 納税の猶予を受けた者が次の各号のいずれかに該当する場合には、税務署長等は、その猶予を取り消すことができる。この場合においては、国税通則法第四十九条第二項及び第三項の規定を準用する。

(5) Where a corporation that has been granted a grace of tax payment falls under any of the cases listed in the following items, the district director, etc. may rescind the grace. In this case, the provisions of Article 49(2) and (3) of the Act on General Rules for National Taxes shall apply mutatis mutandis:

一 第一項の申立てを取り下げたとき。

(i) Where the corporation has withdrawn the application set forth in paragraph (1).

二 第一項の協議に必要な書類の提出につき協力しないとき。

(ii) Where the corporation does not cooperate in the submission of the necessary documents for the consultation set forth in paragraph (1).

三 国税通則法第三十八条第一項各号のいずれかに該当する事実がある場合において、その者がその猶予に係る法人税を猶予期間内に完納することができないと認められるとき。

(iii) Where there is a fact that falls under any of the items of Article 38(1) of the Act on General Rules for National Taxes, and it is found to be impossible for the corporation to pay the corporation tax under the grace period in full within the said period.

四 その猶予に係る法人税につき提供された担保について税務署長等が国税通則法第五十一条第一項の規定によつてした命令に応じないとき。

(iv) Where the corporation does not follow the order issued by the district director, etc. pursuant to the provision of Article 51(1) of the Act on General Rules for National Taxes with regard to the security provided for the corporation tax under the grace period.

五 前各号に掲げるもののほか、その者の財産の状況その他の事情の変化によりその猶予を継続することが適当でないと認められるとき。

(v) In addition to what is listed in the preceding items, where it is found to be inappropriate to maintain the grace period due to any change in the state of the corporation's property or other circumstances.

6 納税の猶予を受けた法人税についての国税通則法及び国税徴収法の規定の適用については、国税通則法第二条第八号中「納税の猶予又は」とあるのは「納税の猶予（租税特別措置法第六十六条の四の二第一項（国外関連者との取引に係る課税の特例に係る納税の猶予）の規定による納税の猶予を含む。）又は」と、同法第五十二条第一項中「及び納税の猶予」とあるのは「及び納税の猶予（租税特別措置法第六十六条の四の二第一項（国外関連者との取引に係る課税の特例に係る納税の猶予）の規定による納税の猶予を含む。以下この項において同じ。）」と、同法第五十五条第一項第一号及び第七十三条第四項中「納税の猶予」とあるのは「納税の猶予（租税特別措置法第六十六条の四の二第一項（国外関連者との取引に係る課税の特例に係る納税の猶予）の規定による納税の猶予を含む。）」と、国税徴収法第二条第九号及び第十号中「納税の猶予又は」とあるのは「納税の猶予（租税特別措置法第六十六条の四の二第一項（国外関連者との取引に係る課税の特例に係る納税の猶予）の規定による納税の猶予を含む。）又は」と、同法第一百五十一条第一項中「納税の猶予」とあるのは「納税の猶予）及び租税特別措置法第六十六条の四の二第一項（国外関連者との取引に係る課税の特例に係る納税の猶予）」とする。

(6) With regard to the application of the provisions of the Act on General Rules for National Taxes and the National Tax Collection Act to corporation tax under a grace of tax payment: in the Act on General Rules for National Taxes, the term “grace of tax payment” in Article 2(viii) shall be deemed to be replaced with “grace of tax payment (including a grace of tax payment pursuant to the provision of Article 66-4-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons))”, the term “grace of tax payment” in Article 52(1) shall be deemed to be replaced with “grace of tax payment (including a grace of tax payment pursuant to the provision of Article

66-4-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons); hereinafter the same shall apply in this paragraph”, and the term “grace of tax payment” in Article 55(1)(i) and Article 73(4) shall be deemed to be replaced with “grace of tax payment (including a grace of tax payment pursuant to the provision of Article 66-4-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons))”; in the National Tax Collection Act, the term “grace of tax payment” in Article 2(ix) and (x) shall be deemed to be replaced with “grace of tax payment (including a grace of tax payment pursuant to the provision of Article 66-4-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons))”, and the term “Grace of Tax Payment)” in Article 151(1) shall be deemed to be replaced with “Grace of Tax Payment) (including a grace of tax payment pursuant to the provision of Article 66-4-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons))”.

7 納税の猶予をした場合には、その猶予をした法人税に係る延滞税のうち納税の猶予期間（第一項の申請が同項の納期限以前である場合には、当該申請の日を起算日として当該納期限までの期間を含む。）に対応する部分の金額は、免除する。ただし、第五項の規定による取消しの基因となるべき事実が生じた場合には、その生じた日後の期間に対応する部分の金額については、税務署長等は、その免除をしないことができる。

(7) Where a grace of tax payment has been granted, exemption shall be granted from the part of the delinquent tax imposed with regard to the corporation tax under the grace period, which corresponds to the grace period for tax payment (in the case where the application set forth in paragraph (1) has been filed before the due date for tax payment set forth in the said paragraph, the grace period for tax payment shall include the period from the date of the filing of the said application until the due date for tax payment); provided, however, that where any event has occurred which can be the cause of a rescission pursuant to the provision of paragraph (5), the district director, etc. may choose not to grant exemption with regard to such part of delinquent tax which corresponds to the period after the day on which the said event has occurred.

8 納税の猶予に関する申請の手續に関し必要な事項は、政令で定める。

(8) Necessary matters concerning the procedure for the application for a grace of tax payment shall be specified by a Cabinet Order.

### 第七節の三 国外支配株主等に係る負債の利子等の課税の特例

#### Section 7-3 Special Provisions for Taxation on Interest on Liabilities, etc. Payable to Foreign Controlling Shareholders, etc.

第六十六条の五 (国外支配株主等に係る負債の利子等の課税の特例)

Article 66-5 (Special Provisions for Taxation on Interest on Liabilities, etc. Payable to Foreign Controlling Shareholders, etc.)

1 内国法人が、平成四年四月一日以後に開始する各事業年度において、当該内国法人に係る国外支配株主等又は資金供与者等に負債の利子等を支払う場合において、当該事業年度の当該内国法人に係る国外支配株主等及び資金供与者等に対する負債に係る平均負債残高が当該事業年度の当該内国法人に係る国外支配株主等の資本持分の三倍に相当する金額を超えるときは、当該内国法人が当該事業年度において当該国外支配株主等及び資金供与者等に支払う負債の利子等の額のうち、その超える部分に対応するものとして政令で定めるところにより計算した金額は、当該内国法人の当該事業年度の所得の金額（法人税法第百二条第一項第一号に規定する所得の金額を含む。）の計算上、損金の額に算入しない。ただし、当該内国法人の当該事業年度の総負債（負債の利子等の支払の基因となるものに限る。次項及び第三項において同じ。）に係る平均負債残高が当該内国法人の自己資本の額の三倍に相当する金額以下となる場合は、この限りでない。

(1) Where a domestic corporation pays, in each business year beginning on or after April 1, 1992, interest on liabilities, etc. to a foreign controlling shareholder, etc. or fund provider, etc. that is related to the said domestic corporation, and the average balance of liabilities regarding the liabilities owed, for the relevant business year, to the foreign controlling shareholder, etc. and the fund provider, etc. that are related to the said domestic corporation, exceeds threefold the amount of equity interest held by the foreign controlling shareholder, etc. related to the said domestic corporation for the relevant business year, the amount calculated pursuant to the method specified by a Cabinet Order as such excess in the amount of interest on liabilities, etc. payable by the said domestic corporation to the said foreign controlling shareholder, etc. and fund provider, etc. in the relevant business year shall not be included in the amount of deductible expense in the calculation of the amount of income of the said domestic corporation for the relevant business year (including the amount of income prescribed in Article 102(1)(i) of the Corporation Tax Act); provided, however, that this shall not apply where the average balance of liabilities regarding the total liabilities of the said domestic corporation for the relevant business year (limited to those which can be the cause of payment of interest on liabilities, etc.; the same shall apply in the next paragraph and paragraph (3)) is not more than threefold the amount of equity capital of the said domestic corporation.

2 前項の規定を適用する場合において、当該内国法人は、当該内国法人に係る国外支配株主等及び資金供与者等に対する負債のうち特定債券現先取引等に係る負債があるときは、当該国外支配株主等及び資金供与者等に対する負債に係る平均負債残高から政令で定めるところにより計算した特定債券現先取引等に係る平均負債残高を控除して計算した平均負債残高又は当該事業年度の総負債に係る平均負債残高から政令で定めるところにより計算した特定債券現先取引等に係る平均負債残高を控除して計算した平均負債残高を基礎として政令で定めるところにより計算した国外支配株主等の資本持分又は自己資本の額に

係る各倍数を当該内国法人に係る国外支配株主等の資本持分又は当該内国法人の自己資本の額に係る各倍数とし、当該内国法人に係る国外支配株主等及び資金供与者等に支払う負債の利子等の額から政令で定めるところにより計算した特定債券現先取引等に係る負債の利子等の額を控除した金額を当該内国法人に係る国外支配株主等及び資金供与者等に支払う負債の利子等の額とすることができる。この場合において、前項中「三倍」とあるのは、「二倍」とする。

(2) Where the provision of the preceding paragraph shall apply, and the said domestic corporation has any liabilities arising from a specified bond transaction with a repurchase/resale agreement, etc. among its liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. that are related to the said domestic corporation, the said domestic corporation may **use**, as the multiple number applicable to the equity interest held by the foreign controlling shareholder, etc. related to the said domestic corporation or applicable to the amount of equity capital of the said domestic corporation, the multiple number applicable to the equity interest held by a foreign controlling shareholder, etc. related to the said domestic corporation or applicable to the amount of equity capital, which is calculated pursuant to the method specified by a Cabinet Order based on [1] the average balance of liabilities calculated by deducting the average balance of liabilities regarding the specified bond transaction with a repurchase/resale agreement, etc. calculated pursuant to the method specified by a Cabinet Order from the average balance of liabilities regarding the liabilities owed to the said foreign controlling shareholder, etc. and fund provider, etc., or [2] the average balance of liabilities calculated by deducting the average balance of liabilities regarding the specified bond transaction with a repurchase/resale agreement, etc. calculated pursuant to the method specified by a Cabinet Order from the average balance of liabilities regarding the total liabilities for the relevant business year, and thereby determine the amount calculated by deducting the amount of interest on liabilities, etc. arising from the specified bond transaction with a repurchase/resale agreement, etc. calculated pursuant to the method specified by a Cabinet Order from the amount of interest on liabilities, etc. payable to the foreign controlling shareholder, etc. and fund provider, etc. that are related to the said domestic corporation, to be the amount of interest on liabilities, etc. payable to the foreign controlling shareholder, etc. and fund provider, etc. that are related to the said domestic corporation. In this case, the term “threefold” in the preceding paragraph shall be deemed to be replaced with “twofold.”

3 第一項の規定を適用する場合において、当該内国法人は、当該内国法人に係る国外支配株主等の資本持分及び当該内国法人の自己資本の額に係る各倍数に代えて、当該内国法人と同種の事業を営む内国法人で事業規模その他の状況が類似するものの総負債の額の純資産の額に対する比率として政令で定める比率に照らし妥当と認められる倍数を用いることができる。

(3) Where the provision of paragraph (1) shall apply, the said domestic corporation may

use, in lieu of the multiple number applicable to the equity interest held by a foreign controlling shareholder, etc. related to the said domestic corporation and applicable to the amount of equity capital of the said domestic corporation, a multiple number that is found to be appropriate in light of the percentage specified by a Cabinet Order as the percentage of the total liabilities of another domestic corporation to its net assets on condition that such other domestic corporation's business is the same type as the said domestic corporation's business, and the size and other details are similar between the two businesses.

4 この条において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(4) In this Article, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 国外支配株主等 第二条第一項第一号の二に規定する非居住者（第九号において「非居住者」という。）又は外国法人で、内国法人との間に、当該非居住者又は外国法人が当該内国法人の発行済株式又は出資（当該内国法人が有する自己の株式又は出資を除く。）の総数又は総額の百分の五十以上の数又は金額の株式又は出資を直接又は間接に保有する関係その他の政令で定める特殊の関係のあるものをいう。

(i) Foreign controlling shareholder, etc.: A nonresident prescribed in Article 2(1)(i)-2 (referred to in item (ix) as a “nonresident”) or a foreign corporation who has a relationship with a domestic corporation whereby the said nonresident or foreign corporation holds, directly or indirectly, shares or capital contributions that account for 50 percent or more of the total number or the total amount of issued shares of or capital contributions to the said domestic corporation (excluding the shares or capital contributions held by the said domestic corporation) or any other special relationship specified by a Cabinet Order

二 資金供与者等 内国法人に資金を供与する者及び当該資金の供与に関係のある者として政令で定める者をいう。

(ii) Fund provider, etc.: A person who provides a domestic corporation with funds, and a person specified by a Cabinet Order as being related to such provision of funds

三 負債の利子等 負債の利子（これに準ずるものとして政令で定めるものを含む。以下この号において同じ。）その他政令で定める費用（当該負債の利子その他政令で定める費用で、これらの支払を受ける者の課税対象所得に含まれるものその他政令で定めるものを除く。）をいう。

(iii) Interest on liabilities, etc.: Interest on liabilities (including moneys specified by a Cabinet Order as being equivalent thereto; hereinafter the same shall apply in this item) and any other expense specified by a Cabinet Order (excluding the said interest on liabilities and any other expense specified by a Cabinet Order, which are included in the taxable income of the person who is to receive payment thereof, and any other expense specified by a Cabinet Order)

四 国外支配株主等及び資金供与者等に対する負債 国外支配株主等に対する負債（負債の利子等の支払の基因となるものに限る。）及び資金供与者等に対する政令で定める負

債（負債の利子等の支払の基となるものに限る。）をいう。

(iv) Liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc.: Liabilities owed to a foreign controlling shareholder, etc. (limited to those which can be the cause of payment of interest on liabilities, etc.) and liabilities owed to a fund provider, etc. that are specified by a Cabinet Order (limited to those which can be the cause of payment of interest on liabilities, etc.)

五 平均負債残高 負債の額の平均額として政令で定めるところにより計算した金額をいう。

(v) Average balance of liabilities: The amount calculated pursuant to the method specified by a Cabinet Order as the average amount of liabilities

六 国外支配株主等の資本持分 各事業年度の国外支配株主等の内国法人の純資産に対する持分として政令で定めるところにより計算した金額をいう。

(vi) Equity interest held by a foreign controlling shareholder, etc.: The amount calculated pursuant to the method specified by a Cabinet Order as the interest in a domestic corporation's net assets held by a foreign controlling shareholder, etc. for each business year

七 自己資本の額 各事業年度の純資産の額として政令で定めるところにより計算した金額をいう。

(vii) Amount of equity capital: The amount calculated pursuant to the method specified by a Cabinet Order as the amount of net assets for each business year

八 特定債券現先取引等 債券現先取引（第四十二条の二第一項に規定する債券現先取引をいう。）及び現金担保付債券貸借取引（現金を担保として債券の借入れ又は貸付けを行う取引をいう。）で、政令で定めるものをいう。

(viii) Specified bond transaction with a repurchase/resale agreement, etc.: A bond transaction with a repurchase/resale agreement (meaning a bond transaction with a repurchase/resale agreement prescribed in Article 42-2(1)) and a cash-secured bond lending transaction (meaning a transaction for borrowing or lending bonds secured by cash), which are specified by a Cabinet Order

九 課税対象所得 第二条第一項第一号の二に規定する居住者にあつては各年分の各種所得（所得税法第二条第一項第二十一号に規定する各種所得をいう。）をいい、内国法人にあつては各事業年度の所得（法人税法第百二条第一項の規定による申告書を提出すべき法人の清算中の各事業年度の所得を含む。）若しくは各連結事業年度の連結所得又は清算所得をいい、非居住者又は外国法人にあつては所得税法第百六十四条第一項第一号から第三号までに掲げる非居住者又は法人税法第百四十一条第一号から第三号までに掲げる外国法人のいずれに該当するかに応じ当該非居住者又は外国法人のこれらの規定に定める国内源泉所得のうち政令で定めるものをいう。

(ix) Taxable income: [In the case of a resident prescribed in Article 2(1)(i)-2] each type of income (meaning each type of income prescribed in Article 2(1)(xxi) of the Income Tax Act) for each year; [in the case of a domestic corporation] income for each business year (including the income of a corporation, which should file a return

pursuant to the provision of Article 102(1) of the Corporation Tax Act, for each business year when liquidation is in progress) or consolidated income for each consolidated business year, or liquidation income; [in the case of a nonresident or foreign corporation] domestic source income specified in the relevant provision for the category of nonresident listed in Article 164(1)(i) to (iii) of the Income Tax Act corresponding to the said nonresident or the category of foreign corporation listed in Article 141(i) to (iii) of the Corporation Tax Act corresponding to the said foreign corporation, which is specified by a Cabinet Order

- 5 第一項の規定により損金の額に算入されなかつた金額で内国法人の清算中に生じたものは、当該内国法人の解散（合併による解散を除く。）による清算所得の金額の計算上、残余財産の価額に算入する。
- (5) Any amount excluded from the amount of deductible expense pursuant to the provision of paragraph (1) that has arisen during the liquidation of a domestic corporation shall be included in the value of residual property in the calculation of the amount of the liquidation income arising from the dissolution (excluding dissolution as a result of a merger) of the said domestic corporation.
- 6 第二項の規定は、確定申告書等に同項の規定の適用を受ける旨を記載した書面並びに同項の規定により控除する特定債券現先取引等に係る負債に係る平均負債残高及び負債の利子等の額の計算に関する明細書の添付があり、かつ、その計算に関する書類を保存している場合に限り、適用する。
- (6) The provision of paragraph (2) shall apply only where a domestic corporation has filed a final return form, etc. with a document attached thereto stating that it seeks the application of the provision of the said paragraph and a written statement attached thereto concerning the calculation of the average balance of liabilities regarding the liabilities from a specified bond transaction with a repurchase/resale agreement, etc. and the amount of interest on liabilities, etc., both of which shall be deducted pursuant to the provision of the said paragraph, and preserved the documents on such calculation.
- 7 税務署長は、前項の書面若しくは明細書の添付のない確定申告書等の提出があり、又は同項の書類を保存していなかつた場合においても、その添付又は保存がなかつたことについてやむを得ない事情があると認めるときは、当該書面及び明細書並びに書類の提出があつた場合に限り、第二項の規定を適用することができる。
- (7) Even where a domestic corporation has filed a final return form, etc. without the document or written statement set forth in the preceding paragraph attached thereto or failed to preserve the documents on the calculation set forth in the said paragraph, the district director may, when he/she finds any unavoidable reason for the domestic corporation's failure to attach a necessary document or written statement or preserve the necessary documents on the calculation, apply the provision of paragraph (2), only if the said document and written statement as well as the said documents on the calculation are submitted.

- 8 第三項の規定は、確定申告書等に同項の規定の適用を受ける旨を記載した書面を添付し、かつ、その用いる倍数が妥当なものであることを明らかにする書類その他の資料（次項において「資料等」という。）を保存している場合に限り、適用する。
- (8) The provision of paragraph (3) shall apply only where a domestic corporation has filed a final return form, etc. with a document attached thereto stating that it seeks the application of the said paragraph, and preserved documents or any other materials (referred to in the next paragraph as “materials, etc.”) that certify that the multiple number that it applies is appropriate.
- 9 税務署長は、第三項の規定の適用を受ける旨を記載した書面の添付のない確定申告書等の提出があり、又はその用いる倍数が妥当なものであることを明らかにする資料等を保存していなかつた場合においても、その添付又は保存がなかつたことについてやむを得ない事情があると認めるときは、当該記載をした書面及び当該資料等の提出があつた場合に限り、同項の規定を適用することができる。
- (9) Even where a domestic corporation has filed a final return form, etc. without a document attached thereto stating that it seeks the application of the provision of paragraph (3) or failed to preserve the materials, etc. that certify that the multiple number that it applies is appropriate, the district director may, when he/she finds any unavoidable reason for the domestic corporation’s failure to attach a necessary document or preserve the necessary materials, etc., apply the provision of the said paragraph, only if the said document and the said materials, etc. are submitted.
- 10 第一項から第四項まで及び第六項から前項までの規定は、国内において事業を行う外国法人が支払う負債の利子等（国内において行う事業に係るものに限る。）について準用する。この場合において、第一項中「当該内国法人」とあるのは「当該外国法人」と、「利子等を」とあるのは「利子等（当該外国法人が国内において行う事業（以下この項及び第三項において「国内事業」という。）に係るものに限る。以下この項及び次項において同じ。）を」と、「負債に」とあるのは「負債（国内事業に係るものに限る。次項において同じ。）に」と、「資本持分」とあるのは「資本持分（国内事業に係るものに限る。次項及び第三項において同じ。）」と、「基因となるものに限る。次項及び第三項」とあるのは「基因となるもので、かつ、国内事業に係るものに限る。次項」と、「自己資本の額」とあるのは「自己資本の額（国内事業に係るものに限る。次項及び第三項において同じ。）」と、第二項中「内国法人」とあるのは「外国法人」と、第三項中「内国法人は」とあるのは「外国法人は」と、「内国法人に」とあるのは「外国法人に」と、「内国法人の」とあるのは「外国法人の」と、「内国法人と」とあるのは「外国法人の国内事業と」と、「総負債」とあるのは「総負債（負債の利子等の支払の基因となるものに限る。）」と、第四項第一号中「外国法人」とあるのは「他の外国法人」と、「内国法人」とあるのは「外国法人」と、同項第二号及び第六号中「内国法人」とあるのは「外国法人」と読み替えるものとする。
- (10) The provisions of paragraph (1) to paragraph (4) and paragraph (6) to the preceding paragraph shall apply mutatis mutandis to interest on liabilities, etc. paid by a foreign corporation that conducts a business in Japan (such interest on liabilities, etc. shall be limited to that pertaining to the business conducted in Japan). In this case: in

paragraph (1), the phrase “the said domestic corporation” shall be deemed to be replaced with “the said foreign corporation,” the term “interest on liabilities, etc.” shall be deemed to be replaced with “interest on liabilities, etc. (limited to that pertaining to the business conducted by the said foreign corporation in Japan (hereinafter referred to in this paragraph and paragraph (3) as “business in Japan”; hereinafter the same shall apply in this paragraph and the next paragraph)”, the term “liabilities” shall be deemed to be replaced with “liabilities (limited to those arising from the business in Japan; the same shall apply in the next paragraph)”, the term “equity interest” shall be deemed to be replaced with “equity interest (limited to that pertaining to the business in Japan; the same shall apply in the next paragraph and paragraph (3)”, the phrase “limited to those which can be the cause of payment of interest on liabilities, etc.; the same shall apply in the next paragraph and paragraph (3)” shall be deemed to be replaced with “limited to those which can be the cause of payment of interest on liabilities, etc. and pertain to the business in Japan; hereinafter the same shall apply in the next paragraph”, and the term “amount of equity capital” shall be deemed to be replaced with “amount of equity capital (limited to that pertaining to the business in Japan; hereinafter the same shall apply in the next paragraph and paragraph (3)”; in paragraph (2), the term “domestic corporation” shall be deemed to be replaced with “foreign corporation”; in paragraph (3), the term “domestic corporation” shall be deemed to be replaced with “foreign corporation”, the phrase “related to the said domestic corporation” shall be deemed to be replaced with “related to the said foreign corporation”, the phrase “of the said domestic corporation” shall be deemed to be replaced with “of the said foreign corporation”, the phrase “as the said domestic corporation’s business” shall be deemed to be replaced with “as the said foreign corporation’s business in Japan”, the term “total liabilities” shall be deemed to be replaced with “total liabilities (limited to those which can be the cause of payment of interest on liabilities, etc.)”; in paragraph (4)(i), the term “foreign corporation” shall be deemed to be replaced with “another foreign corporation”, the term “domestic corporation” shall be deemed to be replaced with “foreign corporation”; in paragraph (4)(ii) and (vi), the term “domestic corporation” shall be deemed to be replaced with “foreign corporation”.

1 1 同項に規定する国外支配株主等が二以上ある場合の同項に規定する負債に係る平均負債残高等の計算、同項の規定により損金の額に算入されない金額に係る法人税法の規定の適用その他同項から第四項まで及び前項の規定の適用に関し必要な事項は、政令で定める。

(11) The calculation of the average balance of liabilities, etc. regarding liabilities prescribed in paragraph (1) in the case where there is more than one foreign controlling shareholder, etc. prescribed in the said paragraph, the application of the provisions of the Corporation Tax Act with respect to the amount excluded from the amount of deductible expense pursuant to the provision of the said paragraph, and

other necessary matters concerning the application of the provisions of the said paragraph to paragraph (4) shall be specified by a Cabinet Order.

#### 第七節の四 内国法人の特定外国子会社等に係る所得等の課税の特例

#### Section 7-4 Special Provisions for Taxation on Income, etc. of Specified Foreign Subsidiary Companies of Domestic Corporations

##### 第一款 内国法人の特定外国子会社等に係る所得の課税の特例

##### Subsection 1 Special Provisions for Taxation on Income of Specified Foreign Subsidiary Companies of Domestic Corporations

第六十六条の六 (内国法人に係る特定外国子会社等の留保金額の益金算入)

Article 66-6 (Inclusion in Gross Profit of Retained Income of Specified Foreign Subsidiary Companies, etc. Related to Domestic Corporations)

1 次に掲げる内国法人に係る外国関係会社のうち、本店又は主たる事務所の所在する国又は地域におけるその所得に対して課される税の負担が本邦における法人の所得に対して課される税の負担に比して著しく低いものとして政令で定める外国関係会社に該当するもの（以下この款において「特定外国子会社等」という。）が、昭和五十三年四月一日以後に開始する各事業年度において、その未処分所得の金額から留保したものとして、政令で定めるところにより、当該未処分所得の金額につき当該未処分所得の金額に係る税額及び法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配（以下この項及び次項において「剰余金の配当等」という。）の額に関する調整を加えた金額（以下この条において「適用対象留保金額」という。）を有する場合には、その適用対象留保金額のうちその内国法人の有する当該特定外国子会社等の直接及び間接保有の株式等の数に対応するものとしてその株式等（株式又は出資をいう。以下この項及び次項において同じ。）の請求権（剰余金の配当等、財産の分配その他の経済的な利益の給付を請求する権利をいう。以下この項及び次項において同じ。）の内容を勘案して政令で定めるところにより計算した金額（以下この款において「課税対象留保金額」という。）に相当する金額は、その内国法人の収益の額とみなして当該各事業年度終了の日の翌日から二月を経過する日を含むその内国法人の各事業年度の所得の金額の計算上、益金の額に算入する。

(1) Where an affiliated foreign company related to any of the following domestic corporations, which falls under the category of affiliated foreign company specified by a Cabinet Order as a company whose tax burden to be imposed on its income earned in a state or territory where its head office or principal office is located is significantly lower than the tax burden to be imposed on the income of a corporation in Japan (hereinafter referred to in this Subsection as a “specified foreign subsidiary company, etc.”), in each business year beginning on or after April 1, 1978, retains as part of the amount of undistributed income, pursuant to the provision of a Cabinet Order, any amount that is adjusted, with respect to the said amount of undistributed income, based on the tax amount pertaining to the said amount of undistributed income and the amount of

dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to in this paragraph and the next paragraph as “dividend of surplus, etc.”) (such adjusted amount hereinafter referred to in this Article as “eligible retained income”), the amount equivalent to the part of eligible retained income which is calculated pursuant to the method specified by a Cabinet Order as the amount of income corresponding to the number of shares, etc. of the said specified foreign subsidiary company, etc. held by the domestic corporation through direct and/or indirect ownership, while taking into consideration the contents of the claim (meaning a claim to demand dividend of surplus, etc., distribution of property and any other economic benefit; hereinafter the same shall apply in this paragraph and the next paragraph) vested in such shares, etc. (meaning shares or capital contributions; the same shall apply in this paragraph and the next paragraph) (such part of eligible retained income hereinafter referred to in this Subsection as “taxable retained income”) shall be deemed to be the amount of the domestic corporation’s profit, and included in its gross profit in the calculation of the amount of its income for the business year that includes the day on which two months have elapsed since the day following the last day of the relevant business year:

一 その有する外国関係会社の直接及び間接保有の株式等の数の当該外国関係会社の発行済株式又は出資（当該外国関係会社が有する自己の株式等を除く。）の総数又は総額のうちを占める割合（当該外国関係会社が次のイからハマまでに掲げる法人である場合には、当該割合とそれぞれイからハマまでに定める割合のいずれか高い割合。次号において「直接及び間接の外国関係会社株式等の保有割合」という。）が百分の五以上である内国法人

(i) A domestic corporation that holds shares, etc. of the affiliated foreign company through direct and/or indirect ownership, the ratio of whose shares, etc. to the total number or total amount of issued shares of or capital contributions to the said affiliated foreign company (excluding the shares, etc. held by the said affiliated foreign company) (in the case where the said foreign affiliated company is a corporation listed in (a) to (c): the said ratio or the ratio listed in (a) to (c), whichever is larger; referred to in the next item as the “direct and/or indirect ownership ratio for shares, etc. of an affiliated foreign company”) is five percent or more:

イ 議決権（剰余金の配当等に関する決議に係るものに限る。以下この号及び次項において同じ。）の数が一個でない株式等を発行している法人（ハに掲げる法人を除く。）

その有する当該外国関係会社の直接及び間接保有の議決権の数の当該外国関係会社の議決権の総数のうちを占める割合

(a) A corporation that issues shares, etc. in which more than one voting right (limited to a voting right pertaining to a resolution on dividend of surplus, etc.; hereinafter the same shall apply in this item and the next paragraph) is vested (excluding a corporation listed in (c)): The ratio of the number of voting rights in the said affiliated foreign company held by the domestic corporation through

direct and/or indirect ownership to the total number of voting rights in the said affiliated foreign company

ロ 請求権の内容が異なる株式等を発行している法人（ハに掲げる法人を除く。）その有する当該外国関係会社の直接及び間接保有の請求権に基づく剰余金の配当等の額の当該外国関係会社の株式等の請求権に基づき受けることができる剰余金の配当等の総額のうちに占める割合

(b) A corporation that issues shares, etc. in which different claims are vested (excluding a corporation listed in (c)): The ratio of the amount of dividend of surplus, etc. based on the claim for the said affiliated foreign company held by the domestic corporation through direct and/or indirect ownership to the total amount of dividend of surplus, etc. receivable based on the claims vested in the shares, etc. of the said affiliated foreign company

ハ 議決権の数が一個でない株式等及び請求権の内容が異なる株式等を発行している法人 イ又はロに定める割合のいずれか高い割合

(c) A corporation that issues both shares, etc. in which more than one voting right is vested and shares, etc. in which different claims are vested: The ratio specified in (a) or the ratio specified in (b), whichever is larger

二 直接及び間接の外国関係会社株式等の保有割合が百分の五以上である一の同族株主グループに属する内国法人（前号に掲げる内国法人を除く。）

(ii) A domestic corporation that belongs to a family shareholder group whose direct and/or indirect ownership ratio for shares, etc. of the foreign affiliated company is five percent or more (excluding the domestic corporation listed in the preceding item).

2 前項及びこの項において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(2) In the preceding paragraph and this paragraph, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 外国関係会社 外国法人で、その発行済株式又は出資（その有する自己の株式等を除く。）の総数又は総額のうちに居住者（第二条第一項第一号の二に規定する居住者をいう。以下この号及び第六号において同じ。）及び内国法人並びに特殊関係非居住者（居住者又は内国法人と政令で定める特殊の関係のある同項第一号の二に規定する非居住者をいう。以下この号において同じ。）が有する直接及び間接保有の株式等の数の合計数又は合計額の占める割合（当該外国法人が次のイからハまでに掲げる法人である場合には、当該割合とそれぞれイからハまでに定める割合のいずれか高い割合）が百分の五十を超えるものをいう。

(i) Foreign affiliated company: A foreign corporation in which the ratio of the sum of the number or amount of shares, etc. held through direct and/or indirect ownership by residents (meaning residents prescribed in Article 2(1)(i)-2; hereinafter the same shall apply in this item and item (vi)), domestic corporations and specially-related nonresidents (meaning nonresidents prescribed in Article 2(1)(i)-2 who have a special

relationship specified by a Cabinet Order with residents or domestic corporations: hereinafter the same shall apply in this item) to the total number or total amount of issued shares or capital contributions (excluding the shares, etc. held by the foreign corporation) (in the case where the foreign corporation is a corporation listed in (a) to (c): the said ratio or the ratio listed in (a) to (c), whichever is larger) is more than 50 percent:

- イ 議決権の数が一個でない株式等を発行している法人（ハに掲げる法人を除く。）  
当該外国法人の議決権の総数のうちに居住者及び内国法人並びに特殊関係非居住者が有する当該外国法人の直接及び間接保有の議決権の数の合計数の占める割合
- (a) A corporation that issues shares, etc. in which more than one voting right (excluding a corporation listed in (c)): The ratio of the sum of the number of voting rights in the said foreign corporation held through direct and/or indirect ownership by residents, domestic corporations and specially-related nonresidents to the total number of voting rights in the said foreign corporation
- ロ 請求権の内容が異なる株式等を発行している法人（ハに掲げる法人を除く。） 当該外国法人の株式等の請求権に基づき受けることができる剰余金の配当等の総額のうちに居住者及び内国法人並びに特殊関係非居住者が有する当該外国法人の直接及び間接保有の請求権に基づく剰余金の配当等の額の合計額の占める割合
- (b) A corporation that issues shares, etc. in which different claims are vested (excluding a corporation listed in (c)): The ratio of the sum of the amount of dividend of surplus, etc. based on the claims for the said foreign corporation held through direct and/or indirect ownership by residents, domestic corporations and specially-related nonresidents to the total amount of dividend of surplus, etc. receivable based on the claims vested in the shares, etc. of the said foreign corporation
- ハ 議決権の数が一個でない株式等及び請求権の内容が異なる株式等を発行している法人 イ又はロに定める割合のいずれか高い割合
- (c) A corporation that issues both shares, etc. in which more than one voting right is vested and shares, etc. in which different claims are vested: The ratio specified in (a) or the ratio specified in (b), whichever is larger
- 二 未処分所得の金額 特定外国子会社等の各事業年度の決算に基づく所得の金額につき、法人税法 及びこの法律による各事業年度の所得の金額の計算に準ずるものとして政令で定める基準により計算した金額を基礎として政令で定めるところにより当該各事業年度開始の日前七年以内に開始した各事業年度において生じた欠損の金額に係る調整を加えた金額をいう。
- (ii) Amount of undistributed income: An amount adjusted, with respect to the amount of income of a specified foreign subsidiary company, etc. in its settlement of accounts for each business year, pursuant to the method specified by a Cabinet Order, based on the amount calculated in accordance with the standards specified by a Cabinet Order in a manner equivalent to the manner for calculating the amount of income

for each business year pursuant to the Corporation Tax Act and this Act, in terms of the amount of loss incurred in each of the business years that commenced within seven years before the first day of the relevant business year

三 直接及び間接保有の株式等の数 個人又は内国法人が直接に有する外国法人の株式の数又は出資の金額及び他の外国法人を通じて間接に有するものとして政令で定める当該外国法人の株式の数又は出資の金額の合計数又は合計額をいう。

(iii) Number of shares, etc. (held) through direct and/or indirect ownership: The sum of the number of shares of or amount of capital contributions to a foreign corporation held directly by an individual or domestic corporation and the number of shares of or amount of capital contributions to the said foreign corporation specified by a Cabinet Order as being held indirectly by the said individual or domestic corporation via another foreign corporation

四 直接及び間接保有の議決権の数 個人又は内国法人が直接に有する外国法人の議決権の数及び他の外国法人を通じて間接に有するものとして政令で定める当該外国法人の議決権の数の合計数をいう。

(iv) Number of voting rights (held) through direct and/or indirect ownership: The sum of the number of voting rights in a foreign corporation held directly by an individual or domestic corporation and the number of voting rights in the said foreign corporation specified by a Cabinet Order as being held indirectly by the said individual or domestic corporation via another foreign corporation

五 直接及び間接保有の請求権に基づく剰余金の配当等の額 個人又は内国法人が直接に有する外国法人の株式等の請求権に基づき受けることができる剰余金の配当等の額及び他の外国法人を通じて間接に有する当該外国法人の株式等の請求権に基づき受けることができる剰余金の配当等の額として政令で定めるものの合計額をいう。

(v) Amount of dividend of surplus, etc. based on the claims (held) through direct and/or indirect ownership: The sum of the amount of dividend of surplus, etc. receivable based on the claims in the shares, etc. of a foreign corporation held directly by an individual or domestic corporation and the amount of dividend of surplus, etc. receivable based on the claims in the shares, etc. of the said foreign corporation specified by a Cabinet Order as being held indirectly by the said individual or domestic corporation via another foreign corporation

六 同族株主グループ 外国関係会社の株式等を直接又は間接に保有する者のうち、一の居住者又は内国法人及び当該一の居住者又は内国法人と政令で定める特殊の関係のある者（外国法人を除く。）をいう。

(vi) Family shareholder group: A group of persons who directly or indirectly hold shares, etc. of an affiliated foreign company, within which a resident or domestic corporation has a special relationship specified by a Cabinet Order with the rest of the persons in the group (excluding a foreign corporation)

3 第一項各号に掲げる内国法人に係る特定外国子会社等（株式（出資を含む。）若しくは債券の保有、工業所有権その他の技術に関する権利、特別の技術による生産方式若しくは

これらに準ずるもの（これらの権利に関する使用権を含む。）若しくは著作権（出版権及び著作隣接権その他これに準ずるものを含む。）の提供又は船舶若しくは航空機の貸付けを主たる事業とするものを除く。）がその本店又は主たる事務所の所在する国又は地域においてその主たる事業を行うに必要と認められる事務所、店舗、工場その他の固定施設を有し、かつ、その事業の管理、支配及び運営を自ら行っているものである場合（次項において「固定施設を有するものである場合」という。）における第一項の規定の適用については、同項中「調整を加えた金額」とあるのは、「調整を加えた金額から当該特定外国子会社等の事業に従事する者の人件費として政令で定める費用の額の百分の十に相当する金額を控除した金額」とする。

(3) With regard to the application of the provision of paragraph (1) in the case where a specified foreign subsidiary company, etc. related to a domestic corporation listed in each item of paragraph (1) (excluding a company engaged in, as its principal business, the holding of shares (including capital contributions) or bonds, the provision of industrial property rights or any other rights concerning technology, production methods involving special technology or any other equivalent rights or methods (including the right to use these rights) or copyrights (including rights of publication, neighboring rights and any other equivalent rights) or the lending of vessels or aircrafts) has an office, store, factory or any other fixed facility that is considered to be necessary for conducting its principal business in the state or territory where its head office or principal office is located, and takes charge of managing, controlling and operating the business by itself (referred to as the “case where a specified foreign subsidiary company, etc. has a fixed facility” in the next paragraph), the phrase “amount that is adjusted” in the said paragraph shall be deemed to be replaced with “amount that is adjusted,..., after deducting therefrom the amount equivalent to ten percent of the amount of expense specified by a Cabinet Order as a personnel expense for people engaged in the business at the said specified foreign subsidiary, etc.”

4 第一項及び前項の規定は、第一項各号に掲げる内国法人に係る前項に規定する特定外国子会社等がその本店又は主たる事務所の所在する国又は地域において固定施設を有するものである場合であつて、各事業年度においてその行う主たる事業が次の各号に掲げる事業のいずれに該当するかに応じ当該各号に定める場合に該当するときは、当該特定外国子会社等のその該当する事業年度に係る適用対象留保金額については、適用しない。

(4) Where a specified foreign subsidiary company, etc. prescribed in the preceding paragraph that is related to a domestic corporation listed in each item of paragraph (1) has a fixed facility in the state or territory where its head office or principal office is located, and falls under any of the cases listed in the following items depending on the type of business listed in the following items to which its principal business corresponds in each business year, the provisions of paragraph (1) and the preceding paragraph shall not apply to the eligible retained income of the said specified foreign subsidiary company, etc. for the relevant business year:

一 卸売業、銀行業、信託業、証券業、保険業、水運業又は航空運送業 その事業を主と

して当該特定外国子会社等に係る第四十条の四第一項各号に掲げる居住者、当該特定外国子会社等に係る第一項各号に掲げる内国法人、当該特定外国子会社等に係る第六十八条の九十第一項各号に掲げる連結法人その他これらの者に準ずる者として政令で定めるもの以外の者との間で行っている場合として政令で定める場合

(i) Wholesale business, banking business, trust business, securities business, insurance business, water transportation business or air transportation business: The case specified by a Cabinet Order in which the said specified foreign subsidiary company, etc. conducts business mainly with a person other than [1] a resident listed in each item of Article 40-4(1) who is related to the said specified foreign subsidiary company, etc., [2] a domestic corporation listed in each item of paragraph (1) that is related to the said specified foreign subsidiary company, etc., [3] a consolidated corporation listed in each item of Article 68-90(1) that is related to the said specified foreign subsidiary company, etc. or [4] any other person specified by a Cabinet Order as being equivalent to the persons mentioned in [1] to [3]

二 前号に掲げる事業以外の事業 その事業を主として本店又は主たる事務所の所在する国又は地域（当該国又は地域に係る水域で政令で定めるものを含む。）において行っている場合として政令で定める場合

(ii) Business other than those listed in the preceding item: The case specified by a Cabinet Order in which the said specified foreign subsidiary company, etc. conducts a business mainly in the state or territory where its head office or principal office is located (including the water areas belonging to the said state or territory which are specified by a Cabinet Order).

5 第一項各号に掲げる内国法人は、当該内国法人に係る特定外国子会社等の各事業年度の貸借対照表及び損益計算書その他の財務省令で定める書類を当該各事業年度終了の日の翌日から二月を経過する日を含む各事業年度の確定申告書（法人税法第二条第三十一号に規定する確定申告書をいう。次項において同じ。）に添付しなければならない。

(5) A domestic corporation listed in each item of paragraph (1) shall attach a balance sheet and profit and loss statement for each business year regarding the specified foreign subsidiary company, etc. related to the said domestic corporation as well as any other documents specified by an Ordinance of the Ministry of Finance, to its final return form (meaning a final return form prescribed in Article 2(xxxi) of the Corporation Tax Act; the same shall apply in the next paragraph) for the business year that includes the day on which two months have elapsed since the day following the last day of the relevant business year.

6 第三項又は第四項の規定は、確定申告書にこれらの規定の適用がある旨を記載した書面を添付し、かつ、その適用があることを明らかにする書類その他の資料を保存している場合に限り、適用する。

(6) The provisions of paragraph (3) and paragraph (4) shall apply only where the domestic corporation has attached, to its final return form, a document stating that these provisions shall apply, and preserved documents or any other materials that

certify that these provisions shall apply.

7 内国法人が外国信託（投資信託及び投資法人に関する法律第二条第二十二項に規定する外国投資信託のうち第六十八条の三の三第一項に規定する特定投資信託に類するものをいう。以下この項において同じ。）の受益権を直接又は間接に保有する場合には、当該外国信託の受託者は、当該外国信託の信託資産等（信託財産に属する資産及び負債並びに当該信託財産に帰せられる収益及び費用をいう。以下この項において同じ。）及び固有資産等（外国信託の信託資産等以外の資産及び負債並びに収益及び費用をいう。）ごとに、それぞれ別の者とみなして、この条（第三項、第四項及び前項を除く。）から第六十六条の九までの規定を適用する。

(7) Where a domestic corporation holds, directly or indirectly, a beneficial right of a foreign trust (meaning a foreign investment trust prescribed in Article 2(22) of the Act on Investment Trust and Investment Corporation, which is similar to a specified investment trust prescribed in Article 68-3-3(1); hereinafter the same shall apply in this paragraph), the trustee of the said foreign trust shall be deemed to be a different person for each of the trust assets, etc. under the said foreign trust (meaning assets and liabilities included in the trust property and profits and expenses attributed to the said trust property; hereinafter the same shall apply in this paragraph) and the trustee's own assets, etc. (meaning the trustee's assets and liabilities as well as profits and expenses other than those included in the trust assets, etc. under the foreign trust), and the provisions of this Article (excluding paragraph (3), paragraph (4) and the preceding paragraph) to Article 66-9 shall be applied thereto.

8 法人税法第四条の六第二項及び第四条の七の規定は、前項の規定を適用する場合について準用する。

(8) The provisions of Article 4-6(2) and Article 4-7 of the Corporation Tax Act shall apply in the case where the provision of the preceding paragraph shall apply.

#### 第六十六条の七

##### Article 66-7

1 前条第一項各号に掲げる内国法人が同項の規定の適用を受ける場合には、当該内国法人に係る特定外国子会社等の所得に対して課される外国法人税（法人税法第六十九条第一項に規定する外国法人税をいう。次項において同じ。）の額のうち当該特定外国子会社等の課税対象留保金額に対応するもの（当該課税対象留保金額に相当する金額を限度とする。）として政令で定めるところにより計算した金額は、政令で定めるところにより、当該内国法人が納付する控除対象外国法人税の額（同法第六十九条第一項に規定する控除対象外国法人税の額をいう。以下この款において同じ。）とみなして、同法第六十九条第一項から第七項まで、第十項及び第十五項から第十八項までの規定を適用する。この場合において、同条第十項中「うち第八項の規定により当該内国法人が納付するものとみなされる部分の金額」とあるのは「うち第八項の規定により当該内国法人が納付するものとみなされる部分の金額及び租税特別措置法第六十六条の七第一項（内国法人における特定外国子会社等の課税対象留保金額に係る外国税額の控除）に規定する特定外国子会社等の所

得に対して課される外国法人税の額のうち同項の規定により当該内国法人が納付するものとみなされる部分の金額」と、「うち同条第八項の規定により当該内国法人が納付するものとみなされる部分の金額」とあるのは「うち同条第八項の規定により当該内国法人が納付するものとみなされる部分の金額及び同法第六十八条の九十一第一項（連結法人における特定外国子会社等の個別課税対象留保金額に係る外国税額の控除）に規定する特定外国子会社等の所得に対して課される外国法人税の額のうち同項の規定により当該内国法人が納付するものとみなされる部分の金額」と、「同条第一項から第三項まで」とあるのは「第八十一条の十五第一項から第三項まで」とする。

- (1) Where a domestic corporation listed in each item of paragraph (1) of the preceding Article is subject to the provision of the said paragraph, any part of the amount of foreign corporation tax (meaning foreign corporation tax prescribed in Article 69(1) of the Corporation Tax Act; the same shall apply in the next paragraph) to be imposed on the income of a specified foreign subsidiary company, etc. related to the said domestic corporation, which is calculated pursuant to the method specified by a Cabinet Order as corresponding to the taxable retained income of the said specified foreign subsidiary company, etc. (up to the amount equivalent to the said taxable retained income) shall, pursuant to the provision of a Cabinet Order, be deemed to be the amount of creditable foreign corporation tax (meaning the amount of creditable corporation tax prescribed in Article 69(1) of the said Act; hereinafter the same shall apply in this Subsection) paid by the said domestic corporation, and the provisions of Article 69(1) to (7), (10) and (15) to (18) shall be applied thereto. In this case, in paragraph (10) of the said Article, the phrase “any part of the amount..., which shall be deemed to be payable by the said domestic corporation pursuant to the provision of paragraph (8)” shall be deemed to be replaced with “any part of the amount..., which shall be deemed to be payable by the said domestic corporation pursuant to the provision of paragraph (8) and any part of the amount of foreign corporation tax to be imposed on the income of a specified foreign subsidiary company, etc. prescribed in Article 66-7(1) of the Act on Special Measures Concerning Taxation (Credit for Foreign Tax on Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. of Domestic Corporations), which shall be deemed to be payable by the said domestic corporation pursuant to the provision of Article 66-7(1) of the said Act”, the phrase “any part of the amount..., which shall be deemed to be payable by the said domestic corporation pursuant to the provision of paragraph (8) of the said Article” shall be deemed to be replaced with “any part of the amount..., which shall be deemed to be payable by the said domestic corporation pursuant to the provision of paragraph (8) and any part of the amount of foreign corporation tax to be imposed on the income of a specified foreign subsidiary company, etc. prescribed in Article 68-91(1) of the said Act (Credit for Foreign Tax on Individually Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. of Consolidated Corporations), which shall be deemed to be payable by the said domestic corporation pursuant to the provision of Article 68-91(1) of the said Act”, and the phrase

“paragraph (1) to paragraph (3) of the said Article” shall be deemed to be replaced with “Article 81-15(1) to (3).”

2 内国法人が各連結事業年度において当該内国法人に係る第六十八条の九十第一項に規定する特定外国子会社等の同項に規定する個別課税対象留保金額に相当する金額につき同項の規定の適用を受けた場合において、その適用を受けた連結事業年度終了の日後に開始する各事業年度の期間において当該特定外国子会社等の所得に対して外国法人税が課されるときは、当該特定外国子会社等の当該個別課税対象留保金額は前項に規定する特定外国子会社等の課税対象留保金額と、同条第一項に規定する特定外国子会社等の所得に対して課される当該外国法人税の額は前項に規定する特定外国子会社等の所得に対して課される外国法人税の額とそれぞれみなして、同項の規定を適用する。

(2) Where a domestic corporation is, in each consolidated business year, subject to the provision of paragraph (1) of Article 68-90 with respect to the amount equivalent to the individually taxable retained income prescribed in the said paragraph of a specified foreign subsidiary company, etc. prescribed in the said paragraph that is related to the said domestic corporation, if foreign corporation tax shall be imposed on the income of the said specified foreign subsidiary company, etc. during the period of each business year beginning after the last day of the consolidated business year during which the said domestic corporation has been subject to the said provision, the said individually taxable retained income of the said specified foreign subsidiary company, etc. shall be deemed to be the taxable retained income of a specified foreign subsidiary company, etc. prescribed in the preceding paragraph, and the amount of the said foreign corporation tax to be imposed on the income of a specified foreign subsidiary company, etc. prescribed in paragraph (1) of the said Article shall be deemed to be the amount of foreign corporation tax to be imposed on the income of a specified foreign subsidiary company, etc. prescribed in the preceding paragraph respectively, and the provision of the said paragraph shall be applied thereto.

3 前条第一項各号に掲げる内国法人が同項の規定の適用に係る特定外国子会社等の課税対象留保金額に相当する金額につき同項の規定の適用を受ける場合において、第一項の規定により法人税法第六十九条第一項 から第三項 までの規定の適用を受けるときは、第一項の規定により控除対象外国法人税の額とみなされた金額は、当該内国法人の政令で定める事業年度の所得の金額の計算上、益金の額に算入する。

(3) Where a domestic corporation listed in each item of paragraph (1) of the preceding Article is subject to the provision of the said paragraph with respect to the amount equivalent to the taxable retained income of a specified foreign subsidiary company, etc. that is subject to the provision of the said paragraph, and the said domestic corporation is also subject to the provision of Article 69(1) to (3) of the Corporation Tax Act pursuant to the provision of paragraph (1), the amount that is deemed to be the amount of creditable foreign corporation tax pursuant to the provision of paragraph (1) shall be included in the amount of gross profit in the calculation of the amount of income of the said domestic corporation for the business year specified by a Cabinet

Order.

第六十六条の八

Article 66-8

1 第六十六条の六第一項の規定の適用を受けた内国法人に係る特定外国子会社等につき第一号若しくは第二号に掲げる事実が生じた場合又は当該内国法人に係る同条第二項第一号に規定する外国関係会社（当該特定外国子会社等から法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配（以下この項において「剰余金の配当等」という。）の支払（第二号に定める金額の同号に掲げる交付を含む。）を受けた外国関係会社のうち政令で定めるものに限る。以下この項において同じ。）につき第三号に掲げる事実が生じた場合で、当該内国法人のこれらの事実が生じた日を含む事業年度開始の日前十年以内に開始した各事業年度（以下この条において「前十年以内の各事業年度」という。）において当該特定外国子会社等の課税対象留保金額で第六十六条の六第一項の規定により前十年以内の各事業年度の所得の金額の計算上益金の額に算入された金額（この項の規定により前十年以内の各事業年度において損金の額に算入された金額を除く。以下この条及び次条において「課税済留保金額」という。）があるときは、当該課税済留保金額に相当する金額は、当該特定外国子会社等又は当該外国関係会社につき生じた事実が次の各号に掲げる事実のいずれに該当するかに応じ当該各号に定める金額のうち当該内国法人に係る課税対象留保金額から充てられたものとして政令で定めるところにより計算した金額に相当する金額を限度として、当該内国法人のその事実が生じた日を含む事業年度の所得の金額の計算上、損金の額に算入する。

(1) Where an event listed in item (i) or item (ii) has occurred with regard to a specified foreign subsidiary company, etc. related to a domestic corporation that has been subject to the provision of Article 66-6(1), or where an event listed in item (iii) has occurred with regard to an affiliated foreign company prescribed in Article 66-6(2)(i) (limited to an affiliated foreign company that has received, from the said specified foreign subsidiary company, etc., payment of dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to in this paragraph as “dividend of surplus, etc.”) (such payment shall include the delivery listed in item (ii) of the amount specified in the said item), which is specified by a Cabinet Order; hereinafter the same shall apply in this paragraph) that is related to the said domestic corporation, if the taxable retained income of the said specified foreign subsidiary company, etc. in each business year of the said domestic corporation that commenced within ten years before the first day of the business year that includes the day on which the relevant event has occurred (hereinafter referred to in this Article as “each business year within the preceding ten years”), contains any amount included in the amount of gross profit in the calculation of the amount of the said domestic corporation’s income for each business year within the preceding ten years pursuant to the provision of Article 66-6(1) (excluding any amount included in the amount of deductible expense for each business year within the

preceding ten years pursuant to the provision of this paragraph; hereinafter referred to in this Article and the next Article as “taxed amount of retained income” ), such taxed amount of retained income shall be included in the amount of deductible expense in the calculation of the amount of the said domestic corporation’ s income for the business year that includes the day on which the relevant event has occurred, up to the amount equivalent to the amount calculated pursuant to the method specified by a Cabinet Order as part of the amount specified by each of the following items for the type of event corresponding to the event that has occurred with regard to the said specified foreign subsidiary company, etc. or the said foreign affiliated company, which is appropriated from the taxable retained income pertaining to the said domestic corporation:

一 剰余金の配当等の支払 その支払う剰余金の配当等の額

(i) Payment of dividend of surplus, etc.: The amount of dividend of surplus, etc. to be paid

二 法人税法第二十四条第一項 各号に掲げる事由による金銭その他の資産の交付 その交付により減少することとなる利益積立金額に相当する金額

(ii) Delivery of money or any other assets by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve which is to be decreased due to the delivery

三 当該内国法人に対する剰余金の配当等の支払又は法人税法第二十四条第一項 各号に掲げる事由による金銭その他の資産の交付 その支払う剰余金の配当等の額又はその交付により減少することとなる利益積立金額に相当する金額

(iii) Payment of dividend of surplus, etc. to the said domestic corporation or delivery of money or any other assets to the to the said domestic corporation by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve which is to be decreased due to the amount of dividend of surplus, etc. to be paid or the delivery

2 内国法人の前項各号に掲げる事実が生じた日を含む事業年度開始の日前十年以内に開始した連結事業年度がある場合において、当該連結事業年度に係る個別課税済留保金額（第六十八条の九十二第一項に規定する個別課税済留保金額をいう。以下この条において同じ。）があるときは、前項の規定の適用については、その個別課税済留保金額は、当該連結事業年度の期間に対応する前十年以内の各事業年度の課税済留保金額とみなす。

(2) Where a domestic corporation has a consolidated business year that commenced within ten years before the first day of the business year that includes the day on which the event listed in any item of the preceding paragraph has occurred, and has an individually taxed amount of retained income (meaning the individually taxed amount of retained income prescribed in Article 68-92(1); hereinafter the same shall apply in this Article) for the said consolidated business year, with regard to the application of the provision of the preceding paragraph, such individually taxed amount of retained

income shall be deemed to be a taxed amount of retained income for each business year within the preceding ten years which corresponds to the period of the said consolidated business year.

- 3 内国法人が適格合併、適格分割、適格現物出資又は適格事後設立（以下この項において「適格合併等」という。）により被合併法人、分割法人、現物出資法人又は事後設立法人からその有する特定外国子会社等の第六十六条の六第二項第三号に規定する直接及び間接保有の株式等の数（以下この項において「直接及び間接保有の株式等の数」という。）の全部又は一部の移転を受けた場合には、当該内国法人の当該適格合併等の日を含む事業年度以後の各事業年度における第一項の規定の適用については、次の各号に掲げる適格合併等の区分に応じ当該各号に定める金額は、政令で定めるところにより、当該内国法人の前十年以内の各事業年度の課税済留保金額とみなす。

(3) Where a domestic corporation has acquired, as a result of a qualified merger, qualified company split, qualified capital contribution in kind or qualified post-formation acquisition of assets and/or liabilities (hereinafter referred to in this paragraph as a “qualified merger, etc.”), the transfer of the whole or part of the number of shares, etc. of a specified foreign subsidiary company, etc. held through direct and/or indirect ownership prescribed in Article 66-6(2)(iii) (hereinafter referred to in this paragraph as the “number of shares, etc. held through direct and/or indirect ownership”) by the merged corporation, the split corporation, the corporation making a capital contribution-in-kind or the corporation effecting post-formation acquisition of assets and/or liabilities, with regard to the application of the provision of paragraph (1) in the business year that includes the date of the said qualified merger, etc. and each subsequent business year of the said domestic corporation, the amount specified in each of the following items for the category of qualified merger, etc. listed in the relevant item shall, pursuant to the provision of a Cabinet Order, be deemed to be the taxed amount of retained income of the said domestic corporation for each business year within the preceding ten years:

一 適格合併 当該適格合併に係る被合併法人の合併前十年内事業年度（適格合併の日前十年以内に開始した各事業年度又は各連結事業年度をいう。）の課税済留保金額又は個別課税済留保金額

(i) Qualified merger: The taxed amount of retained income or individually taxed amount of retained income of the merged corporation involved in the qualified merger for each business year within ten years before the merger (meaning each business year or each consolidated business year that commenced within ten years before the date of the qualified merger)

二 適格分割型分割 当該適格分割型分割に係る分割法人の分割前十年内事業年度（適格分割型分割の日前十年以内に開始した各事業年度又は各連結事業年度をいう。次項において同じ。）の課税済留保金額又は個別課税済留保金額のうち、当該適格分割型分割により当該内国法人が移転を受けた当該特定外国子会社等の直接及び間接保有の株式等の数に対応する部分の金額として第六十六条の六第一項に規定する請求権の内容を勘案し

て政令で定めるところにより計算した金額

- (ii) Qualified split-off-type company split: Any part of the taxed amount of retained income or individually taxed amount of retained income of the split corporation involved in the qualified split-off-type company split for each business year within ten years before the company split (meaning each business year or each consolidated business year that commenced within ten years before the date of the qualified split-off-type company split; the same shall apply in the next paragraph), which is calculated pursuant to the method specified by a Cabinet Order as the amount of income corresponding to the number of shares, etc. of the said specified foreign subsidiary company, etc. transferred to and therefore held by the said domestic corporation through direct and/or indirect ownership as a result of the said qualified split-off-type company split, while taking into consideration the contents of the claim prescribed in Article 66-6(1)

三 適格分社型分割、適格現物出資又は適格事後設立（以下この号において「適格分社型分割等」という。） 当該適格分社型分割等に係る分割法人、現物出資法人又は事後設立法人の分割等前十年内事業年度（適格分社型分割等の日を含む事業年度開始の日前十年以内に開始した各事業年度若しくは各連結事業年度又は適格分社型分割等の日を含む連結事業年度開始の日前十年以内に開始した各連結事業年度若しくは各事業年度をいう。次項において同じ。）の課税済留保金額又は個別課税済留保金額のうち、当該適格分社型分割等により当該内国法人が移転を受けた当該特定外国子会社等の直接及び間接保有の株式等の数に対応する部分の金額として第六十六条の六第一項に規定する請求権の内容を勘案して政令で定めるところにより計算した金額

- (iii) Qualified spin-off-type company split, qualified capital contribution in kind or qualified post-formation acquisition of assets and/or liabilities (hereinafter referred to in this item as “qualified spin-off-type company split, etc.”): Any part of the taxed amount of retained income or individually taxed amount of retained income of the split corporation, corporation making a capital contribution in kind or corporation effecting a post-formation acquisition of assets and/or liabilities involved in the qualified spin-off-type company split, etc. for each business year within ten years before the company split, etc. (meaning each business year or each consolidated business year that commenced within ten years before the first day of the business year that includes the date of the qualified spin-off-type company split, etc., or each consolidated business year or each business year that commenced within ten years before the first day of the consolidated business year that includes the date of the qualified spin-off-type company split, etc.; the same shall apply in the next paragraph), which is calculated pursuant to the method specified by a Cabinet Order as the amount of income corresponding to the number of shares, etc. of the said specified foreign subsidiary company, etc. transferred to and therefore held by the said domestic corporation through direct and/or indirect ownership as a result of the said qualified spin-off-type company split, while taking into consideration the

contents of the claim prescribed in Article 66-6(1)

- 4 適格分割、適格現物出資又は適格事後設立（以下この項において「適格分割等」という。）に係る分割承継法人、被現物出資法人又は被事後設立法人（以下この項において「分割承継法人等」という。）が前項又は第六十八条の九十二第三項の規定の適用を受ける場合には、当該適格分割等に係る分割法人、現物出資法人又は事後設立法人（以下この項において「分割法人等」という。）の当該適格分割等の日を含む事業年度以後の各事業年度における第一項の規定の適用については、当該分割法人等の分割前十年内事業年度又は分割等前十年内事業年度の課税済留保金額のうち、前項の規定により当該分割承継法人等の前十年以内の各事業年度の課税済留保金額とみなされる金額及び同条第三項の規定により前十年以内の各連結事業年度（同条第一項に規定する前十年以内の各連結事業年度をいう。）の個別課税済留保金額とみなされる金額は、ないものとする。
- (4) Where the succeeding corporation in a company split, the corporation receiving capital contribution in kind or the corporation receiving post-formation acquisition of assets and/or liabilities (hereinafter referred to in this paragraph as the “succeeding corporation in a company split, etc.”) involved in a qualified company split, qualified capital contribution in kind or qualified post-formation acquisition of assets and/or liabilities (hereinafter referred to in this paragraph as a “qualified company split, etc.”) is subject to the provisions of the preceding paragraph or Article 68-92(3), with regard to the application of the provision of paragraph (1) in the business year that includes the date of the said qualified company split, etc. and each subsequent business year of the split corporation, the corporation making a capital contribution in kind or the corporation effecting post-formation acquisition of assets and/or liabilities (hereinafter referred to in this paragraph as the “split corporation, etc.”) involved in the said qualified company split, etc., no part of the taxed amount of retained income of the said split corporation, etc. for each business year within ten years before the company split or each business year within ten years before the company split, etc. shall be deemed to be the taxed amount of retained income of the said succeeding corporation in a company split, etc. for each business year within the preceding ten years pursuant to the provision of the preceding paragraph, or the individually taxed amount of retained income of the said succeeding corporation in a company split, etc. for each consolidated business year within the preceding ten years (meaning each consolidated business year within the preceding ten years prescribed in paragraph (1) of the said Article).
- 5 第一項の規定は、課税済留保金額に係る事業年度又は連結事業年度のうち最も古い事業年度又は連結事業年度以後の各事業年度の法人税法第二条第三十一号に規定する確定申告書又は各連結事業年度の同条第三十二号に規定する連結確定申告書に当該課税済留保金額又は個別課税済留保金額その他財務省令で定める事項に関する明細書の添付があり、かつ、同項の規定の適用を受けようとする事業年度の確定申告書等に、同項の規定により損金の額に算入される金額の損金算入に関する申告の記載及びその損金の額に算入される金額の計算に関する明細書の添付がある場合に限り、適用する。この場合において、同項の規定により損金の額に算入される金額は、当該申告に係るその損金の額に算入されるべき金額

に限るものとする。

(5) The provision of paragraph (1) shall apply only where a domestic corporation has filed a final return form prescribed in Article 2(xxxi) of the Corporation Tax Act or a consolidated final return form prescribed in Article 2(xxxii) of the said Act for each business year after the earliest business year or consolidated business year pertaining to the taxed amount of retained income respectively, with a written statement attached thereto regarding the said taxed amount of retained income or individually taxed amount of retained income and any other matters specified by an Ordinance of the Ministry of Finance, and filed a final return form, etc. for the business year for which the domestic corporation seeks the application of the provision of Article 2(3) of the said Act, with an application made therein to seek the inclusion in deductible expense of the amount to be included in the amount of deductible expense pursuant to the provision of Article 2(3) of the said Act and a written statement attached thereto regarding the calculation of the amount to be included in the amount of deductible expense. In this case, the amount to be included in the amount of deductible expense pursuant to the provision of Article 2(3) of the said Act shall be limited to the amount to be included in the amount of deductible expense based on the said application.

6 税務署長は、第一項の規定により損金の額に算入されるべきこととなる金額又は課税済留保金額若しくは個別課税済留保金額その他財務省令で定める事項の全部又は一部につき前項の記載又は明細書の添付がない確定申告書等又は同項に規定する連結確定申告書の提出があつた場合においても、同項の記載又は明細書の添付がなかつたことについてやむを得ない事情があると認める場合において、これらの明細書の提出があつたときは、その記載又は明細書の添付がなかつた金額につき第一項の規定を適用することができる。

(6) Even where a domestic corporation has filed a final return form, etc. or a consolidated final return form prescribed in paragraph (1) without the application or written statement attached thereto as set forth in the preceding paragraph regarding the whole or part of the necessary matters including [1] the amount to be included in the amount of deductible expense pursuant to the said paragraph, [2] the taxed amount of retained income or individually taxed amount of retained income and [3] any other matters specified by an Ordinance of the Ministry of Finance, the district director may, when he/she finds any unavoidable reason for the domestic corporation's failure to make a necessary application or attach a necessary written statement as set forth in the said paragraph, apply the provision of paragraph (1) to any amount for which the application or written statement has not been made or attached, only if such application and written statement are submitted.

7 第一項の規定の適用を受けた内国法人の同項の規定により損金の額に算入された金額は、法人税法第六十七条第三項及び第五項の規定の適用については、これらの規定に規定する所得等の金額に含まれるものとするほか、利益積立金額の計算に関し必要な事項は、政令で定める。

(7) With regard to the application of the provisions of Article 67(3) and (5) of the

Corporation Tax Act, any amount included, pursuant to the provision of paragraph (1), in the amount of deductible expense of a domestic corporation subject to the provision of the said paragraph shall be included in the amount of income, etc. prescribed in these provisions, and any necessary matters concerning the calculation of the amount of profit reserve shall be specified by a Cabinet Order.

#### 第六十六条の九

##### Article 66-9

内国法人が第六十六条の六第一項各号に掲げる法人に該当するかどうかの判定に関する事項、第六十六条の七第一項の規定により内国法人が納付したとみなされる控除対象外国法人税の額のうち前条第一項の規定により各事業年度の所得の金額の計算上損金の額に算入された課税済留保金額に係るものの処理その他前三条の規定の適用に関し必要な事項は、政令で定める。

Matters concerning the determination as to whether or not a domestic corporation falls under any of the categories of corporation listed in the items of Article 66-6(1), the treatment of the part of the amount of creditable foreign corporation tax that shall be deemed to be paid by a domestic corporation pursuant to the provision of Article 66-7(1), which pertains to the taxed amount of retained income included in the amount of deductible expense in the calculation of the amount of income for each business year pursuant to the provision of paragraph (1) of the preceding Article, and other necessary matters concerning the application of the provisions of the preceding three Articles shall be specified by a Cabinet Order.

#### 第三款 特殊関係株主等である内国法人に係る特定外国法人に係る所得の課税の特例

##### **Subsection 3 Special Provisions for Taxation on Income of Specified Foreign Corporations Related to Domestic Corporations That Are Specially-Related Shareholders, etc.**

第六十六条の九の六 (特殊関係株主等である内国法人に係る特定外国法人の留保金額の益金算入)

Article 66-9-6 (Inclusion in Gross Profit of Retained Income of Specified Foreign Corporations Related to Domestic Corporations That Are Specially-Related Shareholders, etc.)

- 1 特殊関係株主等 (特定株主等に該当する者並びにこれらの者と政令で定める特殊の関係のある個人及び法人をいう。以下この款において同じ。) と特殊関係内国法人との間に当該特殊関係株主等が当該特殊関係内国法人の発行済株式又は出資 (自己在有する自己の株式又は出資を除く。以下この項及び次項において「発行済株式等」という。) の総数又は総額の百分の八十以上の数又は金額の株式等 (株式又は出資をいう。以下この項及び次項において同じ。) を間接に保有する関係として政令で定める関係 (次項において「特定関

係」という。)がある場合において、当該特殊関係株主等と特殊関係内国法人との間に発行済株式等の保有を通じて介在するものとして政令で定める外国法人(以下この款において「外国関係法人」という。)のうち、本店又は主たる事務所の所在する国又は地域におけるその所得に対して課される税の負担が本邦における法人の所得に対して課される税の負担に比して著しく低いものとして政令で定める外国関係法人に該当するもの(以下この款において「特定外国法人」という。)が、平成十九年十月一日以後に開始する各事業年度において、その未処分所得の金額から留保したものとして、政令で定めるところにより、当該未処分所得の金額につき当該未処分所得の金額に係る税額及び法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配(以下この項において「剰余金の配当等」という。)の額に関する調整を加えた金額(以下この条において「適用対象留保金額」という。)を有するときは、その適用対象留保金額のうち当該特殊関係株主等である内国法人の有する当該特定外国法人の直接及び間接保有の株式等の数に対応するものとしてその株式等の請求権(剰余金の配当等、財産の分配その他の経済的な利益の給付を請求する権利をいう。)の内容を勘案して政令で定めるところにより計算した金額(以下この款において「課税対象留保金額」という。)に相当する金額は、当該特殊関係株主等である内国法人の収益の額とみなして当該各事業年度終了の日の翌日から二月を経過する日を含む当該内国法人の各事業年度の所得の金額の計算上、益金の額に算入する。

- (1) Where, between a specially-related shareholder, etc. (meaning a person who falls under the category of specified shareholder, etc. as well as an individual and a corporation having a special relationship therewith as specified by a Cabinet Order; hereinafter the same shall apply in this Subsection) and a specially-related domestic corporation, there is a relationship specified by a Cabinet Order as a relationship whereby the said specially-related shareholder, etc. indirectly holds shares, etc. (meaning shares or capital contributions; hereinafter the same shall apply in this paragraph and the next paragraph) that account for 80 percent or more of the total number or total amount of issued shares of or capital contributions to the said specially-related domestic corporation (excluding the shares or capital contributions held by the corporation; hereinafter referred to in this paragraph and the next paragraph as “issued shares, etc.”) (such relationship referred to in the next paragraph as a “specified relationship”), and a foreign corporation specified by a Cabinet Order as acting as an intermediary between the said specially-related shareholder, etc. and the said specially-related domestic corporation by way of the holding of the issued shares, etc. (hereinafter referred to in this Subsection as an “affiliated foreign corporation”), which falls under the category of affiliated foreign corporation specified by a Cabinet Order as a corporation whose tax burden to be imposed on its income earned in a state or territory where its head office or principal office is located is significantly lower than the tax burden to be imposed on the income of a corporation in Japan (hereinafter referred to in this Subsection as a “specified foreign corporation”), in each business year beginning on or after October 1, 2007, retains as part of the amount of undistributed income, pursuant to the provision of a Cabinet Order, any amount that is

adjusted, with respect to the said amount of undistributed income, based on the tax amount pertaining to the said amount of undistributed income and the amount of dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to in this paragraph as “dividend of surplus, etc.”) (such adjusted amount hereinafter referred to in this Article as “eligible retained income”), the amount equivalent to the part of eligible retained income which is calculated pursuant to the method specified by a Cabinet Order as the amount of income corresponding to the number of shares, etc. of the said specified foreign corporation held by the domestic corporation that is the said specially-related shareholder, etc. through direct and/or indirect ownership, while taking into consideration the contents of the claim (meaning a claim to demand dividend of surplus, etc., distribution of property and any other economic benefit) vested in such shares, etc. (such part of eligible retained income hereinafter referred to in this Subsection as “taxable retained income”) shall be deemed to be the amount of profit of the domestic corporation that is the said specially-related shareholder, etc., and included in its gross profit in the calculation of the amount of its income for the business year that includes the day on which two months have elapsed since the day following the last day of the relevant business year.

2 この款において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(2) In this Subsection, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 特定株主等 特定関係が生ずることとなる直前に特定内国法人（当該直前に株主等（法人税法第二条第十四号に規定する株主等をいう。）の五人以下並びにこれらと政令で定める特殊の関係のある個人及び法人によつて発行済株式等の百分の八十以上の数又は金額の株式等を保有される内国法人をいう。次号において同じ。）の株式等を有する個人及び法人をいう。

(i) Specified shareholder, etc.: An individual and corporation holding, at the time immediately before a specified relationship is established, shares, etc. of a specified domestic corporation (meaning a domestic corporation wherein not more than five shareholders, etc. (meaning shareholders, etc. prescribed in Article 2(xiv) of the Corporation Tax Act) as well as individuals and corporations having a special relationship therewith as specified by a Cabinet Order hold shares, etc. that account for 80 percent or more of the total number or total amount of its issued shares, etc. at that time; the same shall apply in the next item)

二 特殊関係内国法人 特定内国法人又は特定内国法人からその資産及び負債の大部分の移転を受けたものとして政令で定める内国法人をいう。

(ii) Specially-related domestic corporation: A specified domestic corporation, or a domestic corporation specified by a Cabinet Order as a corporation that has received the transfer of the majority of assets and liabilities from a specified domestic corporation

三 未処分所得の金額 特定外国法人の各事業年度の決算に基づく所得の金額につき、法人税法及びこの法律による各事業年度の所得の金額の計算に準ずるものとして政令で定める基準により計算した金額を基礎として政令で定めるところにより当該各事業年度開始の日前七年以内に開始した各事業年度において生じた欠損の金額に係る調整を加えた金額をいう。

(iii) Amount of undistributed income: An amount adjusted, with respect to the amount of income of a specified foreign corporation in its settlement of accounts for each business year, pursuant to the method specified by a Cabinet Order, based on the amount calculated in accordance with the standards specified by a Cabinet Order in a manner equivalent to the manner for calculating the amount of income for each business year pursuant to the Corporation Tax Act and this Act, in terms of the amount of loss incurred in each of the business years that commenced within seven years before the first day of the relevant business year

四 直接及び間接保有の株式等の数 第二条第一項第一号の二に規定する居住者又は内国法人が直接に有する外国法人の株式の数又は出資の金額及び他の外国法人を通じて間接に有するものとして政令で定める当該外国法人の株式の数又は出資の金額の合計数又は合計額をいう。

(iv) Number of shares, etc. held through direct and/or indirect ownership: The sum of the number of shares of or amount of capital contributions to a foreign corporation held directly by a resident prescribed in Article 2(1)(i)-2 or domestic corporation and the number of shares of or amount of capital contributions to the said foreign corporation specified by a Cabinet Order as being held indirectly by the said individual or domestic corporation via another foreign corporation

3 特殊関係株主等である内国法人に係る特定外国法人（株式（出資を含む。）若しくは債券の保有、工業所有権その他の技術に関する権利、特別の技術による生産方式若しくはこれらに準ずるもの（これらの権利に関する使用権を含む。）若しくは著作権（出版権及び著作隣接権その他これに準ずるものを含む。）の提供又は船舶若しくは航空機の貸付けを主たる事業とするものを除く。）がその本店又は主たる事務所の所在する国又は地域においてその主たる事業を行うに必要と認められる事務所、店舗、工場その他の固定施設を有し、かつ、その事業の管理、支配及び運営を自ら行っているものである場合（次項において「固定施設を有するものである場合」という。）における第一項の規定の適用については、同項中「調整を加えた金額」とあるのは、「調整を加えた金額から当該特定外国法人の事業に従事する者の人件費として政令で定める費用の額の百分の十に相当する金額を控除した金額」とする。

(3) With regard to the application of the provision of paragraph (1) in the case where a specified foreign corporation related to a domestic corporation that is a specially-related shareholder, etc. (excluding a corporation engaged in, as its principal business, the holding of shares (including capital contributions) or bonds, the provision of industrial property rights or any other rights concerning technology, production methods involving special technology or any other equivalent rights or methods (including the

right to use these rights) or copyrights (including rights of publication, neighboring rights and any other equivalent rights) or the lending of vessels or aircrafts) has an office, store, factory or any other fixed facility that is considered to be necessary for conducting its principal business in the state or territory where its head office or principal office is located, and takes charge of managing, controlling and operating the business by itself (referred to as the “case where a specified foreign corporation has a fixed facility” in the next paragraph), the phrase “amount that is adjusted” in the said paragraph shall be deemed to be replaced with “amount that is adjusted,..., after deducting therefrom the amount equivalent to ten percent of the amount of expense specified by a Cabinet Order as a personnel expense for people engaged in the business at the said specified foreign corporation.”

4 第一項及び前項の規定は、特殊関係株主等である内国法人に係る同項に規定する特定外国法人がその本店又は主たる事務所の所在する国又は地域において固定施設を有するものである場合であつて、各事業年度においてその行う主たる事業が次の各号に掲げる事業のいずれに該当するかに応じ当該各号に定める場合に該当するときは、当該特定外国法人のその該当する事業年度に係る適用対象留保金額については、適用しない。

(4) Where a specified foreign corporation prescribed in the preceding paragraph related to a domestic corporation that is a specially-related shareholder, etc. has a fixed facility in the state or territory where its head office or principal office is located, and falls under any of the cases listed in the following items depending on the type of business listed in the following items to which its principal business corresponds in each business year, the provisions of paragraph (1) and the preceding paragraph shall not apply to the eligible retained income of the said specified foreign corporation for the relevant business year:

一 卸売業、銀行業、信託業、証券業、保険業、水運業又は航空運送業 その事業を主として当該特定外国法人に係る特殊関係内国法人、特殊関係株主等その他これらの者に準ずる者として政令で定めるもの以外の者との間で行っている場合として政令で定める場合

(i) Wholesale business, banking business, trust business, securities business, insurance business, water transportation business or air transportation business: The case specified by a Cabinet Order in which the said specified foreign corporation. conducts business mainly with a person other than [1] a specially-related domestic corporation that is related to the said specified foreign corporation, [2] a specially-related shareholder, etc. or [3] any other person specified by a Cabinet Order as being equivalent to the persons mentioned in [1] or [2]

二 前号に掲げる事業以外の事業 その事業を主として本店又は主たる事務所の所在する国又は地域（当該国又は地域に係る水域で第六十六条の六第四項第二号に規定する政令で定めるものを含む。）において行っている場合として政令で定める場合

(ii) Business other than those listed in the preceding item: The case specified by a Cabinet Order in which the said specified foreign corporation conducts business

mainly in the state or territory where its head office or principal office is located (including the water areas belonging to the said state or territory which are specified by a Cabinet Order prescribed in Article 66-6(4)(ii)).

5 特殊関係株主等である内国法人は、当該内国法人に係る特定外国法人の各事業年度の貸借対照表及び損益計算書その他の財務省令で定める書類を当該各事業年度終了の日の翌日から二月を経過する日を含む各事業年度の確定申告書（法人税法第二条第三十一号に規定する確定申告書をいう。次項において同じ。）に添付しなければならない。

(5) A domestic corporation that is a specially-related shareholder, etc. shall attach a balance sheet and profit and loss statement for each business year regarding the specified foreign corporation related to the said domestic corporation as well as any other documents specified by an Ordinance of the Ministry of Finance, to its final return form (meaning a final return form prescribed in Article 2(xxxi) of the Corporation Tax Act; the same shall apply in the next paragraph) for the business year that includes the day on which two months have elapsed since the day following the last day of the relevant business year.

6 第三項又は第四項の規定は、確定申告書にこれらの規定の適用がある旨を記載した書面を添付し、かつ、その適用があることを明らかにする書類その他の資料を保存している場合限り、適用する。

(6) The provisions of paragraph (3) and paragraph (4) shall apply only where the domestic corporation has attached, to its final return form, a document stating that these provisions shall apply, and preserved documents or any other materials that certify that these provisions shall apply.

7 特殊関係株主等である内国法人に係る外国関係法人が第六十六条の六第二項第一号に規定する外国関係会社に該当し、かつ、当該特殊関係株主等である内国法人が同条第一項各号に掲げる内国法人に該当する場合には、第一項の規定は、適用しない。

(7) The provision of paragraph (1) shall not apply where an affiliated foreign corporation related to a domestic corporation that is a specially-related shareholder, etc. falls under the category of affiliated foreign company prescribed in Article 66-6(2)(i) and the said domestic corporation that is a specially-related shareholder, etc. falls under the category of domestic corporation listed in each item of Article 66-6(1).

8 特殊関係株主等である内国法人が外国信託（投資信託及び投資法人に関する法律第二条第二十二項に規定する外国投資信託のうち第六十八条の三の三第一項に規定する特定投資信託に類するものをいう。以下この項において同じ。）の受益権を直接又は間接に保有する場合には、当該外国信託の受託者は、当該外国信託の信託資産等（信託財産に属する資産及び負債並びに当該信託財産に帰せられる収益及び費用をいう。以下この項において同じ。）及び固有資産等（外国信託の信託資産等以外の資産及び負債並びに収益及び費用をいう。）ごとに、それぞれ別の者とみなして、この条（第三項、第四項及び第六項を除く。）から第六十六条の九の九までの規定を適用する。

(8) Where a domestic corporation that is a specially-related shareholder, etc. holds, directly or indirectly, a beneficial right of a foreign trust (meaning a foreign investment

trust prescribed in Article 2(22) of the Act on Investment Trust and Investment Corporation, which is similar to a specified investment trust prescribed in Article 68-3-3(1); hereinafter the same shall apply in this paragraph), the trustee of the said foreign trust shall be deemed to be a different person for each of the trust assets, etc. under the said foreign trust (meaning assets and liabilities included in the trust property and profits and expenses attributed to the said trust property; hereinafter the same shall apply in this paragraph) and the trustee's own assets, etc. (meaning the trustee's assets and liabilities as well as profits and expenses other than those included in the trust assets, etc. under the foreign trust)), and the provisions of this Article (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 66-9-9 shall be applied thereto.

9 法人税法第四条の六第二項及び第四条の七の規定は、前項の規定を適用する場合について準用する。

(9) The provisions of Article 4-6(2) and Article 4-7 of the Corporation Tax Act shall apply mutatis mutandis in the case where the provision of the preceding paragraph shall apply.

#### 第六十六条の九の七

##### Article 66-9-7

1 特殊関係株主等である内国法人が前条第一項の規定の適用を受ける場合には、当該内国法人に係る特定外国法人の所得に対して課される外国法人税（法人税法第六十九条第一項に規定する外国法人税をいう。次項において同じ。）の額のうち当該特定外国法人の課税対象留保金額に対応するもの（当該課税対象留保金額に相当する金額を限度とする。）として政令で定めるところにより計算した金額は、政令で定めるところにより、当該内国法人が納付する控除対象外国法人税の額（同法第六十九条第一項に規定する控除対象外国法人税の額をいう。以下この款において同じ。）とみなして、同法第六十九条第一項から第七項まで、第十項及び第十五項から第十八項までの規定を適用する。この場合において、同条第十項中「うち第八項の規定により当該内国法人が納付するものとみなされる部分の金額」とあるのは「うち第八項の規定により当該内国法人が納付するものとみなされる部分の金額及び租税特別措置法第六十六条の九の七第一項（特定外国法人の課税対象留保金額に係る外国税額の控除）に規定する特定外国法人の所得に対して課される外国法人税の額のうち同項の規定により当該内国法人が納付するものとみなされる部分の金額」と、「うち同条第八項の規定により当該内国法人が納付するものとみなされる部分の金額」とあるのは「うち同条第八項の規定により当該内国法人が納付するものとみなされる部分の金額及び同法第六十八条の九十三の七第一項（特定外国法人の個別課税対象留保金額に係る外国税額の控除）に規定する特定外国法人の所得に対して課される外国法人税の額のうち同項の規定により当該内国法人が納付するものとみなされる部分の金額」と、「同条第一項から第三項まで」とあるのは「第八十一条の十五第一項から第三項まで」とする。

(1) Where a domestic corporation that is a specially-related shareholder, etc. is subject to the provision of paragraph (1) of the preceding Article, any part of the amount of

foreign corporation tax (meaning foreign corporation tax prescribed in Article 69(1) of the Corporation Tax Act; the same shall apply in the next paragraph) to be imposed on the income of a specified foreign corporation related to the said domestic corporation, which is calculated pursuant to the method specified by a Cabinet Order as corresponding to the taxable retained income of the said specified foreign corporation (up to the amount equivalent to the said taxable retained income) shall, pursuant to the provision of a Cabinet Order, be deemed to be the amount of creditable foreign corporation tax (meaning the amount of creditable corporation tax prescribed in Article 69(1) of the said Act; hereinafter the same shall apply in this Subsection) paid by the said domestic corporation, and the provisions of Article 69(1) to (7), (10) and (15) to (18) shall be applied thereto. In this case, in paragraph (10) of the said Article, the phrase “any part of the amount..., which shall be deemed to be payable by the said domestic corporation pursuant to the provision of paragraph (8)” shall be deemed to be replaced with “any part of the amount..., which shall be deemed to be payable by the said domestic corporation pursuant to the provision of paragraph (8) and any part of the amount of foreign corporation tax to be imposed on the income of a specified foreign corporation prescribed in Article 66-9-7(1) of the Act on Special Measures Concerning Taxation (Credit for Foreign Tax on Taxable Retained Income of Specified Foreign Corporations), which shall be deemed to be payable by the said domestic corporation pursuant to the provision of Article 66-9-7(1) of the said Act”, the phrase “any part of the amount..., which shall be deemed to be payable by the said domestic corporation pursuant to the provision of paragraph (8) of the said Article” shall be deemed to be replaced with “any part of the amount..., which shall be deemed to be payable by the said domestic corporation pursuant to the provision of paragraph (8) and any part of the amount of foreign corporation tax to be imposed on the income of a specified foreign corporation prescribed in Article 68-93-7(1) of the said Act (Credit for Foreign Tax on Individually Taxable Retained Income of Specified Foreign Corporations), which shall be deemed to be payable by the said domestic corporation pursuant to the provision of Article 68-93-7(1) of the said Act”, and the phrase “paragraph (1) to paragraph (3) of the said Article” shall be deemed to be replaced with “Article 81-15(1) to (3).”

2 特殊関係株主等である内国法人が各連結事業年度において当該内国法人に係る第六十八条の九十三の六第一項に規定する特定外国法人の同項に規定する個別課税対象留保金額に相当する金額につき同項の規定の適用を受けた場合において、その適用を受けた連結事業年度終了の日後に開始する各事業年度の期間において当該特定外国法人の所得に対して外国法人税が課されるときは、当該特定外国法人の当該個別課税対象留保金額は前項に規定する特定外国法人の課税対象留保金額と、同条第一項に規定する特定外国法人の所得に対して課される当該外国法人税の額は前項に規定する特定外国法人の所得に対して課される外国法人税の額とそれぞれみなして、同項の規定を適用する。

(2) Where a domestic corporation that is a specially-related shareholder, etc. is, in each consolidated business year, subject to the provision of paragraph (1) of Article 68-93-6

with respect to the amount equivalent to the individually taxable retained income prescribed in the said paragraph of a specified foreign corporation prescribed in the said paragraph that is related to the said domestic corporation, if foreign corporation tax shall be imposed on the income of the said specified foreign corporation during the period of each business year beginning after the last day of the consolidated business year during which the said domestic corporation has been subject to the said provision, the said individually taxable retained income of the said specified foreign corporation shall be deemed to be the taxable retained income of a specified foreign corporation prescribed in the preceding paragraph, and the amount of the said foreign corporation tax to be imposed on the income of a specified foreign corporation prescribed in paragraph (1) of the said Article shall be deemed to be the amount of foreign corporation tax to be imposed on the income of a specified foreign corporation prescribed in the preceding paragraph respectively, and the provision of the said paragraph shall be applied thereto.

- 3 特殊関係株主等である内国法人が前条第一項の規定の適用に係る特定外国法人の課税対象留保金額に相当する金額につき同項の規定の適用を受ける場合において、第一項の規定により法人税法第六十九条第一項から第三項までの規定の適用を受けるときは、第一項の規定により控除対象外国法人税の額とみなされた金額は、当該内国法人の政令で定める事業年度の所得の金額の計算上、益金の額に算入する。

- (3) Where a domestic corporation that is a specially-related shareholder, etc. is subject to the provision of paragraph (1) of the preceding Article with respect to the amount equivalent to the taxable retained income of a specified foreign corporation that is subject to the provision of the said paragraph, and the said domestic corporation is also subject to the provision of Article 69(1) to (3) of the Corporation Tax Act pursuant to the provision of paragraph (1), the amount that is deemed to be the amount of creditable foreign corporation tax pursuant to the provision of paragraph (1) shall be included in the amount of gross profit in the calculation of the amount of income of the said domestic corporation for the business year specified by a Cabinet Order.

#### 第六十六条の九の八

##### Article 66-9-8

- 1 第六十六条の九の六第一項の規定の適用を受けた特殊関係株主等である内国法人に係る特定外国法人につき第一号若しくは第二号に掲げる事実が生じた場合又は当該内国法人に係る外国関係法人（当該特定外国法人から法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配（以下この項において「剰余金の配当等」という。）の支払（第二号に定める金額の同号に掲げる交付を含む。）を受けた外国関係法人のうち政令で定めるものに限る。以下この項において同じ。）につき第三号に掲げる事実が生じた場合で、当該内国法人のこれらの事実が生じた日を含む事業年度開始の日前十年以内に開始した各事業年度（以下この条において「前十年以内の各事業年度」という。）において当該特定外国法人の課税対象留保金額で第六十六条の九の六第一項の規定により前

十年以内の各事業年度の所得の金額の計算上益金の額に算入された金額（この項の規定により前十年以内の各事業年度において損金の額に算入された金額を除く。以下この条及び次条において「課税済留保金額」という。）があるときは、当該課税済留保金額に相当する金額は、当該特定外国法人又は当該外国関係法人につき生じた事実が次の各号に掲げる事実のいずれに該当するかに応じ当該各号に定める金額のうち当該内国法人に係る課税対象留保金額から充てられたものとして政令で定めるところにより計算した金額に相当する金額を限度として、当該内国法人のその事実が生じた日を含む事業年度の所得の金額の計算上、損金の額に算入する。

(1) Where an event listed in item (i) or item (ii) has occurred with regard to a specified foreign corporation related to a domestic corporation that has been subject to the provision of Article 66-9-6(1), or where an event listed in item (iii) has occurred with regard to an affiliated foreign corporation (limited to an affiliated foreign corporation that has received, from the said specified foreign corporation, payment of dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to in this paragraph as “dividend of surplus, etc.”) (such payment shall include the delivery listed in item (ii) of the amount specified in the said item), which is specified by a Cabinet Order; hereinafter the same shall apply in this paragraph) that is related to the said domestic corporation, if the taxable retained income of the said specified foreign corporation in each business year of the said domestic corporation that commenced within ten years before the first day of the business year that includes the day on which the relevant event has occurred (hereinafter referred to in this Article as “each business year within the preceding ten years”), contains any amount included in the amount of gross profit in the calculation of the amount of the said domestic corporation’s income for each business year within the preceding ten years pursuant to the provision of Article 66-9-6(1) (excluding any amount included in the amount of deductible expense for each business year within the preceding ten years pursuant to the provision of this paragraph; hereinafter referred to in this Article and the next Article as “taxed amount of retained income”), such taxed amount of retained income shall be included in the amount of deductible expense in the calculation of the amount of the said domestic corporation’s income for the business year that includes the day on which the relevant event has occurred, up to the amount equivalent to the amount calculated pursuant to the method specified by a Cabinet Order as part of the amount specified by each of the following items for the type of event corresponding to the event that has occurred with regard to the said specified foreign corporation or the said foreign affiliated corporation, which is appropriated from the taxable retained income pertaining to the said domestic corporation:

一 剰余金の配当等の支払 その支払う剰余金の配当等の額

(i) Payment of dividend of surplus, etc.: The amount of dividend of surplus, etc. to be paid

二 法人税法第二十四条第一項各号に掲げる事由による金銭その他の資産の交付 その交

付により減少することとなる利益積立金額に相当する金額

(ii) Delivery of money or any other assets by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve which is to be decreased due to the delivery

三 当該内国法人に対する剰余金の配当等の支払又は法人税法第二十四条第一項各号に掲げる事由による金銭その他の資産の交付 その支払う剰余金の配当等の額又はその交付により減少することとなる利益積立金額に相当する金額

(iii) Payment of dividend of surplus, etc. to the said domestic corporation or delivery of money or any other assets to the to the said domestic corporation by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve which is to be decreased due to the amount of dividend of surplus, etc. to be paid or the delivery

2 特殊関係株主等である内国法人の前項各号に掲げる事実が生じた日を含む事業年度開始の日前十年以内に開始した連結事業年度がある場合において、当該連結事業年度に係る個別課税済留保金額（第六十八条の九十三の八第一項に規定する個別課税済留保金額をいう。以下この項において同じ。）があるときは、前項の規定の適用については、その個別課税済留保金額は、当該連結事業年度の期間に対応する前十年以内の各事業年度の課税済留保金額とみなす。

(2) Where a domestic corporation that is a specially-related shareholder, etc. has a consolidated business year that commenced within ten years before the first day of the business year that includes the day on which the event listed in any item of the preceding paragraph has occurred, and has an individually taxed amount of retained income (meaning the individually taxed amount of retained income prescribed in Article 68-93-8(1); hereinafter the same shall apply in this paragraph) for the said consolidated business year, with regard to the application of the provision of the preceding paragraph, such individually taxed amount of retained income shall be deemed to be a taxed amount of retained income for each business year within the preceding ten years which corresponds to the period of the said consolidated business year.

3 第六十六条の八第三項から第六項までの規定は、第一項の規定を適用する場合について準用する。この場合において、次の表の上欄に掲げるこれらの規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

(3) The provisions of Article 66-8(3) to (6) shall apply mutatis mutandis in the case where the provision of paragraph (1) shall apply. In this case, each term or phrase listed in the middle column of the table below that appears in the provision listed in the upper [left hand] column of the same table shall be deemed to be replaced with the corresponding term or phrase listed in the lower [right hand] column of the same table.

第六十六条の八第三	内国法人が適格合併	第六十六条の九の六第二項第二号
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<p>項 Article 66-8(3)</p>	<p>[内国法人が適格合併…により…受けた] domestic corporation has acquired, as a result of a qualified merger</p>	<p>に規定する特殊関係内国法人（以下この項において「特殊関係内国法人」という。）に係る同条第一項に規定する特殊関係株主等（以下この項において「特殊関係株主等」という。）である内国法人が適格合併  [第六十六条の九の六第二項第二号に規定する…内国法人が適格合併…により…受けた] domestic corporation that is a specially-related shareholder, etc. prescribed in Article 66-9-6(1) (hereinafter referred to in this paragraph as a “specially-related shareholder, etc.”) which is related to a specially-related domestic corporation prescribed in Article 66-9-6(2)(ii) (hereinafter referred to in this paragraph as a “specially-related domestic corporation”) has acquired, as a result of a qualified merger</p>
	<p>により被合併法人  [により被合併法人…又は事後設立法人] by the merged corporation...or the corporation effecting post-formation acquisition of assets and/or liabilities</p>	<p>により当該特殊関係内国法人に係る特殊関係株主等である被合併法人  [により当該特殊関係内国法人に係る特殊関係株主等である被合併法人…又は事後設立法人] by the merged corporation...or the corporation effecting post-formation acquisition of assets and/or liabilities that is a specially-related shareholder, etc. related to the said specially-related domestic corporation</p>
	<p>特定外国子会社等の第六十</p>	<p>同条第一項に規定する特定外国法</p>

	<p>六条の六第二項第三号</p> <p>[特定外国子会社等の第六十六條の六第二項第三号に規定する直接及び間接保有]</p> <p>of a specified foreign subsidiary company, etc. held through direct and/or indirect ownership prescribed in Article 66-6 (2)(iii)</p>	<p>人（以下この項において「特定外国法人」という。）の同条第二項第四号</p> <p>[同条第一項に規定する特定外国法人（以下この項において「特定外国法人」という。）の同条第二項第四号に規定する直接及び間接保有]</p> <p>of a specified foreign corporation prescribed in paragraph (1) of the said Article (hereinafter referred to in this paragraph as a “specified foreign corporation”) held through direct and/or indirect ownership prescribed in paragraph (2)(iv) of the said Article</p>
	<p>第一項の</p> <p>of paragraph (1)</p>	<p>第六十六條の九の八第一項の</p> <p>of Article 66-9-8(1)</p>
	<p>課税済留保金額とみなす</p> <p>deemed to be the taxed amount of retained income</p>	<p>課税済留保金額（同項に規定する課税済留保金額をいう。以下第六項までにおいて同じ。）とみなす</p> <p>deemed to be the taxed amount of retained income (meaning the taxed amount of retained income prescribed in the said paragraph [Article 66-9-8(1)]; hereinafter the same shall apply through to paragraph (6))</p>
<p>第六十六條の八第三項第一号</p> <p>Article 66-8(3)(i)</p>	<p>個別課税済留保金額</p> <p>individually taxed amount of retained income</p>	<p>個別課税済留保金額（第六十八條の九十三の八第一項に規定する個別課税済留保金額をいう。以下第六項までにおいて同じ。）</p> <p>individually taxed amount of retained income (meaning the individually taxed amount of retained income prescribed in Article 68-93-8(1); hereinafter the same shall apply through to paragraph (6))</p>

第六十六条の八第三項 第二号及び第三号 Article 66-8(3)(ii) and (iii)	特定外国子会社等 specified foreign subsidiary company, etc.	特定外国法人 specified foreign corporation
	第六十六条の六第一項 Article 66-6(1)	第六十六条の九の六第一項 Article 66-9-6(1)
第六十六条の八第四項 Article 66-8(4)	前項又は第六十八条の九十二第三項 preceding paragraph or Article 68-92(3)	第六十六条の九の八第三項において準用する前項又は第六十八条の九十三の八第三項において準用する第六十八条の九十二第三項 preceding paragraph as applied mutatis mutandis pursuant to Article 66-9-8(3), or Article 68-92(3) as applied mutatis mutandis pursuant to Article 68-93-8(3)
	第一項の of paragraph (1)	第六十六条の九の八第一項の of Article 66-9-8(1)
	前項の of preceding paragraph	同条第三項において準用する前項の of preceding paragraph as applied mutatis mutandis pursuant to paragraph (3) of the said Article
	同条第三項 paragraph (3) of the said Article	第六十八条の九十三の八第三項において準用する第六十八条の九十二第三項 Article 68-92(3) as applied mutatis mutandis pursuant to Article 68-93-8(3)
	同条第一項 paragraph (1) of the said Article	第六十八条の九十三の八第一項 Article 68-93-8(1)
第六十六条の八第五項 Article 66-8(5)	第一項 paragraph (1)	第六十六条の九の八第一項 Article 66-9-8(1)
第六十六条の八第六項 Article 66-8(6)	第一項 paragraph (1)	第六十六条の九の八第一項 Article 66-9-8(1)
	前項 preceding paragraph	同条第三項において準用する前項 preceding paragraph as applied mutatis mutandis pursuant to paragraph (3) of the said Article

4 第六十六条の八第七項の規定は、第一項の規定の適用を受けた特殊関係株主等である内国法人の同項の規定により損金の額に算入された金額について準用する。

(4) The provision of Article 66-8(7) shall apply mutatis mutandis to the amount included, pursuant to the provision of paragraph (1), in the amount of deductible expense of a domestic corporation that is a specially-related shareholder, etc. subject to the provision of the said paragraph.

第六十六条の九の九

#### Article 66-9-9

特殊関係株主等と特殊関係内国法人との間に第六十六条の九の六第一項に規定する特定関係があるかどうかの判定に関する事項、第六十六条の九の七第一項の規定により特殊関係株主等である内国法人が納付したとみなされる控除対象外国法人税の額のうち前条第一項の規定により各事業年度の所得の金額の計算上損金の額に算入された課税済留保金額に係るものの処理その他前三条の規定の適用に関し必要な事項は、政令で定める。

Matters concerning the determination as to whether or not there is a specified relationship prescribed in Article 66-9-6(1) between a specially-related shareholder, etc. and a specially-related domestic corporation, the treatment of the part of the amount of creditable foreign corporation tax that shall be deemed to be paid by a domestic corporation that is a specially-related shareholder, etc. pursuant to the provision of Article 66-9-7(1), which pertains to the taxed amount of retained income included in the amount of deductible expense in the calculation of the amount of income for each business year pursuant to the provision of paragraph (1) of the preceding Article, and other necessary matters concerning the application of the provisions of the preceding three Articles shall be specified by a Cabinet Order.

### 第八節 その他の特例

#### Section 8 Other Special Provisions

第六十七条の十一 (特別国際金融取引勘定において経理された預金等の利子の非課税)

Article 67-11 (Exclusion from Taxation of Interest on Deposits, etc. Settled in the Special International Financial Transactions Account)

1 法人税法第百四十一条第一号 に掲げる外国法人で外国為替及び外国貿易法第二十一条第三項 に規定する非居住者であることにつき財務省令で定めるところにより証明がされたものが、平成十年四月一日から平成二十年三月三十一日までの間に、同項 に規定する金融機関に預入し、又は貸し付けた預金又は貸付金で同項 に規定する特別国際金融取引勘定（次項において「特別国際金融取引勘定」という。）において経理されたものにつき、支払を受ける利子については、法人税を課さない。ただし、当該利子のうち、当該外国法人の国内において行う事業に帰せられるものその他の政令で定めるものについては、この限りでない。

(1) Where, during the period from April 1, 1998, to March 31, 2008, a foreign corporation

listed in Article 141(i) of the Corporation Tax Act, which has been certified, pursuant to the provision of an Ordinance of the Ministry of Finance, as falling under the category of nonresident prescribed in paragraph (3) of Article 21 of the Foreign Exchange and Foreign Trade Act, has made deposits or provided loans to a financial institution prescribed in the said paragraph, and settled such deposits or loans in a special international financial transactions account prescribed in the said paragraph (referred to in the next paragraph as a “special international financial transactions account”), corporation tax shall not be imposed with respect to any interest on the deposits or loans to be received by the said foreign corporation; provided, however, that this shall not apply to any interest which is attributed to a business conducted by the said foreign corporation in Japan or which is otherwise specified by a Cabinet Order.

2 前項の場合において、外国為替及び外国貿易法第二十一条第四項の規定に基づき定められた政令の規定のうち特別国際金融取引勘定の経理に関する事項に係るものに違反する事実が生じた場合の当該利子で当該事実が生じた日の属する計算期間に係るものについては、前項本文の規定は、適用しない。

(2) In the case referred to in the preceding paragraph, where any event has occurred that is in violation of the provision of a Cabinet Order established pursuant to the provision of Article 21(4) of the Foreign Exchange and Foreign Trade Act, which pertains to the matters concerning the settlement of a special international financial transactions account, the provision of the main clause of the preceding Article shall not apply to any interest pertaining to the accounting period that includes the day on which such event has occurred.

#### 第六十七条の十六 (振替国債の利子等の非課税)

#### Article 67-16 (Exclusion from Taxation of Interest on Book-Entry Transfer National Government Bonds)

1 法人税法第四百四十一条第一号に掲げる外国法人が、第五条の二第一項に規定する振替国債又は同項に規定する振替地方債につき支払を受ける利子については、法人税を課さない。ただし、当該利子のうち、当該外国法人の同号に規定する事業を行う一定の場所を通じて国内において行う事業に帰せられるものについては、この限りでない。

(1) Corporation tax shall not be imposed with respect to any interest to be received by a foreign corporation listed in Article 141(i) of the Corporation Tax Act on book-entry transfer national government bonds or book-entry transfer local government bonds, both of which are prescribed in Article 5-2(1); provided, however, that this shall not apply to such interest which is attributed to a business conducted by the said foreign corporation in Japan at any place prescribed in Article 141(i) of the said Act.

2 外国法人が平成十年四月一日から平成二十年三月三十一日までの間に発行された第六条第一項に規定する民間国外債につき支払を受ける利子又は発行差金（その民間国外債の償還により受ける金額がその民間国外債の発行価額を超える場合におけるその差益をいう。）については、法人税を課さない。ただし、当該利子又は当該発行差金のうち、第二条第一

項第四号に規定する国内に恒久的施設を有する外国法人（以下この条及び次条において「国内に恒久的施設を有する外国法人」という。）が支払を受けるもので当該国内に恒久的施設を有する外国法人の国内において行う事業に帰せられるものその他の政令で定めるものについては、この限りでない。

(2) Corporation tax shall not be imposed with respect to any interest on foreign-issued company bonds or any discount on foreign-issued company bonds (meaning a margin generated where the amount to be received due to the redemption of foreign-issued company bonds exceeds the issue price of the foreign-issued company bonds) to be received by a foreign corporation with regard to foreign-issued company bonds prescribed in Article 6(1) issued during the period from April 1, 1998, to March 31, 2008; provided, however, that this shall not apply to such interest or discount on foreign-issued company bonds to be received by a foreign corporation having permanent establishments in Japan prescribed in Article 2(1)(iv) (hereinafter referred to in this Article and the next Article as a “foreign corporation having permanent establishments in Japan”), which is attributed to a business conducted in Japan by the said foreign corporation having permanent establishments in Japan or which is otherwise specified by a Cabinet Order.

3 外国法人が第四十一条の十二第九項に規定する特定短期公社債のうち同項第一号から第八号までに掲げるもの（次項において「特定短期国債」という。）につき支払を受ける同条第七項に規定する償還差益（次項において「償還差益」という。）については、法人税を課さない。ただし、当該償還差益のうち、国内に恒久的施設を有する外国法人が支払を受けるもので当該国内に恒久的施設を有する外国法人の国内において行う事業に帰せられるものその他の政令で定めるものについては、この限りでない。

(3) Corporation tax shall not be imposed with respect to any profit from redemption prescribed in Article 41-12(7) (referred to in the next paragraph as “profit from redemption”) to be received by a foreign corporation with regard to specified short-term government or company bonds prescribed in Article 41-12(9) which are listed in Article 41-12(9)(i) to (viii) (referred to in the next paragraph as “specified short-term government bonds”); provided, however, that this shall not apply to such profit from redemption to be received by a foreign corporation having permanent establishments in Japan, which is attributed to a business conducted in Japan by the said foreign corporation having permanent establishments in Japan or which is otherwise specified by a Cabinet Order.

4 前項の規定は、第五条の二第二項に規定する外国投資信託の受託者である外国法人が当該外国投資信託の信託財産につき支払を受ける特定短期国債の償還差益については、当該外国投資信託が同項に規定する適格外国証券投資信託である場合に限り、適用する。

(4) With respect to profit from redemption of specified short-term national government bonds to be received by a foreign corporation, which is the trustee of a foreign investment trust prescribed in Article 5-2(2), for the trust property under the said foreign investment trust, the provision of the preceding paragraph shall apply only

where the said foreign investment trust is a qualified foreign securities investment trust prescribed in Article 5-2(2).

5 法人税法第四百四十一条第一号に掲げる外国法人で第四十二条の二第一項に規定する外国金融機関等に該当するものが、平成十四年四月一日から平成二十年三月三十一日までの間において開始した同項に規定する債券現先取引につき、同項に規定する特定金融機関等から支払を受ける同項に規定する特定利子（同項の規定により所得税が課されないものに限る。）については、法人税を課さない。ただし、当該特定利子のうち、当該外国法人の同号に規定する事業を行う一定の場所を通じて国内において行う事業に帰せられるものについては、この限りでない。

(5) Corporation tax shall not be imposed with respect to specified interest prescribed in Article 42-2(1) (limited to interest on which income tax shall not be imposed pursuant to the provision of Article 42-2(1)) which is received by a foreign corporation listed in Article 141(i) of the Corporation Tax Act that falls under the category of financial institution, etc. prescribed in Article 42-2(1), from a specified financial institution, etc. prescribed in Article 42-2(1) in a bond transaction with a repurchase/resale agreement commenced during the period from April 1, 2002, to March 31, 2008; provided, however, that this shall not apply to such specified interest which is attributed to a business conducted by the said foreign corporation in Japan at any place prescribed in Article 141(i) of the said Act or which is otherwise specified by a Cabinet Order.

#### 第六十七条の十七（分離振替国債の課税の特例）

#### Article 67-17 (Special Provisions for Book-Entry Transfer National Government Bonds in Separate Trading)

1 外国法人が第五条の二第一項に規定する特定振替機関等（以下この条において「特定振替機関等」という。）又は第五条の二第五項第四号に規定する適格外国仲介業者（以下この条において「適格外国仲介業者」という。）から開設を受けている口座において当該特定振替機関等の国内にある営業所若しくは事務所（郵便局を含む。以下この条において「営業所等」という。）又は当該適格外国仲介業者の同項第五号に規定する特定国外営業所等（以下この条において「特定国外営業所等」という。）を通じて同項第六号に規定する振替記載等（以下この条において「振替記載等」という。）を受けている分離振替国債（社債等の振替に関する法律第九十条第二項に規定する分離元本振替国債及び財務省令で定めるところにより同条第一項に規定する元利分離が行われた同条第三項に規定する分離利息振替国債をいう。以下この条において同じ。）の保有又は譲渡により生ずる所得を有する場合の当該分離振替国債の保有又は譲渡により生ずる所得については、法人税を課さない。

(1) Where a foreign corporation has any income from the holding or transfer of book-entry transfer national government bonds in separate trading (meaning principal-only book-entry transfer national government bonds prescribed in Article 90(2) of the Act on Book-Entry Transfer of Company Bonds, etc. and coupon-only book-entry transfer national government bonds prescribed in paragraph (3) of the said Article for which

separate trading of principal and interest prescribed in paragraph (1) of the said Article has been conducted pursuant to the provision of an Ordinance of the Ministry of Finance; hereinafter the same shall apply in this Article), for which the foreign corporation has made entries or records under the book-entry transfer system prescribed in Article 5-2(5)(vi) (hereinafter referred to in this Article as “entries or records under the book-entry transfer system”) in its account established with a specified book-entry transfer institution, etc. prescribed in Article 5-2(1) (hereinafter referred to in this Article as a “specified book-entry transfer institution, etc.”) or a qualified foreign intermediary prescribed in Article 5-2(5)(iv) (hereinafter referred to in this Article as a “qualified foreign intermediary”), via a business office or any other office of the said specified book-entry transfer institution, etc. located in Japan (including a post office; hereinafter referred to in this Article as a “business office, etc.”) or a specified overseas business office, etc. prescribed in Article 5-2(5)(v) of the said qualified foreign intermediary, corporation tax shall not be imposed with respect to such interest from the holding or transfer of the said book-entry transfer national government bonds in separate trading.

- 2 外国法人が特定振替機関等又は適格外国仲介業者から開設を受けている口座において当該特定振替機関等の国内にある営業所等又は当該適格外国仲介業者の特定国外営業所等を通じて振替記載等を受けている分離振替国債の保有又は譲渡により生ずる損失の額その他の政令で定める金額（以下この条において「損失額」という。）は、法人税法の規定の適用については、ないものとみなす。
- (2) With regard to the application of the provisions of the Corporation Tax Act, it shall be deemed that there is no amount of loss or amount specified by a Cabinet Order that is incurred by a foreign corporation from the holding or transfer of book-entry transfer national government bonds in separate trading for which the foreign corporation has made entries or records under the book-entry transfer system in its account established with a specified book-entry transfer institution, etc. or qualified foreign intermediary via a business office, etc. of the said specified book-entry transfer institution, etc. located in Japan or a specified overseas business office, etc. of the said qualified foreign intermediary (such amount hereinafter referred to in this Article as “amount of loss”).
- 3 前二項の規定は、国内に恒久的施設を有する外国法人の分離振替国債の保有又は譲渡により生ずる所得及び損失額でその者の国内において行う事業に帰せられるものについては、適用しない。
- (3) The provisions of the preceding two paragraphs shall not apply to any income earned and amount of loss incurred by a foreign corporation having permanent establishments in Japan from the holding or transfer of book-entry transfer national government bonds in separate trading, which are attributed to a business conducted by the said foreign corporation in Japan.
- 4 第一項及び第二項の規定は、第五条の二第二項に規定する外国投資信託の受託者である外国法人の当該外国投資信託の信託財産に属する分離振替国債の保有又は譲渡により生ず

る所得及び損失額については、当該外国投資信託が同項に規定する適格外国証券投資信託である場合に限り、適用する。

- (4) With respect to any income earned and amount of loss incurred by a foreign corporation, which is the trustee of a foreign investment trust prescribed in Article 5-2 (2), from the holding or transfer of book-entry transfer national government bonds in separate trading that are included in the trust property under the said foreign investment trust, the provisions of paragraph (1) and paragraph (2) shall apply only where the said foreign investment trust is a qualified foreign securities investment trust prescribed in Article 5-2(2).

#### 第六十八条の二三 (適格合併等の範囲に関する特例)

##### Article 68-2-3 (Special Provisions Concerning the Scope of Qualified Merger, etc.)

- 1 内国法人の行う合併が特定グループ内合併(次の各号のいずれにも該当する合併をいい、被合併法人の合併前に営む主要な事業のうちのいずれかの事業と合併法人の当該合併前に営む事業のうちのいずれかの事業とが相互に関連することその他の政令で定める要件に該当するものを除く。)に該当する場合における法人税法その他の法令の規定の適用については、法人税法第二条第十二号の八イからハまでの規定中「その合併」とあるのは、「その合併(租税特別措置法第六十八条の二三第一項(適格合併等の範囲に関する特例)に規定する特定グループ内合併に該当するものを除く。)」とする。

- (1) Where a merger implemented by a domestic corporation falls under the category of specified intra-group merger (meaning a merger which falls under all of the following items; excluding a merger which satisfies the requirement that any of the major businesses conducted by the merged corporation before the merger is interrelated with any of the businesses conducted by the merging corporation before the said merger, and any other requirements specified by a Cabinet Order), with regard to the application of the provisions of the Corporation Tax Act and any other laws and regulations, the term “merger” in Article 2(xii)-8(a) to (c) of the Corporation Tax Act shall be deemed to be replaced with “merger (excluding a merger that falls under the category of specified intra-group merger prescribed in Article 68-2-3(1) of the Act on Special Measures Concerning Taxation (Special Provisions Concerning the Scope of Qualified Merger, etc.))”:

一 被合併法人と合併法人との間に特定支配関係があること。

- (i) Where there is a specified controlling interest between the merged corporation and the merging corporation.

二 被合併法人の株主等(法人税法第二条第十四号に規定する株主等をいう。次項及び次条第二項において同じ。)に同法第二条第十二号の八に規定する合併親法人株式(特定軽課税外国法人に該当する外国法人の株式(出資を含む。以下この条において同じ。)に限る。)が交付されること。

- (ii) Where a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2(xiv) of the Corporation Tax Act; the same shall apply in the next paragraph and paragraph

(2) of the next Article) of the merged corporation is provided with shares of the merging parent corporation prescribed in Article 2(xii)-8 of the said Act (limited to shares (including capital contributions; hereinafter the same shall apply in this Article) of a foreign corporation that falls under the category of specified foreign corporation with less tax burden).

2 内国法人の行う分割が特定グループ内分割（次の各号のいずれにも該当する分割をいい、分割法人の分割前に営む事業のうち当該分割により分割承継法人において営まれることとなるものと分割承継法人の当該分割前に営む事業のうちのいずれかの事業とが相互に関連することその他の政令で定める要件に該当するものを除く。）に該当する場合における法人税法その他の法令の規定の適用については、法人税法第二条第十二号の十一イからハまでの規定中「その分割」とあるのは、「その分割（租税特別措置法第六十八条の二の第三二項（適格合併等の範囲に関する特例）に規定する特定グループ内分割に該当するものを除く。）」とする。

(2) Where a company split implemented by a domestic corporation falls under the category of specified intra-group company split (meaning a company split which falls under all of the following items; excluding a company split which satisfies the requirement that any of the businesses conducted by the split corporation before the split, which is to be conducted by the succeeding corporation in a company split as a result of the said split, is interrelated with any of the businesses conducted by the succeeding corporation in a company split before the said split, and any other requirements specified by a Cabinet Order), with regard to the application of the provisions of the Corporation Tax Act and any other laws and regulations, the term “company split” in Article 2(xii)-11(a) to (c) of the Corporation Tax Act shall be deemed to be replaced with “company split (excluding a company split that falls under the category of specified intra-group company split prescribed in Article 68-2-3(2) of the Act on Special Measures Concerning Taxation (Special Provisions Concerning the Scope of Qualified Merger, etc.))”:

一 分割法人の資産及び負債の大部分が分割承継法人に移転するものとして政令で定める分割であること。

(i) Where the split is a split specified by a Cabinet Order as a split in which the majority of the assets and liabilities of the split corporation are transferred to the succeeding corporation in a company split.

二 分割法人と分割承継法人との間に特定支配関係があること。

(ii) Where there is a specified controlling interest between the split corporation and the succeeding corporation in a company split.

三 分割法人の株主等又は分割法人に法人税法第二条第十二号の十一に規定する分割承継親法人株式（特定軽課税外国法人に該当する外国法人の株式に限る。）が交付されること。

(iii) Where a shareholder, etc. of the split corporation or the split corporation is provided with shares of the succeeding parent corporation in a company split

prescribed in Article 2(xii)-11 of the Corporation Tax Act (limited to shares of a foreign corporation that falls under the category of specified foreign corporation with less tax burden).

3 内国法人の行う株式交換が特定グループ内株式交換（次の各号のいずれにも該当する株式交換をいい、株式交換完全子法人の株式交換前に営む主要な事業のうちのいずれかの事業と株式交換完全親法人の当該株式交換前に営む事業のうちのいずれかの事業とが相互に関連することその他の政令で定める要件に該当するものを除く。）に該当する場合における法人税法その他の法令の規定の適用については、法人税法第二条第十二号の十六イからハまでの規定中「その株式交換」とあるのは、「その株式交換（租税特別措置法第六十八条の二の三第三項（適格合併等の範囲に関する特例）に規定する特定グループ内株式交換に該当するものを除く。）」とする。

(3) Where a share exchange implemented by a domestic corporation falls under the category of specified intra-group share exchange (meaning a share exchange which falls under all of the following items; excluding a share exchange which satisfies the requirement that any of the major businesses conducted by the wholly owned subsidiary corporation in a share exchange before the share exchange is interrelated with any of the businesses conducted by the wholly owning parent corporation in a share exchange before the said share exchange, and any other requirements specified by a Cabinet Order), with regard to the application of the provisions of the Corporation Tax Act and any other laws and regulations, the term “share exchange” in Article 2(xii)-16(a) to (c) of the Corporation Tax Act shall be deemed to be replaced with “share exchange (excluding a share exchange that falls under the category of specified intra-group share exchange prescribed in Article 68-2-3(3) of the Act on Special Measures Concerning Taxation (Special Provisions Concerning the Scope of Qualified Merger, etc.))”:

一 株式交換完全子法人と株式交換完全親法人との間に特定支配関係があること。

(i) Where there is a specified controlling interest between the wholly owned subsidiary corporation in a share exchange and the wholly owning parent corporation in a share exchange.

二 株式交換完全子法人の株主に法人税法第二条第十二号の十六に規定する株式交換完全支配親法人株式（特定軽減課税外国法人に該当する外国法人の株式に限る。）が交付されること。

(ii) Where a shareholder, etc. of the wholly owned subsidiary corporation in a share exchange is provided with shares of the fully controlling parent corporation in a share exchange prescribed in Article 2(xii)-16 of the Corporation Tax Act (limited to shares of a foreign corporation that falls under the category of specified foreign corporation with less tax burden).

4 内国法人の有する資産又は負債を外国法人に対して移転する現物出資が特定現物出資（内国法人の有する特定外国子法人の株式を当該内国法人に係る特定外国親法人等に対して移転する現物出資をいう。）に該当する場合における法人税法その他の法令の規定の適用に

については、法人税法第二条第十二号の十四中「次のいずれかに該当する現物出資（」とあるのは、「次のいずれかに該当する現物出資（租税特別措置法第六十八条の二の三第四項（適格合併等の範囲に関する特例）に規定する特定現物出資、）」とする。

(4) Where a capital contribution in kind whereby a domestic corporation transfers its assets or liabilities to a foreign corporation falls under the category of specified capital contribution in kind (meaning a capital contribution in kind whereby a domestic corporation transfers shares of a specified foreign subsidiary corporation in its possession to a specified foreign parent corporation, etc. related to the said domestic corporation), with regard to the application of the provisions of the Corporation Tax Act and any other laws and regulations, the term “capital contribution in kind that falls under any of the following (limited to” in Article 2(xii)-14 of the Corporation Tax Act shall be deemed to be replaced with “capital contribution in kind that falls under any of the following (limited to a specified capital contribution in kind prescribed in Article 68-2-3(4) of the Act on Special Measures Concerning Taxation (Special Provisions Concerning the Scope of Qualified Merger, etc.)”.

5 この条において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(5) In this Article, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 特定軽減税外国法人 その本店又は主たる事務所の所在する国又は地域におけるその所得に対して課される税の負担が本邦における法人の所得に対して課される税の負担に比して著しく低いものとして政令で定める外国法人をいう。

(i) Specified foreign corporation with less tax burden: A foreign corporation specified by a Cabinet Order as a corporation whose tax burden to be imposed on its income earned in a state or territory where its head office or principal office is located is significantly lower than the tax burden to be imposed on the income of a corporation in Japan

二 特定支配関係 一方の内国法人と他方の内国法人との間にいずれか一方の内国法人が他方の内国法人の発行済株式又は出資（自己が有する自己の株式を除く。以下この項において「発行済株式等」という。）の総数又は総額の百分の五十を超える数又は金額の株式を直接又は間接に保有する関係その他の政令で定める関係をいう。

(ii) Specified controlling interest: A relationship between two domestic corporations whereby either domestic corporation holds, directly or indirectly, shares that account for more than 50 percent of the total number or total amount of issued shares of or capital contributions to the other domestic corporation (excluding the shares or capital contributions held by the other corporation; hereinafter referred to in this paragraph as “issued shares, etc.”) or any other special relationship specified by a Cabinet Order

三 特定外国子法人 外国法人で、その現物出資の日を含む当該外国法人の事業年度開始の日前二年以内に開始した各事業年度のうち最も古い事業年度開始の日からその現物出資の日までの期間内のいずれかの時において、居住者（第二条第一項第一号の二に規定

する居住者をいう。以下この号において同じ。)、内国法人及び特殊関係非居住者（居住者又は内国法人と政令で定める特殊の関係のある同項第一号の二に規定する非居住者をいう。）が、その発行済株式等の総数又は総額の百分の五十を超える数又は金額の株式を有するもののうち、特定軽減税外国法人に該当するものをいう。

(iii) Specified foreign subsidiary corporation: A foreign corporation in which, at any time during the period from the first day of the earliest business year that commenced within two years before the first day of the business year of the said foreign corporation that includes the date of the capital contribution in kind, until that date of the capital contribution in kind, residents (meaning residents prescribed in Article 2(1)(i)-2; hereinafter the same shall apply in this item), domestic corporations and specially-related nonresidents (meaning nonresidents prescribed in Article 2(1)(i)-2 who have a special relationship specified by a Cabinet Order with residents or domestic corporations) hold shares that account for more than 50 percent of the total number or total amount of shares, etc. of the foreign corporation, and which falls under the category of specified foreign corporation with less tax burden

四 特定外国親法人等 外国法人で、内国法人との間に、当該外国法人が当該内国法人の発行済株式等の総数又は総額の百分の八十以上の数又は金額の株式を直接又は間接に保有する関係その他の政令で定める関係のあるもののうち、特定軽減税外国法人に該当するものをいう。

(iv) Specified foreign parent corporation, etc.: A foreign corporation which has a relationship with a domestic corporation whereby the said foreign corporation directly or indirectly holds shares that account for 80 percent or more of the total number or total amount of issued shares, etc. of the said domestic corporation, and which falls under the category of specified foreign corporation with less tax burden

6 前各項に定めるもののほか、第一項に規定する特定グループ内合併、第二項に規定する特定グループ内分割、第三項に規定する特定グループ内株式交換又は第四項に規定する特定現物出資が行われた場合における法人税法その他の法令の規定の適用に関し必要な事項は、政令で定める。

(6) In addition to what is specified in the preceding paragraphs, the necessary matters concerning the application of the provisions of the Corporation Tax Act and any other laws and regulations in the case where a specified intra-group merger prescribed in paragraph (1), specified intra-group company split prescribed in paragraph (2), specified intra-group share exchange prescribed in paragraph (3) or specified capital contribution in kind prescribed in paragraph (4) has been implemented, shall be specified by a Cabinet Order.

第六十八条の三 （特定の合併等が行われた場合の株主等の課税の特例）

Article 68-3 (Special Provisions for Taxation on Shareholders, in the event of Specified Merger, etc.)

1 法人が旧株（当該法人が有していた株式（出資を含む。以下この条において同じ。）をいう。）を発行した内国法人の合併（適格合併に該当しないものに限る。）により合併法人との間に当該合併法人の発行済株式又は出資（自己が有する自己の株式を除く。第三項において「発行済株式等」という。）の全部を保有する関係として政令で定める関係がある外国法人の株式の交付を受けた場合において、当該外国法人の株式が特定軽減課税外国法人（前条第五項第一号に規定する特定軽減課税外国法人をいう。以下この条において同じ。）の株式に該当するときは、法人税法第六十一条の二第二項（同法第四百二十二条の規定により準じて計算する場合を含む。）の規定は、適用しない。

(1) Where a corporation has, as a result of a merger (limited to a merger that does not fall under the category of qualified merger) of a domestic corporation to which the said corporation issued old shares (meaning shares (including capital contributions; hereinafter the same shall apply in this Article) that were held by the said corporation), been provided with shares of a foreign corporation which has a relationship with the merging corporation specified by a Cabinet Order as a relationship whereby the foreign corporation holds the whole of the issued shares of or capital contributions to the said merging corporation (excluding the shares held by the merging corporation; referred to in paragraph (3) as “issued shares, etc.”), if the shares of the said foreign corporation are shares of a specified foreign corporation with less tax burden (meaning a specified foreign corporation with less tax burden prescribed in paragraph (5)(i) of the preceding Article; hereinafter the same shall apply in this Article), the provision of Article 61-2(2) of the Corporation Tax Act (including the case where it is applied mutatis mutandis to the calculation made pursuant to the provision of Article 142 of the said Act) shall not apply.

2 法人が旧株（当該法人が有していた株式をいう。）を発行した内国法人の行った特定分割型分割（分割法人の株主等に分割承継法人に係る特定外国親法人（法人税法第六十一条の二第四項に規定する親法人で特定軽減課税外国法人に該当するものをいう。以下この項において同じ。）の株式以外の資産（当該株主等に対する同条第四項に規定する剰余金の配当等として交付された同項に規定する分割対価資産以外の金銭その他の資産を除く。）が交付されなかつた分割型分割（前条第二項第一号に規定する分割で、適格分割型分割に該当しないものに限る。）をいう。）により分割承継法人に係る特定外国親法人の株式の交付を受けた場合における同法第六十一条の二第四項（同法第四百二十二条の規定により準じて計算する場合を含む。）の規定の適用については、同項中「交付されなかつたもの（）」とあるのは、「交付されなかつたもの（租税特別措置法第六十八条の三第二項（特定の合併等が行われた場合の株主等の課税の特例）に規定する特定分割型分割に該当するものを除く。」とする。

(2) Where a corporation has, as a result of a specified split-off-type company split implemented by a domestic corporation to which the said corporation issued old shares (meaning shares that were held by the said corporation) (such specified split-off-type company split shall mean a split-off-type company split (meaning a split prescribed in paragraph (2)(i) of the preceding Article, which does not fall under the category of

qualified split-off-type company split) whereby a shareholder, etc. of the split corporation has not been provided with assets (excluding money and other assets provided for the said shareholder, etc. as dividend of surplus, etc. prescribed in Article 61-2(4) of the Corporation Tax Act, except for assets as a consideration for a split prescribed in Article 61-2(4) of the said Act) other than shares of a specified foreign parent corporation (meaning a parent corporation prescribed in Article 61-2(4) of the said Act which falls under the category of specified foreign corporation with less tax burden; hereinafter the same shall apply in this paragraph) that is related to the succeeding corporation in the company split), been provided with shares of a specified foreign parent corporation related to the succeeding corporation in the company split, with regard to the application of the provision of Article 61-2(4) of the said Act (including the case where it is applied mutatis mutandis to the calculation made pursuant to the provision of Article 142 of the said Act), the phrase “split-off-type company split (wherein a shareholder, etc. of the split corporation has not been provided with...(hereinafter referred to as...” shall be deemed to be replaced with “split-off-type company split (wherein a shareholder, etc. of the split corporation has not been provided with...(excluding a split-off-type company split that falls under the category of specified split-off-type company split prescribed in Article 68-3(2) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Shareholders, etc. in the event of Specified Merger, etc.); hereinafter referred to as...”.

3 法人が旧株（当該法人が有していた株式をいう。）を発行した内国法人の行った株式交換（適格株式交換に該当しないものに限る。）により株式交換完全親法人との間に当該株式交換完全親法人の発行済株式等の全部を保有する関係として政令で定める関係がある外国法人の株式の交付を受けた場合において、当該外国法人の株式が特定軽減課税外国法人の株式に該当するときは、法人税法第六十一条の二第九項（同法第四百二十二条の規定により準じて計算する場合を含む。）の規定は、適用しない。

(3) Where a corporation has, as a result of a share exchange (limited to a share exchange that does not fall under the category of qualified share exchange) implemented by a domestic corporation to which the said corporation issued old shares (meaning shares that were held by the said corporation), been provided with shares of a foreign corporation which has a relationship with the wholly owning parent corporation in a share exchange specified by a Cabinet Order as a relationship whereby the foreign corporation holds the whole of the issued shares, etc. of the said wholly owning parent corporation in a share exchange, if the shares of the said foreign corporation are shares of a specified foreign corporation with less tax burden, the provision of Article 61-2(9) of the Corporation Tax Act (including the case where it is applied mutatis mutandis to the calculation made pursuant to the provision of Article 142 of the said Act) shall not apply.

4 前三項の規定の適用がある場合の株式の取得価額その他法人税に関する法令の規定の適用に関し必要な事項は、政令で定める。

- (4) The acquisition cost for shares in the case where the provisions of the preceding three paragraphs shall apply, and other necessary matters concerning the application of the provisions of laws and regulations on corporation tax shall be specified by a Cabinet Order.

第六十八条の三の二 (特定目的信託に係る受託法人の課税の特例)

Article 68-3-2 (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts)

- 1 法人税法第二条第二十九号の二ホに掲げる特定目的信託（以下この条において「特定目的信託」という。）のうち第一号に掲げる要件を満たすものの利益の分配の額として政令で定める金額（以下この条において「利益の分配の額」という。）で当該特定目的信託に係る受託法人（同法第四条の七に規定する受託法人（第二条の二第三項において準用する同法第四条の七第一号の規定により内国法人としてこの法律の規定を適用するものに限る。）をいう。次項から第四項までにおいて同じ。）の第二号に掲げる要件を満たす事業年度に係るものは、当該事業年度の所得の金額の計算上、損金の額に算入する。ただし、その利益の分配の額が当該事業年度の所得の金額として政令で定める金額を超える場合には、その損金の額に算入する金額は、当該政令で定める金額を限度とする。
- (1) Any amount specified by a Cabinet Order as the amount of distribution of profit from a special purpose trust listed in Article 2(xxix)-2(e) of the Corporation Tax Act (hereinafter referred to in this Article as a “special purpose trust”) (such amount of distribution of profit hereinafter referred to in this Article as “amount of distribution of profit”), which pertains to the business year of the trust corporation (meaning a trust corporation prescribed in Article 4-7 of the said Act (limited to a trust corporation that shall be deemed to be a domestic corporation pursuant to the provision of Article 4-7(i) of the said Act as applied mutatis mutandis pursuant to Article 2-2(3) and therefore be subject to the provisions of this Act); the same shall apply in the next paragraph to paragraph (4)) for the said special purpose trust, shall be included in the amount of deductible expense in the calculation of the amount of [the trust corporation’ s] income for the business year, if the said special purpose trust satisfies the requirements listed in item (i) and the said business year satisfies the requirements listed in item (ii); provided, however, that where the amount of distribution of profit exceeds the amount specified by a Cabinet Order as the amount of [the trust corporation’ s] income for the said business year, the amount to be included in the amount of deductible expense shall be limited to such amount specified by a Cabinet Order:
- 一 次に掲げるすべての要件
- (i) All of the following requirements:
- イ 資産の流動化に関する法律第二百二十五条第一項の規定による届出が行われているものであること。
- (a) Notification has been made with respect to the said special purpose trust pursuant to the provision of Article 225(1) of the Act on Securitization of Assets.

ロ 次のいずれかに該当するものであること。

(b) The special purpose trust conforms to any of the following conditions:

(1) その発行者（金融商品取引法第二条第五項に規定する発行者をいう。以下この号において同じ。）による受益権の募集が同条第三項に規定する取得勧誘（同項第一号に掲げる場合に該当するものに限る。）であつて、その受益権の発行価額の総額が一億円以上であるもの

1. The public offering of beneficial rights of the said special purpose trust by the issuer (meaning an issuer prescribed in Article 2(5) of the Financial Instruments and Exchange Act; hereinafter the same shall apply in this item) has been conducted by way of a solicitation of acquisition prescribed in paragraph (3) of the said Article (limited to one that falls under the case listed in item (i) of the said paragraph), and the total issue price of the beneficial rights is not less than 100 million yen.

(2) その発行者が行つた受益権の募集により受益権が五十人以上の者によつて引き受けられたもの

2. As a result of the public offering of beneficial rights of the said special purpose trust conducted by the issuer, the beneficial rights have been accepted by not less than 50 persons.

(3) その発行者が行つた受益権の募集により受益権が金融商品取引法第二条第三項第一号に規定する適格機関投資家のみによつて引き受けられたもの

3. As a result of the public offering of beneficial rights of the said special purpose trust conducted by the issuer, the beneficial rights have been accepted only by a qualified institutional investor(s) prescribed in Article 2(3)(i) of the Financial Instruments and Exchange Act.

ハ その発行者による受益権の募集が主として国内において行われるものとして政令で定めるものに該当するものであること。

(c) The public offering of beneficial rights of the said special purpose trust conducted by the issuer falls under the category of public offering of beneficial rights specified by a Cabinet Order as one conducted mainly in Japan.

ニ その他政令で定める要件

(d) Any other requirement specified by a Cabinet Order

二 次に掲げるすべての要件

(ii) All of the following requirements:

イ 当該事業年度終了の時に於いて法人税法第二条第十号に規定する同族会社に該当していないこと。

(a) At the end of the said business year, the trust corporation does not fall under the category of family company prescribed in Article 2(x) of the Corporation Tax Act.

ロ 当該事業年度に係る利益の分配の額が当該事業年度の分配可能所得の金額として政令で定める金額の百分の九十に相当する金額を超えていること。

(b) The amount of distribution of profit pertaining to the said business year exceeds

90 percent of the amount specified by a Cabinet Order as the amount of distributable income for the said business year.

ハ その他政令で定める要件

(c) Any other requirement specified by a Cabinet Order

2 特定目的信託に係る受託法人に対する法人税法第二十三条第一項の規定の適用については、同項中「内国法人が受ける」とあるのは、「内国法人（第二条第二十九号の二ホ（定義）に掲げる特定目的信託に係る第四条の七（受託法人等に関するこの法律の適用）に規定する受託法人を除く。）が受ける」とする。

(2) With regard to the application of the provision of Article 23(1) of the Corporation Tax Act to the trust corporation for a special purpose trust, the phrase “received by a domestic corporation” in Article 23(1) of the said Act shall be deemed to be replaced with “received by a domestic corporation (excluding a trust corporation prescribed in Article 4-7 (Application of This Act to Trust Corporations, etc.) for the special purpose trust listed in Article 2(xxix)-2(e) (Definitions))”.

3 特定目的信託に係る受託法人に対する法人税法第六十九条の規定の適用については、同条第一項中「所得の金額」とあるのは「所得の金額（租税特別措置法第六十八条の三の二第一項（特定目的信託に係る受託法人の課税の特例）の規定の適用を受ける第二条第二十九号の二ホ（定義）に掲げる特定目的信託に係る第四条の七（受託法人等に関するこの法律の適用）に規定する受託法人（第八項において「特定目的信託に係る受託法人」という。）にあつては、同法第六十八条の三の二第一項の規定を適用しないで計算した所得の金額）」と、同条第八項中「内国法人が外国子会社」とあるのは「内国法人（特定目的信託に係る受託法人を除く。以下この項及び第十一項において同じ。）が外国子会社」とする。

(3) With regard to the application of the provision of Article 69 of the Corporation Tax Act to the trust corporation for a special purpose trust, the phrase “amount of income” in paragraph (1) of the said Article shall be deemed to be replaced with “amount of [the trust corporation’ s] income (in the case of a trust corporation prescribed in Article 4-7 (Application of This Act to Trust Corporations, etc.) for the special purpose trust listed in Article 2(xxix)-2(e) (Definitions) that is subject to the provision of Article 68-3-2(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts) (such trust corporation referred to in paragraph (8) as a “trust corporation for a special purpose trust”): the amount of income calculated without applying the provision of Article 68-3-2(1) of the said Act)”, and the phrase “Where a domestic corporation” in paragraph (8) of the said Article shall be deemed to be replaced with “Where a domestic corporation (excluding a trust corporation for a special purpose trust; hereinafter the same shall apply in this paragraph and paragraph (11))”.

4 特定目的信託に係る受託法人に対する第六十二条の三第三項の規定の適用については、同項中「該当するもの」とあるのは、「該当するもの及び第六十八条の三の二第一項に規定する特定目的信託に係る同項に規定する受託法人が行う譲渡で同項第二号（ロを除く。）に掲げる要件を満たす事業年度において行うもの」とする。

- (4) With regard to the application of the provision of Article 62-3(3) to the trust corporation for a special purpose trust, the term “the transfer..., which is specified by a Cabinet Order” in Article 62-3(3) shall be deemed to be replaced with “the transfer..., which is specified by a Cabinet Order, and the transfer conducted by a trust corporation prescribed in Article 68-3-2(1) for a special purpose trust prescribed in Article 68-3-2(1), which is conducted in the business year that satisfies the requirements listed in Article 68-3-2(1)(ii) (excluding (b))”.
- 5 法人が受ける特定目的信託の利益の分配の額に係る法人税法第二十三条及び第九十三条の規定の適用については、同法第二十三条第一項中「掲げるもの」とあるのは「掲げるもの及び第二条第二十九号の二ホ（定義）に掲げる特定目的信託の租税特別措置法第六十八条の三の二第一項（特定目的信託に係る受託法人の課税の特例）に規定する利益の分配の額」と、同法第九十三条第二項第二号中「該当するもの」とあるのは「該当するもの及び第二条第二十九号の二ホ（定義）に掲げる特定目的信託の租税特別措置法第六十八条の三の二第一項（特定目的信託に係る受託法人の課税の特例）に規定する利益の分配の額」とする。
- (5) With regard to the application of the provisions of Article 23 and Article 93 of the Corporation Tax Act to the amount of distribution of profit from a special purpose trust to be received by a corporation, the phrase “amount listed in item (i)” in Article 23(1) of the said Act shall be deemed to be replaced with “amount listed in item (i)... and the amount of distribution of profit prescribed in Article 68-3-2(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts) from the special purpose trust listed in Article 2(xxix)-2(e) (Definitions)”, and the phrase “amount listed in item (iii) of the said Article” in Article 93(2)(ii) of the said Act shall be deemed to be replaced with “amount listed in item (iii) of the said Article and the amount of distribution of profit prescribed in Article 68-3-2(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts) from the special purpose trust listed in Article 2(xxix)-2(e) (Definitions)”.
- 6 第一項の規定は、同項の規定の適用を受けようとする事業年度の法人税法第二条第三十一号に規定する確定申告書（次項において「確定申告書」という。）に、第一項の規定により損金の額に算入される金額の損金算入に関する申告の記載及びその損金の額に算入される金額の計算に関する明細書の添付があり、かつ、同項第一号ロ及びハに掲げる要件を満たしていることを明らかにする書類を保存している場合に限り、適用する。
- (6) The provision of paragraph (1) shall apply only where the trust corporation for a special purpose trust has filed a final return form prescribed in Article 2(xxxi) of the Corporation Tax Act (referred to in the next paragraph as a “final return form”) for the business year for which the trust corporation seeks the application of the provision of the said paragraph, with an application made therein to seek the inclusion in deductible expense of the amount to be included in the amount of deductible expense pursuant to the provision of paragraph (1) and a written statement attached thereto

regarding the calculation of the amount to be included in the amount of deductible expense, and preserved the documents that certify that the requirements listed in items (i)(b) and (c) of the said paragraph are satisfied.

7 税務署長は、前項の記載若しくは明細書の添付がない確定申告書の提出があつた場合又は同項の書類の保存がない場合においても、その記載若しくは明細書の添付又は書類の保存がなかつたことについてやむを得ない事情があると認めるときは、第一項の規定を適用することができる。

(7) Even where the trust corporation for a special purpose trust has filed a final return form without the application or written statement set forth in the preceding paragraph attached thereto or failed to preserve the documents on the calculation set forth in the said paragraph, the district director may, when he/she finds any unavoidable reason for the trust corporation's failure to make a necessary application, attach a necessary written statement or preserve the necessary documents on the calculation, apply the provision of paragraph (1).

8 第一項、第二項、第四項及び前二項の規定は、特定目的信託に係る法人税法第四条の七に規定する受託法人（第二条の二第三項において準用する同法第四条の七第二号の規定により外国法人としてこの法律の規定を適用するもので、法人税法第四百四十一条第一号から第三号までに掲げる外国法人に該当するものに限る。）が、同法第四百四十二条の規定により同法第四百四十一条に規定する国内源泉所得に係る所得につき同法の規定に準じて計算する場合について準用する。この場合において、第一項中「で当該特定目的信託」とあるのは「のうち国内において行う事業に係るもので当該特定目的信託」と、第二項中「法人税法第二十三条第一項」とあるのは「法人税法第四百四十二条の規定により同法第二十三条第一項の規定に準じて計算する場合における同項」と読み替えるものとする。

(8) The provisions of paragraph (1), paragraph (2), paragraph (4) and the preceding two paragraphs shall apply mutatis mutandis where the trust corporation prescribed in Article 4-7 of the Corporation Tax Act for a special purpose trust (limited to a trust corporation that shall be deemed to be a foreign corporation pursuant to the provision of Article 4-7(ii) of the said Act as applied mutatis mutandis pursuant to Article 2-2(3) and therefore be subject to the provisions of this Act, which falls under any of the categories of foreign corporation listed in Article 141(i) to (iii) of the Corporation Tax Act), pursuant to the provision of Article 142 of the said Act, calculates the amount of income categorized as domestic source income prescribed in Article 141 of the said Act in accordance with the provisions of the said Act. In this case, the phrase “Any amount ...from a special purpose trust..., which pertains to the business year” in paragraph (1) shall be deemed to be replaced with “Any amount ...from a special purpose trust..., which pertains to a business conducted in Japan and also pertains to the business year”, and the phrase “Article 23(1) of the Corporation Tax Act” shall be deemed to be replaced with “Article 23(1) of the Corporation Tax Act applied in the case where, pursuant to the provision of Article 142 of the Corporation Tax Act, calculation is made in accordance with the provision of Article 23(1) of the said Act”.

9 内国法人が受ける前項において準用する第一項の特定目的信託の利益の分配の額（以下この項及び次項において「外国特定目的信託の利益分配の額」という。）は法人税法第六十九条第八項に規定する配当等の額に該当しないものとみなし、同項に規定する外国子会社が受ける外国特定目的信託の利益分配の額は同条第十一項に規定する外国孫会社からの配当等の額に該当しないものとみなす。

(9) The amount of distribution of profit from a special purpose trust set forth in paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph, which is received by a domestic corporation (such amount hereinafter referred to in this paragraph and the next paragraph as “amount of distribution of profit from a foreign special purpose trust”) shall be deemed to be excluded from the amount of dividend, etc. prescribed in Article 69(8) of the Corporation Tax Act, and the amount of distribution of profit from a foreign special purpose trust to be received by a foreign subsidiary company prescribed in Article 69(8) of the said Act shall be deemed to be excluded from the amount of dividend, etc. from a foreign second-tier subsidiary company prescribed in Article 68(11) of the said Act.

10 外国法人が受ける外国特定目的信託の利益分配の額（法人税法第百四十一条第一号から第三号までに掲げる外国法人が受けるもの（同条第二号又は第三号に掲げる外国法人が受けるものにあつては、その者のこれらの規定に規定する事業に帰せられるものに限る。）に限る。）については、同法第百三十八条第五号イに規定する内国法人から受ける剰余金の配当の額とみなして、同法その他法人税に関する法令の規定（法人税法第百四十二条の規定により同法第二十三条第一項の規定に準じて計算する場合における同項の規定を除く。）を適用する。

(10) The amount of distribution of profit from a special purpose trust to be received by a foreign corporation (limited to the amount to be received by a foreign corporation listed in Article 141(i) to (iii) of the Corporation Tax Act (in the case of the amount to be received by a foreign corporation listed in item (ii) or item (iii) of the said Article, the amount shall be limited to the amount to be attributed to the business prescribed in these provisions that is conducted by the foreign corporation)) shall be deemed to be the amount of dividend of surplus to be received from a domestic corporation prescribed in Article 138(v)(a) of the said Act, and the provisions of the said Act and any other provisions of laws and regulations concerning corporation tax (excluding the provision of Article 23(1) of the Corporation Tax Act applied in the case where, pursuant to the provision of Article 142 of the said Act, calculation is made in accordance with the provision of Article 23(1) of the said Act) shall be applied thereto.

11 第六項及び第七項に定めるもののほか、第一項から第五項まで及び前三項の規定の適用その他特定目的信託に係る法人税法第四条の七に規定する受託法人の事業年度の所得に対する法人税に関する法令の規定の適用に関し必要な事項は、政令で定める。

(11) In addition to what is specified in paragraph (6) and paragraph (7), the application of the provisions of paragraph (1) to paragraph (5) and the preceding three paragraphs, and other necessary matters concerning the application of the provisions of laws and

regulations concerning corporation tax on income for the relevant business year of a trust corporation prescribed in Article 4-7 of the Corporation Tax Act from a special purpose trust shall be specified by a Cabinet Order.

第六十八条の三の三 (特定投資信託に係る受託法人の課税の特例)

Article 68-3-3 (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts)

1 特定投資信託（投資信託及び投資法人に関する法律（第一号において「投資信託法」という。）第二条第三項に規定する投資信託のうち、法人課税信託に該当するものをいう。以下この条において同じ。）のうち第一号に掲げる要件を満たすものの収益の分配の額として政令で定める金額（以下この条において「収益の分配の額」という。）で当該特定投資信託に係る受託法人（法人税法第四条の七に規定する受託法人（第二条の二第三項において準用する同法第四条の七第一号の規定により内国法人としてこの法律の規定を適用するものに限る。）をいう。次項から第四項までにおいて同じ。）の第二号に掲げる要件を満たす事業年度に係るものは、当該事業年度の所得の金額の計算上、損金の額に算入する。ただし、その収益の分配の額が当該事業年度の所得の金額として政令で定める金額を超える場合には、その損金の額に算入する金額は、当該政令で定める金額を限度とする。

(1) Any amount specified by a Cabinet Order as the amount of distribution of profit from a special investment trust (meaning an investment trust listed in Article 2(3) of the Act on Investment Trust and Investment Corporation (referred to in item (i) as the “Investment Trust Act”, which falls under the category of trust subject to corporation taxation; hereinafter the same shall apply in this Article) (such amount of distribution of profit hereinafter referred to in this Article as “amount of distribution of profit”), which pertains to the business year of the trust corporation (meaning a trust corporation prescribed in Article 4-7 of the Corporation Tax Act (limited to a trust corporation that shall be deemed to be a domestic corporation pursuant to the provision of Article 4-7(i) of the said Act as applied mutatis mutandis pursuant to Article 2-2(3) and therefore be subject to the provisions of this Act); the same shall apply in the next paragraph to paragraph (4)) for the said special investment trust, shall be included in the amount of deductible expense in the calculation of the amount of [the trust corporation’ s] income for the business year, if the said special investment trust satisfies the requirements listed in item (i) and the said business year satisfies the requirements listed in item (ii); provided, however, that where the amount of distribution of profit exceeds the amount specified by a Cabinet Order as the amount of [the trust corporation’ s] income for the said business year, the amount to be included in the amount of deductible expense shall be limited to such amount specified by a Cabinet Order:

一 次に掲げるすべての要件

(i) All of the following requirements:

イ 投資信託法第四条第一項又は第四十九条第一項の規定による届出が行われているこ

と。

(a) Notification has been made with respect to the said special investment trust pursuant to the provision of Article 4(1) or Article 49(1) of the Investment Trust Act.

ロ その受託者（投資信託法第二条第一項に規定する委託者指図型投資信託にあつては委託者。ハにおいて同じ。）による受益権の募集が同条第九項に規定する適格機関投資家私募により行われるものとして政令で定めるものに該当するものであること。

(b) The public offering of beneficial rights of the said special investment trust conducted by the trustee (or the settlor in the case of an investment trust operated with instruction from the settlor prescribed in Article 2(1) of the Investment Trust Act; the same shall apply in (c)) falls under the category of public offering of beneficial rights specified by a Cabinet Order as one conducted by way of private placement by a qualified institutional investment prescribed in Article 2(9) of the said Act.

ハ その受託者による受益権の募集が主として国内において行われるものとして政令で定めるものに該当するものであること。

(c) The public offering of beneficial rights of the said special investment trust conducted by the trustee falls under the category of public offering of beneficial rights specified by a Cabinet Order as one conducted mainly in Japan.

ニ その他政令で定める要件

(d) Any other requirement specified by a Cabinet Order

二 次に掲げるすべての要件

(ii) All of the following requirements:

イ 当該事業年度終了の時ににおいて法人税法第二条第十号に規定する同族会社に該当していないこと。

(a) At the end of the said business year, the trust corporation does not fall under the category of family company prescribed in Article 2(x) of the Corporation Tax Act.

ロ 当該事業年度に係る収益の分配の額の分配可能所得の金額に占める割合として政令で定める割合が百分の九十を超えていること。

(b) The ratio specified by a Cabinet Order as the ratio of the amount of distribution of profit pertaining to the said business year to the amount of distributable income exceeds 90 percent.

ハ その他政令で定める要件

(c) Any other requirement specified by a Cabinet Order

2 特定投資信託に係る受託法人に対する法人税法第二十三条第一項の規定の適用については、同項中「内国法人が受ける」とあるのは、「内国法人（租税特別措置法第六十八条の三の三第一項（特定投資信託に係る受託法人の課税の特例）に規定する特定投資信託（同項第一号ロ又はハに掲げる要件を満たすものに限る。）に係る第四条の七（受託法人等に関するこの法律の適用）に規定する受託法人を除く。）が受ける」とする。

(2) With regard to the application of the provision of Article 23(1) of the Corporation Tax

Act to the trust corporation for a special investment trust, the phrase “received by a domestic corporation” in Article 23(1) of the said Act shall be deemed to be replaced with “received by a domestic corporation (excluding a trust corporation prescribed in Article 4-7 (Application of This Act to Trust Corporations, etc.) for the special investment trust prescribed in Article 68-3-3(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts) (limited to a special investment trust that satisfies the requirements listed in Article 68-3-3(1)(i)(b) or (c))”.

3 特定投資信託に係る受託法人に対する法人税法第六十九条の規定の適用については、同条第一項中「所得の金額」とあるのは「所得の金額（租税特別措置法第六十八条の三の三第一項（特定投資信託に係る受託法人の課税の特例）の規定の適用を受ける同項に規定する特定投資信託に係る第四条の七（受託法人等に関するこの法律の適用）に規定する受託法人（第八項において「特定投資信託に係る受託法人」という。）にあつては、同法第六十八条の三の三第一項の規定を適用しないで計算した所得の金額）」と、同条第八項中「内国法人が外国子会社」とあるのは「内国法人（特定投資信託に係る受託法人を除く。以下この項及び第十一項において同じ。）が外国子会社」とする。

(3) With regard to the application of the provision of Article 69 of the Corporation Tax Act to the trust corporation for a special investment trust, the phrase “amount of income” in paragraph (1) of the said Article shall be deemed to be replaced with “amount of [the trust corporation’ s] income (in the case of a trust corporation prescribed in Article 4-7 (Application of This Act to Trust Corporations, etc.) for the special investment trust prescribed in Article 68-3-3(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts) that is subject to the provision of Article 68-3-3(1) of the said Act (such trust corporation referred to in paragraph (8) as a “trust corporation for a special investment trust”): the amount of income calculated without applying the provision of Article 68-3-3(1) of the said Act”, and the phrase “Where a domestic corporation” in paragraph (8) of the said Article shall be deemed to be replaced with “Where a domestic corporation (excluding a trust corporation for a special investment trust; hereinafter the same shall apply in this paragraph and paragraph (11))”.

4 特定投資信託に係る受託法人に対する第六十二条の三第三項の規定の適用については、同項中「該当するもの」とあるのは、「該当するもの及び第六十八条の三の三第一項に規定する特定投資信託に係る同項に規定する受託法人が行う譲渡で同項第二号（ロを除く。）に掲げる要件を満たす事業年度において行うもの」とする。

(4) With regard to the application of the provision of Article 62-3(3) to the trust corporation for a special investment trust, the term “the transfer..., which is specified by a Cabinet Order” in Article 62-3(3) shall be deemed to be replaced with “the transfer..., which is specified by a Cabinet Order, and the transfer conducted by a trust corporation prescribed in Article 68-3-3(1) for a special investment trust prescribed in Article 68-3-3(1), which is conducted in the business year that satisfies the

requirements listed in Article 68-3-3(1)(ii) (excluding (b))”.

- 5 法人が受ける特定投資信託（第一項第一号ロ及びハに掲げる要件を満たすものに限る。）の収益の分配の額に係る法人税法第二十三条及び第九十三条の規定の適用については、同法第二十三条第一項中「掲げるもの」とあるのは「掲げるもの及び租税特別措置法第六十八条の三の三第五項（特定投資信託に係る受託法人の課税の特例）に規定する特定投資信託の同条第一項に規定する収益の分配の額」と、同法第九十三条第二項第二号中「該当するもの」とあるのは「該当するもの及び租税特別措置法第六十八条の三の三第五項（特定投資信託に係る受託法人の課税の特例）に規定する特定投資信託の同条第一項に規定する収益の分配の額」とする。
- (5) With regard to the application of the provisions of Article 23 and Article 93 of the Corporation Tax Act to the amount of distribution of profit from a special investment trust (limited to a special investment trust that satisfies the requirements listed in paragraph (1)(i)(b) and (c)) to be received by a corporation, the phrase “amount listed in item (i)” in Article 23(1) of the said Act shall be deemed to be replaced with “amount listed in item (i)... and the amount of distribution of profit prescribed in Article 68-3-3 (1) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts) from the special investment trust prescribed in paragraph (5) of the said Article”, and the phrase “amount listed in item (iii) of the said Article” in Article 93(2)(ii) of the said Act shall be deemed to be replaced with “amount listed in item (iii) of the said Article and the amount of distribution of profit prescribed in Article 68-3-3(1) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts) from the special investment trust prescribed in paragraph (5) of the said Article”.
- 6 第一項の規定は、同項の規定の適用を受けようとする事業年度の法人税法第二条第三十一号に規定する確定申告書（次項において「確定申告書」という。）に、第一項の規定により損金の額に算入される金額の損金算入に関する申告の記載及びその損金の額に算入される金額の計算に関する明細書の添付があり、かつ、同項第一号ロ及びハに掲げる要件を満たしていることを明らかにする書類を保存している場合に限り、適用する。
- (6) The provision of paragraph (1) shall apply only where the trust corporation for a special investment trust has filed a final return form prescribed in Article 2(xxxi) of the Corporation Tax Act (referred to in the next paragraph as a “final return form”) for the business year for which the trust corporation seeks the application of the provision of the said paragraph, with an application made therein to seek the inclusion in deductible expense of the amount to be included in the amount of deductible expense pursuant to the provision of paragraph (1) and a written statement attached thereto regarding the calculation of the amount to be included in the amount of deductible expense, and preserved the documents that certify that the requirements listed in item (i)(b) and (c) of the said paragraph are satisfied.
- 7 税務署長は、前項の記載若しくは明細書の添付がない確定申告書の提出があつた場合又

は同項の書類の保存がない場合においても、その記載若しくは明細書の添付又は書類の保存がなかつたことについてやむを得ない事情があると認めるときは、第一項の規定を適用することができる。

(7) Even where the trust corporation for a special investment trust has filed a final return form without the application or written statement set forth in the preceding paragraph attached thereto or failed to preserve the documents on the calculation set forth in the said paragraph, the district director may, when he/she finds any unavoidable reason for the trust corporation's failure to make a necessary application, attach a necessary written statement or preserve the necessary documents on the calculation, apply the provision of paragraph (1).

8 第一項、第二項、第四項及び前二項の規定は、特定投資信託に係る法人税法第四条の七に規定する受託法人（第二条の二第三項において準用する同法第四条の七第二号の規定により外国法人としてこの法律の規定を適用するもので、法人税法第四百四十一条第一号から第三号までに掲げる外国法人に該当するものに限る。）が、同法第四百四十二条の規定により同法第四百四十一条に規定する国内源泉所得に係る所得につき同法の規定に準じて計算する場合について準用する。この場合において、第一項中「で当該特定投資信託」とあるのは「のうち国内において行う事業に係るもので当該特定投資信託」と、第二項中「法人税法第二十三条第一項」とあるのは「法人税法第四百四十二条の規定により同法第二十三条第一項の規定に準じて計算する場合における同項」と読み替えるものとする。

(8) The provisions of paragraph (1), paragraph (2), paragraph (4) and the preceding two paragraphs shall apply mutatis mutandis where the trust corporation prescribed in Article 4-7 of the Corporation Tax Act for a special investment trust (limited to a trust corporation that shall be deemed to be a foreign corporation pursuant to the provision of Article 4-7(ii) of the said Act as applied mutatis mutandis pursuant to Article 2-2(3) and therefore be subject to the provisions of this Act, which falls under any of the categories of foreign corporation listed in Article 141(i) to (iii) of the Corporation Tax Act), pursuant to the provision of Article 142 of the said Act, calculates the amount of income categorized as domestic source income prescribed in Article 141 of the said Act in accordance with the provisions of the said Act. In this case, the phrase "Any amount ...from a special investment trust..., which pertains to the business year" in paragraph (1) shall be deemed to be replaced with "Any amount ...from a special investment trust..., which pertains to a business conducted in Japan and also pertains to the business year", and the phrase "Article 23(1) of the Corporation Tax Act" shall be deemed to be replaced with "Article 23(1) of the Corporation Tax Act applied in the case where, pursuant to the provision of Article 142 of the Corporation Tax Act, calculation is made in accordance with the provision of Article 23(1) of the said Act".

9 内国法人が受ける前項において準用する第一項の特定投資信託（同項第一号ロ及びハに掲げる要件を満たすものに限る。）の収益の分配の額（以下この項及び次項において「外国特定投資信託の収益分配の額」という。）は法人税法第六十九条第八項に規定する配当等の額に該当しないものとみなし、同項に規定する外国子会社が受ける外国特定投資信託

の収益分配の額は同条第十一項に規定する外国孫会社からの配当等の額に該当しないものとみなす。

(9) The amount of distribution of profit from a special investment trust set forth in paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph (limited to a special investment trust that satisfies the requirements listed in item (i)(b) and (c) of the said paragraph), which is received by a domestic corporation (such amount hereinafter referred to in this paragraph and the next paragraph as “amount of distribution of profit from foreign special investment trust”) shall be deemed to be excluded from the amount of dividend, etc. prescribed in Article 69(8) of the Corporation Tax Act, and the amount of distribution of profit from a foreign special investment trust to be received by a foreign subsidiary company prescribed in Article 69(8) of the said Act shall be deemed to be excluded from the amount of dividend, etc. from a foreign second-tier subsidiary company prescribed in Article 68(11) of the said Act.

10 外国法人が受ける外国特定投資信託の収益分配の額（法人税法第百四十一条第一号から第三号までに掲げる外国法人が受けるもの（同条第二号又は第三号に掲げる外国法人が受けるものにあつては、その者のこれらの規定に規定する事業に帰せられるものに限る。）に限る。）については、同法第百三十八条第五号イに規定する内国法人から受ける剰余金の配当の額とみなして、同法その他法人税に関する法令の規定（法人税法第百四十二条の規定により同法第二十三条第一項の規定に準じて計算する場合における同項の規定を除く。）を適用する。

(10) The amount of distribution of profit from a special investment trust to be received by a foreign corporation (limited to the amount to be received by a foreign corporation listed in Article 141(i) to (iii) of the Corporation Tax Act (in the case of the amount to be received by a foreign corporation listed in item (ii) or item (iii) of the said Article, the amount shall be limited to the amount to be attributed to the business prescribed in these provisions that is conducted by the foreign corporation)) shall be deemed to be the amount of dividend of surplus to be received from a domestic corporation prescribed in Article 138(v)(a) of the said Act, and the provisions of the said Act and any other provisions of laws and regulations concerning corporation tax (excluding the provision of Article 23(1) of the Corporation Tax Act applied in the case where, pursuant to the provision of Article 142 of the said Act, calculation is made in accordance with the provision of Article 23(1) of the said Act) shall be applied thereto.

11 第六項及び第七項に定めるもののほか、第一項から第五項まで及び前三項の規定の適用その他特定投資信託に係る法人税法第四条の七に規定する受託法人の事業年度の所得に対する法人税に関する法令の規定の適用に関し必要な事項は、政令で定める。

(11) In addition to what is specified in paragraph (6) and paragraph (7), the application of the provisions of paragraph (1) to paragraph (5) and the preceding three paragraphs, and other necessary matters concerning the application of the provisions of laws and regulations concerning corporation tax on income for the relevant business year of a

trust corporation prescribed in Article 4-7 of the Corporation Tax Act from a special investment trust shall be specified by a Cabinet Order.

## 第二十二節 連結法人の国外関連者との取引に係る課税の特例等

### Section 22 Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations, etc.

第六十八条の八十八 (連結法人の国外関連者との取引に係る課税の特例)

Article 68-88 (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations)

- 1 連結法人が、平成十四年四月一日以後に開始する各連結事業年度において、当該連結法人に係る国外関連者（外国法人で、当該連結法人との間にいずれか一方の法人が他方の法人の発行済株式又は出資（当該他方の法人が有する自己の株式又は出資を除く。）の総数又は総額の百分の五十以上の数又は金額の株式又は出資を直接又は間接に保有する関係その他の政令で定める特殊の関係（次項及び第五項において「特殊の関係」という。）のあるものをいう。以下この条において同じ。）との間で資産の販売、資産の購入、役務の提供その他の取引を行った場合に、当該取引（当該国外関連者が法人税法第百四十一条第一号から第三号までに掲げる外国法人のいずれに該当するかに応じ、当該国外関連者のこれらの号に掲げる国内源泉所得に係る取引のうち第六十六条の四第一項に規定する政令で定めるものを除く。以下この条において「国外関連取引」という。）につき、当該連結法人が当該国外関連者から支払を受ける対価の額が独立企業間価格に満たないとき、又は当該連結法人が当該国外関連者に支払う対価の額が独立企業間価格を超えるときは、当該連結事業年度の連結所得に係る同法 其他法人税に関する法令の規定の適用については、当該国外関連取引は、独立企業間価格で行われたものとみなす。

- (1) Where a consolidated corporation has, in each consolidated business year beginning on or after April 1, 2002, conducted a transaction for the sale of assets, purchase of assets, provision of services or any other transaction with a foreign affiliated person related to the said consolidated corporation (meaning a foreign corporation that has a relationship with the said consolidated corporation whereby either corporation holds, directly or indirectly, shares or capital contributions that account for 50 percent or more of the total number or total amount of issued shares of or capital contributions to the other corporation (excluding the shares or capital contributions held by the other corporation) or any other special relationship specified by a Cabinet Order (referred to in the next paragraph and paragraph (5) as a “special relationship”); hereinafter the same shall apply in this Article), if the amount of the consideration received by the said consolidated corporation from the said foreign affiliated person with respect to the said transaction (excluding, depending on the category of foreign corporation listed in Article 141(i) to (iii) of the Corporation Tax Act corresponding to the said foreign affiliated person, a transaction from which the said foreign affiliated person earns the domestic source income listed in the relevant item, which is specified by a Cabinet

Order prescribed in Article 66-4(1); hereinafter referred to in this Article as a “foreign affiliated transaction”) is below the arm’s length price or if the amount of the consideration paid by the said consolidated corporation to the said foreign affiliated person with respect to the said transaction is over the arm’s length price, with regard to the application of the provisions of the said Act and any other provisions concerning corporation tax on the said consolidated corporation’s consolidated income for the said consolidated business year, the said foreign affiliated transaction shall be deemed to have been conducted at the arm’s length price.

2 前項に規定する独立企業間価格とは、国外関連取引が次の各号に掲げる取引のいずれに該当するかに応じ当該各号に定める方法により算定した金額をいう。

(2) The arm’s length price prescribed in the preceding paragraph shall mean the amount calculated by the method specified in each of the following items for the category of transaction listed in the relevant item corresponding to the foreign affiliated transaction:

一 棚卸資産の販売又は購入 次に掲げる方法（二に掲げる方法は、イからハまでに掲げる方法を用いることができない場合に限り、用いることができる。）

(i) Sale or purchase of inventory assets: Any of the following methods (the method listed in (d) may be applied only where the methods listed in (a) to (c) are unavailable):

イ 独立価格比準法（特殊の関係にない売手と買手が、国外関連取引に係る棚卸資産と同種の棚卸資産を当該国外関連取引と取引段階、取引数量その他が同様の状況の下で売買した取引の対価の額（当該同種の棚卸資産を当該国外関連取引と取引段階、取引数量その他に差異のある状況の下で売買した取引がある場合において、その差異により生ずる対価の額の差を調整できるときは、その調整を行った後の対価の額を含む。）に相当する金額をもつて当該国外関連取引の対価の額とする方法をいう。）

(a) Comparable uncontrolled price method (meaning the method which uses, as the amount of the consideration for a foreign affiliated transaction, the amount equivalent to the amount of the consideration for a transaction wherein the seller and the buyer who are not in a special relationship have sold or bought inventory assets of the same type as the inventory assets pertaining to the said foreign affiliated transaction, under circumstances where the transaction level, transaction volume and any other conditions are similar to those of the said foreign affiliated transaction (in the case where such inventory assets of the same type have been sold or bought under circumstances where the transaction level, transaction volume and any other conditions are different from those of the said foreign affiliated transaction, and any variance arising from such difference in the conditions can be adjusted, the amount of the consideration as adjusted shall be included)

ロ 再販売価格基準法（国外関連取引に係る棚卸資産の買手が特殊の関係にない者に対して当該棚卸資産を販売した対価の額（以下この項において「再販売価格」という。）

から通常の利潤の額（当該再販売価格に政令で定める通常の利益率を乗じて計算した金額をいう。）を控除して計算した金額をもつて当該国外関連取引の対価の額とする方法をいう。）

(b) Resale price method (meaning the method which uses, as the amount of the consideration for a foreign affiliated transaction, the amount calculated by deducting, from the amount of the consideration gained by the buyer of the inventory assets involved in the said foreign affiliated transaction for having sold the said inventory assets to a person who is not in a special relationship therewith (hereinafter referred to in this paragraph as the “resale price”), the amount of normal profit (meaning the amount calculated by multiplying the said resale price by the normal profit margin specified by a Cabinet Order)

ハ 原価基準法（国外関連取引に係る棚卸資産の売手の購入、製造その他の行為による取得の原価の額に通常の利潤の額（当該原価の額に政令で定める通常の利益率を乗じて計算した金額をいう。）を加算して計算した金額をもつて当該国外関連取引の対価の額とする方法をいう。）

(c) Cost plus method (meaning the method which uses, as the amount of the consideration for a foreign affiliated transaction, the amount calculated by adding, to the amount of the cost incurred by the seller of the inventory assets involved in the said foreign affiliated transaction for having acquired the inventory assets by purchase, manufacture or any other acts, the amount of normal profit (meaning the amount calculated by multiplying the said amount of cost by the normal profit margin specified by a Cabinet Order)

ニ イからハマまでに掲げる方法に準ずる方法その他政令で定める方法

(d) A method equivalent to the methods listed in (a) to (c) or any other method specified by a Cabinet Order

二 前号に掲げる取引以外の取引 次に掲げる方法（ロに掲げる方法は、イに掲げる方法を用いることができない場合に限り、用いることができる。）

(ii) A transaction other than the transaction listed in the preceding item: Any of the following methods (the method listed in (b) may be applied only where the method listed in (a) is unavailable):

イ 前号イからハマまでに掲げる方法と同等の方法

(a) A method equivalent to the methods listed in (a) to (c) of the preceding item

ロ 前号ニに掲げる方法と同等の方法

(b) A method equivalent to the method listed in (d) of the preceding item

3 連結法人が各連結事業年度において支出した寄附金の額（法人税法第八十一条の六第六項において準用する同法第三十七条第七項に規定する寄附金の額をいう。以下この項及び次項において同じ。）のうち当該連結法人に係る国外関連者に対するもの（同法第四百一条第一号 から第三号 までに掲げる外国法人に該当する国外関連者に対する寄附金の額で当該国外関連者の各事業年度の所得の金額の計算上益金の額に算入されるものを除く。）は、当該連結法人の各連結事業年度の連結所得の金額の計算上、損金の額に算入し

ない。この場合において、当該連結法人に対する同法第八十一条の六の規定の適用については、同条第一項中「次項」とあるのは、「次項又は租税特別措置法第六十八条の八十三第三項（連結法人の国外関連者との取引に係る課税の特例）」とする。

(3) Any part of the amount of a contribution (meaning the amount of a contribution prescribed in Article 37(7) of the Corporation Tax Act as applied mutatis mutandis pursuant to Article 81-6(6) of the said Act; hereinafter the same shall apply in this paragraph and the next paragraph) expended by a consolidated corporation in each consolidated business year, which has been paid to a foreign affiliated person related to the said consolidated corporation (excluding any amount of contribution paid to a foreign affiliated person that falls under the category of foreign corporation listed in Article 141(i) to (iii) of the said Act, which shall be included in the amount of gross profit in the calculation of the said foreign affiliated person's income for the relevant business year), shall not be included in the amount of deductible expense in the calculation of the amount of the said consolidated corporation's consolidated income for the relevant consolidated business year. In this case, with regard to the application of the provision of Article 81-6 of the said Act to the said consolidated corporation, the term "the next paragraph" in paragraph (1) of the said Article shall be deemed to be replaced with "the next paragraph or the provision of Article 68-88(3) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations)."

4 第一項の規定の適用がある場合における国外関連取引の対価の額と当該国外関連取引に係る同項に規定する独立企業間価格との差額（寄附金の額に該当するものを除く。）は、連結法人の各連結事業年度の連結所得の金額の計算上、損金の額に算入しない。

(4) In the case where the provision of paragraph (1) shall apply, any variance between the amount of the consideration for a foreign affiliated transaction and the arm's length price prescribed in the said paragraph which pertains to the said foreign affiliated transaction (excluding a variance that shall be deemed to be the amount of the contribution) shall not be included in the amount of deductible expense in the calculation of the consolidated corporation's consolidated income for each consolidated business year.

5 連結法人が当該連結法人に係る国外関連者との取引を他の者（当該連結法人に係る他の国外関連者及び当該国外関連者と特殊の関係のある内国法人を除く。以下この項において「非関連者」という。）を通じて行う場合として政令で定める場合における当該連結法人と当該非関連者との取引は、当該連結法人の国外関連取引とみなして、第一項の規定を適用する。

(5) In the case specified by a Cabinet Order where a consolidated corporation conducts a transaction with a foreign affiliated person related to the said consolidated corporation via another person (excluding any other foreign affiliated person related to the said consolidated corporation, and a domestic corporation having a special relationship with such other foreign affiliated person; hereinafter referred to in this paragraph as a

“non-affiliated person”), the transaction between the said consolidated corporation and the said non-affiliated person shall be deemed to be the said consolidated corporation’s foreign affiliated transaction, and the provision of paragraph (1) shall be applied thereto.

- 6 国税庁の当該職員、連結親法人の納税地の所轄税務署若しくは所轄国税局の当該職員又は連結子法人の本店若しくは主たる事務所の所在地の所轄税務署若しくは所轄国税局の当該職員が、当該連結法人にその各連結事業年度における国外関連取引に係る第一項に規定する独立企業間価格を算定するために必要と認められる帳簿書類（その作成又は保存に代えて電磁的記録（電子的方式、磁気的方式その他の人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものをいう。）の作成又は保存がされている場合における当該電磁的記録を含む。以下この条において同じ。）又はその写しの提示又は提出を求めた場合において、当該連結法人がこれらを遅滞なく提示し、又は提出しなかつたときは、税務署長は、次の各号に掲げる方法（第二号に掲げる方法は、第一号に掲げる方法を用いることができない場合に限り、用いることができる。）により算定した金額を当該独立企業間価格と推定して、当該連結事業年度の連結所得の金額又は連結欠損金額につき法人税法第二条第四十三号に規定する更正（第十六項において「更正」という。）又は同条第四十四号に規定する決定（第十六項において「決定」という。）をすることができる。

- (6) Where the relevant official of the National Tax Agency, the relevant official of the Tax Office or Regional Taxation Bureau having jurisdiction over a consolidated parent corporation’s place for tax payment or the relevant official of the Tax Office or Regional Taxation Bureau having jurisdiction over the location of the head office or principal office of a consolidated subsidiary corporation has requested the said consolidated corporation to present or submit the books and documents that are considered to be necessary for the calculation of the arm’s length price prescribed in paragraph (1) which pertains to a foreign affiliated transaction conducted by the consolidated corporation in each consolidated business year or copies of such books and documents (in the case where the consolidated corporation, instead of preparing or preserving such books and documents, prepares or preserves electromagnetic records (meaning records made in an electronic form, a magnetic form, or any other form not recognizable to human perception, which are used in information processing by computers), such electromagnetic records shall be included; hereinafter the same shall apply in this Article), if the said consolidated corporation has failed to present or submit these books and documents or copies thereof without delay, the district director may presume the amount calculated by the method listed in any of the following items (the method listed in item (ii) may be applied only where the method listed in (i) is unavailable) to be the said arm’s length price, and thereby make a reassessment prescribed in Article 2(xliii) of the Corporation Tax Act (referred to in paragraph (16) as a “reassessment”) or a determination prescribed in item (xiv) of the said Article (referred to in paragraph (16) as a “determination”) with respect to the said

consolidated corporation' s amount of consolidated income or amount of consolidated loss for the relevant consolidated business year:

一 当該連結法人の当該国外関連取引に係る事業と同種の事業を営む法人で事業規模その他の事業の内容が類似するものの当該事業に係る売上総利益率又はこれに準ずる割合として政令で定める割合を基礎とした第二項第一号ロ若しくはハに掲げる方法又は同項第二号イに掲げる方法（同項第一号イに掲げる方法と同等の方法を除く。）

(i) The method listed in paragraph (2)(i)(b) or (c) or the method listed in paragraph (2)(ii)(a) (excluding the method equivalent to the method listed in paragraph (2)(i)(a)), which is applied based on the gross profit margin gained by another corporation from its business on condition that such other corporation' s business is the same type as the said consolidated corporation' s business involving the said foreign affiliated transaction, and that the size and other details are similar between the two businesses, or any other ratio specified by a Cabinet Order as a ratio equivalent to the gross profit margin

二 第二項第一号ニに規定する政令で定める方法又は同項第二号ロに掲げる方法（当該政令で定める方法と同等の方法に限る。）に類するものとして政令で定める方法

(ii) A method specified by a Cabinet Order as being equivalent to the method prescribed in paragraph (2)(i)(d) or the method listed in paragraph (2)(ii)(b) (limited to the method equivalent to the said method specified by a Cabinet Order)

7 国税庁の当該職員、連結親法人の納税地の所轄税務署若しくは所轄国税局の当該職員又は連結子法人の本店若しくは主たる事務所の所在地の所轄税務署若しくは所轄国税局の当該職員は、当該連結法人と当該連結法人に係る国外関連者との間の取引に関する調査について必要があるときは、当該連結法人に対し、当該国外関連者が保存する帳簿書類又はその写しの提示又は提出を求めることができる。この場合において、当該連結法人は、当該提示又は提出を求められたときは、当該帳簿書類又はその写しの入手に努めなければならない。

(7) The relevant official of the National Tax Agency, the relevant official of the Tax Office or Regional Taxation Bureau having jurisdiction over a consolidated parent corporation' s place for tax payment or the relevant official of the Tax Office or Regional Taxation Bureau having jurisdiction over the location of the head office or principal office of a consolidated subsidiary corporation may, when it is necessary in the examination concerning the transaction between the consolidated corporation and a foreign affiliated person related to the said consolidated corporation, request the said consolidated corporation to present or submit the books and documents preserved by the said foreign affiliated person or copies thereof. In this case, the said consolidated corporation shall endeavor to obtain the said books and documents or copies thereof when requested to present or submit them.

8 国税庁の当該職員、連結親法人の納税地の所轄税務署若しくは所轄国税局の当該職員又は連結子法人の本店若しくは主たる事務所の所在地の所轄税務署若しくは所轄国税局の当該職員は、当該連結法人が第六項に規定する帳簿書類又はその写しを遅滞なく提示し、又

は提出しなかつた場合において、当該連結法人の各連結事業年度における国外関連取引に係る第一項に規定する独立企業間価格を算定するために必要があるときは、その必要と認められる範囲内において、当該連結法人の当該国外関連取引に係る事業と同種の事業を営む者に質問し、又は当該事業に関する帳簿書類を検査することができる。

(8) Where a consolidated parent corporation or consolidated subsidiary corporation has failed to present or submit the books and documents or copies thereof prescribed in paragraph (6) without delay, the relevant official of the National Tax Agency, the relevant official of the Tax Office or Regional Taxation Bureau having jurisdiction over the consolidated parent corporation's place for tax payment or the relevant official of the Tax Office or Regional Taxation Bureau having jurisdiction over the location of the head office or principal office of the consolidated subsidiary corporation may, when it is necessary for the calculation of the said consolidated corporation's arm's length price prescribed in paragraph (1) which pertains to a foreign affiliated transaction in each consolidated business year, ask questions of a person who is engaged in a business that is the same type as the said consolidated corporation's business involving the said foreign affiliated transaction, or inspect the books and documents concerning the said business, to the extent considered necessary for such calculation.

9 前項の規定による質問又は検査の権限は、犯罪捜査のために認められたものと解してはならない。

(9) The authority to ask questions or conduct an inspection pursuant to the provision of the preceding paragraph shall not be construed as being granted for criminal investigation.

10 国税庁、国税局又は税務署の当該職員は、第八項の規定による質問又は検査をする場合には、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(10) The relevant official of the National Tax Agency, the Regional Taxation Bureau, or the Tax Office shall, when asking questions or conducting an inspection pursuant to the provision of paragraph (8), carry an identification card and present it to the person concerned when requested.

11 次の各号のいずれかに該当する者は、十万円以下の罰金に処する。

(11) Any person who falls under any of the following shall be punished by a fine of not more than 100,000 yen:

一 第八項の規定による当該職員の質問に対して答弁せず、若しくは偽りの答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した者

(i) A person who has failed to answer or made a false answer to the questions given by the relevant official pursuant to the provision of paragraph (8) or has refused, obstructed or avoided the inspection pursuant to the provision of the said paragraph

二 前号の検査に関し偽りの記載又は記録をした帳簿書類を提示した者

(ii) A person who has presented books and documents which contain false statements or records concerning the inspection set forth in the preceding item

- 1 2 法人の代表者（人格のない社団等の管理人を含む。）又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して前項の違反行為をしたときは、その行為者を罰するほか、その法人又は人に対して同項の刑を科する。
- (12) Where the representative person of a corporation (including the administrator of an association or foundation without juridical personality) or an agent, employee or other worker of a corporation or an individual has committed any of the acts of violation set forth in the preceding paragraph with regard to the business of the said corporation or individual, not only the offender shall be punished but also the said corporation or individual shall be punished by the fine prescribed in the said paragraph.
- 1 3 人格のない社団等について前項の規定の適用がある場合には、その代表者又は管理人がその訴訟行為につきその人格のない社団等を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。
- (13) Where the provision of the preceding paragraph shall apply to an association or foundation without juridical personality, its representative person or administrator shall represent the association or foundation without juridical personality with regard to its procedural act, and the legal provisions concerning criminal procedure that are applicable in the case where a corporation stands as the accused or the suspect shall apply *mutatis mutandis*.
- 1 4 連結親法人は、各連結事業年度において当該連結親法人又は連結子法人がこれらの法人に係る国外関連者との間で取引を行った場合には、当該国外関連者の名称及び本店又は主たる事務所の所在地その他財務省令で定める事項を記載した書類を当該連結事業年度の連結確定申告書（法人税法第二条第三十二号に規定する連結確定申告書をいう。）に添付しなければならない。
- (14) A consolidated parent corporation shall, where the said consolidated parent corporation or its consolidated subsidiary corporation has conducted a transaction with a foreign affiliated person related to the said consolidated corporation in each consolidated business year, attach a document stating the said foreign affiliated person's name and the location of its head office or principal office and any other matters specified by an Ordinance of the Ministry of Finance, to the consolidated final return form (meaning a consolidated final return form prescribed in Article 2(xxxii) of the Corporation Tax Act) for the relevant consolidated business year.
- 1 5 連結子法人は、各連結事業年度において当該連結子法人に係る国外関連者との間で取引を行った場合には、当該国外関連者の名称及び本店又は主たる事務所の所在地その他財務省令で定める事項を記載した書類を当該連結事業年度の法人税法第八十一条の二十五第一項に規定する個別帰属額等を記載した同項に規定する書類に添付しなければならない。
- (15) A consolidated subsidiary corporation shall, where it has conducted a transaction with a foreign affiliated person related to the said consolidated corporation in each consolidated business year, attach a document stating the said foreign affiliated person's name and the location of its head office or principal office and any other matters

specified by an Ordinance of the Ministry of Finance, to the document prescribed in Article 81-25(1) of the Corporation Tax Act for the relevant consolidated business year which states the individually attributed amount, etc. prescribed in Article 81-25(1) of the said Act.

16 更正若しくは決定（以下この項において「更正決定」という。）又は国税通則法第三十二条第五項に規定する賦課決定（以下この項において「賦課決定」という。）で次の各号に掲げるものは、同法第七十条第一項から第四項まで（同条第二項第二号及び第三号に掲げる更正（同項に規定する純損失等の金額に係るものに限る。）に係る部分を除く。）の規定にかかわらず、当該各号に定める期限又は日から六年を経過する日まで、することができる。この場合において、同条第五項及び同法第七十一条第一項の規定の適用については、同法第七十条第五項中「前各項」とあるのは「前各項及び租税特別措置法第六十八条の八十八第十六項（連結法人の国外関連者との取引に係る課税の特例）」と、同法第七十一条第一項中「が前条」とあるのは「が前条及び租税特別措置法第六十八条の八十八第十六項（連結法人の国外関連者との取引に係る課税の特例）」と、「前条」とあるのは「前条及び同項」とする。

(16) A reassessment or determination (hereinafter referred to in this paragraph as a “reassessment or determination”) or an assessment and decision prescribed in Article 32(5) of the Act on General Rules for National Taxes (hereinafter referred to in this paragraph as an “assessment and decision”), which is listed in any of the following items, may be made within six years from the due date or other date specified in the relevant item, notwithstanding the provisions of Article 70(1) to (4) of the said Act (excluding the part concerning the reassessment listed in paragraph (2)(ii) and (iii) of the said Article (limited to a reassessment pertaining to the amount of net loss, etc. prescribed in the said paragraph)). In this case, with regard to the application of the provisions of Article 70(5) and Article 71(1) of the said Act: in Article 70(5) of the said Act, the phrase “preceding paragraphs” shall be deemed to be replaced with “preceding paragraphs and the provision of Article 68-88(16) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations)”; in Article 71(1) of the said Act, the phrase “preceding Article” shall be deemed to be replaced with “preceding Article and the provision of Article 68-88(16) of the Act on Special Measures Concerning Taxation (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations),” and the phrase “preceding Article” shall be deemed to be replaced with “preceding Article and the said paragraph [Article 68-88(16) of the said Act].”

一 連結法人が当該連結法人に係る国外関連者との取引を第一項に規定する独立企業間価格と異なる対価の額で行った事実に基づいてする法人税に係る更正決定又は当該更正決定に伴い国税通則法第十九条第一項に規定する課税標準等若しくは税額等に異動を生ずべき法人税に係る更正決定 これらの更正決定に係る法人税の同法第二条第七号に規定する法定申告期限（同法第六十一条第一項に規定する還付請求申告書に係る更正

については、当該還付請求申告書を提出した日)

- (i) A reassessment or determination of corporation tax to be made based on the fact that a consolidated corporation has conducted a transaction with a foreign affiliated person related to the said consolidated corporation at the amount of consideration that is different from the arm's length price prescribed in paragraph (1), or a reassessment or determination of corporation tax to be made, upon the said reassessment or determination, to make a change to the tax base, etc. or tax amount, etc. prescribed in Article 19(1) of the Act on General Rules for National Taxes: The statutory due date of tax return prescribed in Article 2(vii) of the said Act with regard to corporation tax pertaining to the relevant reassessment or determination (in the case of a reassessment based on a return of claim for a refund prescribed in Article 61(1) of the said Act: the day on which the said return of claim for a refund has been filed)

二 前号に規定する事実に基づいてする法人税に係る更正決定若しくは国税通則法第二条第六号に規定する納税申告書(同法第十七条第二項に規定する期限内申告書を除く。以下この号において「納税申告書」という。)の提出又は当該更正決定若しくは当該納税申告書の提出に伴い前号に規定する異動を生ずべき法人税に係る更正決定若しくは納税申告書の提出に伴いこれらの法人税に係る同法第六十九条に規定する加算税についてする賦課決定 その納税義務の成立の日

- (ii) A reassessment or determination of corporation tax to be made based on the fact prescribed in the preceding item or submission of a tax return form prescribed in Article 2(vi) of the Act on General Rules for National Taxes (excluding a return form within the due date prescribed in Article 17(2) of the said Act; hereinafter referred to in this item as a "tax return form"), or an assessment and decision to be made, upon the reassessment or determination or submission of a tax return form, so as to impose additional tax prescribed in Article 69 of the said Act with regard to the corporation tax to which the change prescribed in the preceding item shall be made upon the said reassessment or determination or the said submission of a tax return form: The date of the establishment of the relevant tax liability

17 連結法人が当該連結法人に係る国外関連者との取引を第一項に規定する独立企業間価格と異なる対価の額で行ったことに伴い納付すべき税額が過少となり、又は国税通則法第二条第六号に規定する還付金の額が過大となつた法人税に係る同法第七十二条第一項に規定する国税の徴収権の時効は、同法第七十三条第三項の規定の適用がある場合を除き、当該法人税の同法第七十二条第一項に規定する法定納期限から一年間は、進行しない。

- (17) Where, with regard to corporation tax, the tax amount payable due to the fact that a consolidated corporation has conducted a transaction with a foreign affiliated person related to the said consolidated corporation at the amount of consideration that is different from the arm's length price prescribed in paragraph (1) falls short, or the amount of the refund prescribed in Article 2(vi) of the Act on General Rules for National Taxes is in excess, the prescription of the right of collection of national tax

prescribed in Article 72(1) of the said Act shall not run for one year from the statutory due date prescribed in Article 72(1) of the said Act for the said corporation tax, except where the provision of Article 73(3) of the said Act shall apply.

18 前項の場合においては、国税通則法第七十三条第三項 ただし書の規定を準用する。この場合において、同項 ただし書中「二年」とあるのは、「一年」と読み替えるものとする。

(18) In the case referred to in the preceding paragraph, the provision of the proviso of Article 73(3) of the Act on General Rules for National Taxes shall apply mutatis mutandis. In this case, the phrase “two years” in the said proviso shall be deemed to be replaced with “one year.”

19 第一項の規定の適用がある場合において、連結法人と当該連結法人に係る国外関連者（法人税法第百三十九条に規定する条約（以下この項及び次条第一項において「租税条約」という。）の規定により租税条約の我が国以外の締約国（以下この項及び次条第一項において「条約相手国」という。）の居住者又は法人とされるものに限る。）との間の国外関連取引に係る第一項に規定する独立企業間価格につき財務大臣が当該条約相手国の権限ある当局との間で当該租税条約に基づく合意をしたことその他の政令で定める要件を満たすときは、国税局長又は税務署長は、政令で定めるところにより、当該連結法人に係る連結親法人が同項の規定の適用により納付すべき法人税に係る延滞税のうちその計算の基礎となる期間で財務大臣が当該条約相手国の権限ある当局との間で合意をした期間に対応する部分に相当する金額を免除することができる。

(19) Where the provision of paragraph (1) shall apply, and with respect to the arm's length price prescribed in paragraph (1) which pertains to a foreign affiliated transaction conducted between a consolidated corporation and a foreign affiliated person related to the said consolidated corporation (limited to a foreign affiliated person who shall be deemed, pursuant to the provisions of a convention prescribed in Article 139 of the Corporation Tax Act (hereinafter referred to in this paragraph and paragraph (1) of the next Article as a “tax convention”), to be a resident or corporation in the Contracting State other than Japan (hereinafter referred to in the this paragraph and paragraph (1) of the next Article as the “other Contracting State”) of the tax convention), the Minister of Finance has reached an agreement under the said tax convention with the competent authority of the said other Contracting State, or any other requirement specified by a Cabinet Order is satisfied, the regional commissioner or the district director may, pursuant to the provision of a Cabinet Order, grant exemption from the part of the delinquent tax imposed with regard to the corporation tax payable by the consolidated parent corporation related to the said consolidated corporation pursuant to the provision of paragraph (1), which corresponds to the base period for the calculation of the delinquent tax for which the Minister of Finance has reached an agreement with the competent authority of the said other Contracting State.

20 外国法人が国外関連者に該当するかどうかの判定に関する事項その他第一項から第六

項までの規定の適用に関し必要な事項は、政令で定める。

- (20) Matters concerning the determination as to whether or not a foreign corporation falls under the category of foreign affiliated person, and other necessary matters concerning the application of the provisions of paragraph (1) to paragraph (6) shall be specified by a Cabinet Order.

第六十八条の八十八の二 (連結法人の国外関連者との取引に係る課税の特例に係る納税の猶予)

Article 68-88-2 (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations)

- 1 連結親法人が租税条約の規定に基づき国税庁長官に対し当該租税条約に規定する申立てをした場合には、税務署長等（国税通則法第四十六条第一項に規定する税務署長等をいう。以下この条において同じ。）は、当該申立てに係る前条第十六項第一号に掲げる更正決定により納付すべき法人税の額（当該申立てに係る条約相手国との間の租税条約に規定する協議の対象となるものに限る。）及び当該法人税の額に係る同法第六十九条に規定する加算税の額として政令で定めるところにより計算した金額を限度として、当該申立てをした者の申請に基づき、その納期限（同法第三十七条第一項に規定する納期限をいい、当該申請が当該納期限後であるときは当該申請の日とする。）から当該条約相手国の権限ある当局との間の合意に基づく同法第二十六条の規定による更正があつた日（当該合意がない場合その他の政令で定める場合にあつては、政令で定める日）の翌日から一月を経過する日までの期間（第七項において「納税の猶予期間」という。）に限り、その納税を猶予することができる。ただし、当該申請を行う者につき当該申請の時ににおいて当該法人税の額以外の国税の滞納がある場合は、この限りでない。

- (1) Where a consolidated parent corporation has, pursuant to the provisions of a tax convention, filed an objection prescribed in the said tax convention with the Commissioner of the National Tax Agency, the district director, etc. (meaning the district director, etc. prescribed in Article 46(1) of the Act on General Rules for National Taxes; hereinafter the same shall apply in this Article) may, upon application by the consolidated corporation that has filed the objection, grant a grace of tax payment, up to the amount calculated pursuant to the method specified by a Cabinet Order as the amount of corporation tax payable based on the reassessment or determination listed in paragraph (16)(i) of the preceding Article which pertains to the objection (limited to the amount to be covered by the consultation prescribed in the tax convention with the other Contracting State which pertains to the objection), including the amount of additional tax prescribed in Article 69 of the said Act with regard to the said amount of corporation tax, for the period from the due date for tax payment (meaning the due date for tax payment prescribed in Article 37(1) of the said Act; in the case where the application has been filed after the due date for tax payment, the period shall start from the date of the filing of the said application) until the day on which one month has elapsed since the day following the day on which a reassessment

has been made pursuant to the provision of Article 26 of the said Act based on an agreement with the competent authority of the other Contracting State (in the case where there is no such agreement or in any other case specified by a Cabinet Order: the date specified by a Cabinet Order) (this period shall be referred to as the “grace period for tax payment” in paragraph (7)); provided, however, that this shall not apply where the consolidated corporation that has filed the application has been, at the time of filing the application, delinquent in payment of national tax other than the said amount of corporation tax.

- 2 税務署長等は、前項の規定による納税の猶予（以下この条において「納税の猶予」という。）をする場合には、その猶予に係る金額に相当する担保を徴さなければならない。ただし、その猶予に係る税額が五十万円以下である場合又は担保を徴することができない特別の事情がある場合は、この限りでない。
- (2) The district director, etc. shall, when granting a grace of tax payment pursuant to the provision of the preceding paragraph (hereinafter referred to in this Article as a “grace of tax payment”), collect security equivalent to the amount under the grace period; provided, however, that this shall not apply where the tax amount under the grace period is not more than 500,000 yen or where there are special circumstances where it is impossible to collect security.
- 3 国税通則法第四十六条第六項の規定は、前項の規定により担保を徴する場合について準用する。
- (3) The provision of Article 46(6) of the Act on General Rules for National Taxes shall apply mutatis mutandis where security is collected pursuant to the provision of the preceding paragraph.
- 4 国税通則法第四十七条及び第四十八条の規定は、納税の猶予をする場合又は納税の猶予を認めない場合について準用する。この場合において、同法第四十七条第二項中「前条第一項から第三項まで又は第七項」とあるのは、「租税特別措置法第六十八条の八十八の二第一項（連結法人の国外関連者との取引に係る課税の特例に係る納税の猶予）」と読み替えるものとする。
- (4) The provisions of Article 47 and Article 48 of the Act on General Rules for National Taxes shall apply mutatis mutandis where a grace of tax payment is granted or is not granted. In this case, the phrase “paragraph (1) to paragraph (3) or paragraph (7) of the preceding Article” in Article 47(2) of the said Act shall be deemed to be replaced with “Article 68-88-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations).”
- 5 納税の猶予を受けた者が次の各号のいずれかに該当する場合には、税務署長等は、その猶予を取り消すことができる。この場合においては、国税通則法第四十九条第二項及び第三項の規定を準用する。
- (5) Where a consolidated parent corporation that has been granted a grace of tax payment falls under any of the cases listed in the following items, the district director,

etc. may rescind the grace. In this case, the provisions of Article 49(2) and (3) of the Act on General Rules for National Taxes shall apply mutatis mutandis:

一 第一項の申立てを取り下げたとき。

(i) Where the consolidated corporation has withdrawn the application set forth in paragraph (1).

二 第一項の協議に必要な書類の提出につき協力しないとき。

(ii) Where the consolidated corporation does not cooperate in the submission of the necessary documents for the consultation set forth in paragraph (1).

三 国税通則法第三十八条第一項各号のいずれかに該当する事実がある場合において、その者がその猶予に係る法人税を猶予期間内に完納することができないと認められるとき。

(iii) Where there is a fact that falls under any of the items of Article 38(1) of the Act on General Rules for National Taxes, and it is found to be impossible for the consolidated corporation to pay the corporation tax under the grace period in full within the said period.

四 その猶予に係る法人税につき提供された担保について税務署長等が国税通則法第五十一条第一項の規定によつてした命令に応じないとき。

(iv) Where the consolidated corporation does not follow the order issued by the district director, etc. pursuant to the provision of Article 51(1) of the Act on General Rules for National Taxes with regard to the security provided for the corporation tax under the grace period.

五 前各号に掲げるもののほか、その者の財産の状況その他の事情の変化によりその猶予を継続することが適当でないと認められるとき。

(v) In addition to what is listed in the preceding items, where it is found to be inappropriate to maintain the grace period due to any change in the state of the corporation's property or other circumstances.

6 納税の猶予を受けた法人税についての国税通則法及び国税徴収法の規定の適用については、国税通則法第二条第八号中「納税の猶予又は」とあるのは「納税の猶予（租税特別措置法第六十八条の八十八の二第一項（連結法人の国外関連者との取引に係る課税の特例に係る納税の猶予）の規定による納税の猶予を含む。）又は」と、同法第五十二条第一項中「及び納税の猶予」とあるのは「及び納税の猶予（租税特別措置法第六十八条の八十八の二第一項（連結法人の国外関連者との取引に係る課税の特例に係る納税の猶予）の規定による納税の猶予を含む。以下この項において同じ。）」と、同法第五十五条第一項第一号及び第七十三条第四項中「納税の猶予」とあるのは「納税の猶予（租税特別措置法第六十八条の八十八の二第一項（連結法人の国外関連者との取引に係る課税の特例に係る納税の猶予）の規定による納税の猶予を含む。）」と、国税徴収法第二条第九号及び第十号中「納税の猶予又は」とあるのは「納税の猶予（租税特別措置法第六十八条の八十八の二第一項（連結法人の国外関連者との取引に係る課税の特例に係る納税の猶予）の規定による納税の猶予を含む。）又は」と、同法第一百五十一条第一項中「納税の猶予）」とあるのは「納税の猶予）及び租税特別措置法第六十八条の八十八の二第一項（連結法人の国外関連者との取引

に係る課税の特例に係る納税の猶予)」とする。

(6) With regard to the application of the provisions of the Act on General Rules for National Taxes and the National Tax Collection Act to corporation tax under a grace of tax payment: in the Act on General Rules for National Taxes, the term “grace of tax payment” in Article 2(viii) shall be deemed to be replaced with “grace of tax payment (including a grace of tax payment pursuant to the provision of Article 68-88-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations))”, the term “grace of tax payment” in Article 52(1) shall be deemed to be replaced with “grace of tax payment (including a grace of tax payment pursuant to the provision of Article 66-88-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations)); hereinafter the same shall apply in this paragraph”, and the term “grace of tax payment” in Article 55(1)(i) and Article 73(4) shall be deemed to be replaced with “grace of tax payment (including a grace of tax payment pursuant to the provision of Article 68-88-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations))”; in the National Tax Collection Act, the term “grace of tax payment” in Article 2(ix) and (x) shall be deemed to be replaced with “grace of tax payment (including a grace of tax payment pursuant to the provision of Article 68-88-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations))”, and the term “Grace of Tax Payment)” in Article 151(1) shall be deemed to be replaced with “Grace of Tax Payment) (including a grace of tax payment pursuant to the provision of Article 68-88-2(1) of the Act on Special Measures Concerning Taxation (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons of Consolidated Corporations))”.

7 納税の猶予をした場合には、その猶予をした法人税に係る延滞税のうち納税の猶予期間（第一項の申請が同項の納期限以前である場合には、当該申請の日を起算日として当該納期限までの期間を含む。）に対応する部分の金額は、免除する。ただし、第五項の規定による取消しの基因となるべき事実が生じた場合には、その生じた日後の期間に対応する部分の金額については、税務署長等は、その免除をしないことができる。

(7) Where a grace of tax payment has been granted, exemption shall be granted from the part of the delinquent tax imposed with regard to the corporation tax under the grace period, which corresponds to the grace period for tax payment (in the case where the application set forth in paragraph (1) has been filed before the due date for tax payment set forth in the said paragraph, the grace period for tax payment shall include the period from the date of the filing of the said application until the due date for tax

payment); provided, however, that where any event has occurred which can be the cause of a rescission pursuant to the provision of paragraph (5), the district director, etc. may choose not to grant exemption with regard to such part of delinquent tax which corresponds to the period after the day on which the said event has occurred.

8 納税の猶予に関する申請の手續に関し必要な事項は、政令で定める。

(8) Necessary matters concerning the procedure for the application for a grace of tax payment shall be specified by a Cabinet Order.

### 第二十三節 連結法人の国外支配株主等に係る負債の利子等の課税の特例

#### Section 23 Special Provisions for Taxation on Interest on Liabilities, etc. Payable to Foreign Controlling Shareholders, etc. of Consolidated Corporations

第六十八条の八十九 (連結法人の国外支配株主等に係る負債の利子等の課税の特例)

Article 68-89 (Special Provisions for Taxation on Interest on Liabilities, etc. Payable to Foreign Controlling Shareholders, etc. of Consolidated Corporations)

1 連結法人が、平成十四年四月一日以後に開始する各連結事業年度において、当該連結法人に係る国外支配株主等又は資金供与者等に負債の利子等を支払う場合において、当該連結事業年度の当該連結法人に係る国外支配株主等及び資金供与者等に対する負債に係る平均負債残高が当該連結事業年度の当該連結法人に係る国外支配株主等の資本持分の三倍に相当する金額を超えるときは、当該連結法人が当該連結事業年度において当該国外支配株主等及び資金供与者等に支払う負債の利子等の額のうち、その超える部分に対応するものとして政令で定めるところにより計算した金額は、当該連結法人の当該連結事業年度の連結所得の金額の計算上、損金の額に算入しない。ただし、当該連結法人の当該連結事業年度の総負債（負債の利子等の支払の基因となるものに限る。次項及び第三項において同じ。）に係る平均負債残高が当該連結法人の自己資本の額の三倍に相当する金額以下となる場合は、この限りでない。

(1) Where a consolidated corporation pays, in each consolidated business year beginning on or after April 1, 2002, interest on liabilities, etc. to a foreign controlling shareholder, etc. or fund provider, etc. that is related to the said consolidated corporation, and the average balance of liabilities regarding the liabilities owed, for the relevant consolidated business year, to the foreign controlling shareholder, etc. and the fund provider, etc. that are related to the said consolidated corporation, exceeds threefold the amount of equity interest held by the foreign controlling shareholder, etc. related to the said consolidated corporation for the relevant consolidated business year, the amount calculated pursuant to the method specified by a Cabinet Order as such excess in the amount of interest on liabilities, etc. payable by the said consolidated corporation to the said foreign controlling shareholder, etc. and fund provider, etc. in the relevant consolidated business year shall not be included in the amount of deductible expense in the calculation of the amount of consolidated income of the said

consolidated corporation for the relevant consolidated business year; provided, however, that this shall not apply where the average balance of liabilities regarding the total liabilities of the said consolidated corporation for the relevant consolidated business year (limited to those which can be the cause of payment of interest on liabilities, etc.; the same shall apply in the next paragraph and paragraph (3)) is not more than threefold the amount of equity capital of the said consolidated corporation.

2 前項の規定を適用する場合において、当該連結法人は、当該連結法人に係る国外支配株主等及び資金供与者等に対する負債のうち特定債券現先取引等に係る負債があるときは、当該国外支配株主等及び資金供与者等に対する負債に係る平均負債残高から政令で定めるところにより計算した特定債券現先取引等に係る平均負債残高を控除して計算した平均負債残高又は当該連結事業年度の総負債に係る平均負債残高から政令で定めるところにより計算した特定債券現先取引等に係る平均負債残高を控除して計算した平均負債残高を基礎として政令で定めるところにより計算した国外支配株主等の資本持分又は自己資本の額に係る各倍数を当該連結法人に係る国外支配株主等の資本持分又は当該連結法人の自己資本の額に係る各倍数とし、当該連結法人に係る国外支配株主等及び資金供与者等に支払う負債の利子等の額から政令で定めるところにより計算した特定債券現先取引等に係る負債の利子等の額を控除した金額を当該連結法人に係る国外支配株主等及び資金供与者等に支払う負債の利子等の額とすることができる。この場合において、前項中「三倍」とあるのは、「二倍」とする。

(2) Where the provision of the preceding paragraph shall apply, and the said consolidated corporation has any liabilities arising from a specified bond transaction with a repurchase/resale agreement, etc. among its liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. that are related to the said consolidated corporation, the said consolidated corporation may use, as the multiple number applicable to the equity interest held by the foreign controlling shareholder, etc. related to the said consolidated corporation or applicable to the amount of equity capital of the said consolidated corporation, the multiple number applicable to the equity interest held by a foreign controlling shareholder, etc. related to the said consolidated corporation or applicable to the amount of equity capital, which is calculated pursuant to the method specified by a Cabinet Order based on [1] the average balance of liabilities calculated by deducting the average balance of liabilities regarding the specified bond transaction with a repurchase/resale agreement, etc. calculated pursuant to the method specified by a Cabinet Order from the average balance of liabilities regarding the liabilities owed to the said foreign controlling shareholder, etc. and fund provider, etc., or [2] the average balance of liabilities calculated by deducting the average balance of liabilities regarding the specified bond transaction with a repurchase/resale agreement, etc. calculated pursuant to the method specified by a Cabinet Order from the average balance of liabilities regarding the total liabilities for the relevant consolidated business year, and thereby determine the amount calculated by deducting the amount of interest on liabilities, etc. arising from the specified bond

transaction with a repurchase/resale agreement, etc. calculated pursuant to the method specified by a Cabinet Order from the amount of interest on liabilities, etc. payable to the foreign controlling shareholder, etc. and fund provider, etc. that are related to the said consolidated corporation, to be the amount of interest on liabilities, etc. payable to the foreign controlling shareholder, etc. and fund provider, etc. that are related to the said consolidated corporation. In this case, the term “threefold” in the preceding paragraph shall be deemed to be replaced with “twofold.”

3 第一項の規定を適用する場合において、当該連結法人は、当該連結法人に係る国外支配株主等の資本持分及び当該連結法人の自己資本の額に係る各倍数に代えて、当該連結法人と同種の事業を営む内国法人で事業規模その他の状況が類似するものの総負債の額の純資産の額に対する比率として政令で定める比率に照らし妥当と認められる倍数を用いることができる。

(3) Where the provision of paragraph (1) shall apply, the said consolidated corporation may use, in lieu of the multiple number applicable to the equity interest held by a foreign controlling shareholder, etc. related to the said consolidated corporation and applicable to the amount of equity capital of the said consolidated corporation, a multiple number that is found to be appropriate in light of the percentage specified by a Cabinet Order as the percentage of the total liabilities of another domestic corporation to its net assets on condition that such other domestic corporation’s business is the same type as the said consolidated corporation’s business, and the size and other details are similar between the two businesses.

4 この条において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(4) In this Article, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 国外支配株主等 第二条第一項第一号の二に規定する非居住者又は外国法人で、連結法人との間に、当該非居住者又は外国法人が当該連結法人の発行済株式又は出資（当該連結法人が有する自己の株式又は出資を除く。）の総数又は総額の百分の五十以上の数又は金額の株式又は出資を直接又は間接に保有する関係その他の政令で定める特殊の関係のあるものをいう。

(i) Foreign controlling shareholder, etc.: A nonresident prescribed in Article 2(1)(i)-2 or foreign corporation who has a relationship with a consolidated corporation whereby the said nonresident or foreign corporation holds, directly or indirectly, shares or capital contributions that account for 50 percent or more of the total number or the total amount of issued shares of or capital contributions to the said consolidated corporation (excluding the shares or capital contributions held by the said consolidated corporation) or any other special relationship specified by a Cabinet Order

二 資金供与者等 連結法人に資金を供与する者及び当該資金の供与に関係のある者として政令で定める者をいう。

(ii) Fund provider, etc.: A person who provides a consolidated corporation with funds,

- and a person specified by a Cabinet Order as being related to such provision of funds
- 三 負債の利子等 負債の利子（これに準ずるものとして第六十六条の五第四項第三号に規定する政令で定めるものを含む。以下この号において同じ。）その他政令で定める費用（当該負債の利子その他政令で定める費用で、これらの支払を受ける者の課税対象所得に含まれるものその他同項第三号に規定する政令で定めるものを除く。）をいう。
- (iii) Interest on liabilities, etc.: Interest on liabilities (including moneys specified by a Cabinet Order prescribed in Article 66-5(4)(iii) as being equivalent thereto; hereinafter the same shall apply in this item) and any other expense specified by a Cabinet Order (excluding the said interest on liabilities and any other expense specified by a Cabinet Order, which are included in the taxable income of the person who is to receive payment thereof, and any other expense specified by a Cabinet Order prescribed in Article 66-5(4)(iii))
- 四 国外支配株主等及び資金供与者等に対する負債 国外支配株主等に対する負債（負債の利子等の支払の基因となるものに限る。）及び資金供与者等に対する政令で定める負債（負債の利子等の支払の基因となるものに限る。）をいう。
- (iv) Liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc.: Liabilities owed to a foreign controlling shareholder, etc. (limited to those which can be the cause of payment of interest on liabilities, etc.) and liabilities owed to a fund provider, etc. that are specified by a Cabinet Order (limited to those which can be the cause of payment of interest on liabilities, etc.)
- 五 平均負債残高 負債の額の平均額として政令で定めるところにより計算した金額をいう。
- (v) Average balance of liabilities: The amount calculated pursuant to the method specified by a Cabinet Order as the average amount of liabilities
- 六 国外支配株主等の資本持分 各連結事業年度の国外支配株主等の連結法人の純資産に対する持分として政令で定めるところにより計算した金額をいう。
- (vi) Equity interest held by a foreign controlling shareholder, etc.: The amount calculated pursuant to the method specified by a Cabinet Order as the interest in a consolidated corporation's net assets held by a foreign controlling shareholder, etc. for each consolidated business year
- 七 自己資本の額 各連結事業年度の純資産の額として政令で定めるところにより計算した金額をいう。
- (vii) Amount of equity capital: The amount calculated pursuant to the method specified by a Cabinet Order as the amount of net assets for each consolidated business year
- 八 特定債券現先取引等 第六十六条の五第四項第八号に規定する特定債券現先取引等をいう。
- (viii) Specified bond transaction with a repurchase/resale agreement, etc.: A bond transaction with a repurchase/resale agreement prescribed in Article 66-5(4)(xiii)
- 九 課税対象所得 第六十六条の五第四項第九号に規定する課税対象所得をいう。
- (ix) Taxable income: Taxable income prescribed in Article 66-5(4)(ix)

5 第二項の規定は、連結確定申告書等に同項の規定の適用を受ける旨を記載した書面並びに同項の規定により控除する特定債券現先取引等に係る負債に係る平均負債残高及び負債の利子等の額の計算に関する明細書の添付があり、かつ、その計算に関する書類を保存している場合に限り、適用する。

(5) The provision of paragraph (2) shall apply only where a consolidated corporation has filed a consolidated final return form, etc. with a document attached thereto stating that it seeks the application of the provision of the said paragraph and a written statement attached thereto concerning the calculation of the average balance of liabilities regarding the liabilities from a specified bond transaction with a repurchase/resale agreement, etc. and the amount of interest on liabilities, etc., both of which shall be deducted pursuant to the provision of the said paragraph, and preserved the documents on such calculation.

6 税務署長は、前項の書面若しくは明細書の添付のない連結確定申告書等の提出があり、又は同項の書類を保存していなかった場合においても、その添付又は保存がなかったことについてやむを得ない事情があると認めるときは、当該書面及び明細書並びに書類の提出があつた場合に限り、第二項の規定を適用することができる。

(6) Even where a consolidated corporation has filed a consolidated final return form, etc. without the document or written statement set forth in the preceding paragraph attached thereto or failed to preserve the documents on the calculation set forth in the said paragraph, the district director may, when he/she finds any unavoidable reason for the consolidated corporation's failure to attach a necessary document or written statement or preserve the necessary documents on the calculation, apply the provision of paragraph (2), only if the said document and written statement as well as the said documents on the calculation are submitted.

7 第三項の規定は、連結確定申告書等に同項の規定の適用を受ける旨を記載した書面を添付し、かつ、その用いる倍数が妥当なものであることを明らかにする書類その他の資料（次項において「資料等」という。）を連結法人が保存している場合に限り、適用する。

(7) The provision of paragraph (3) shall apply only where a consolidated corporation has filed a consolidated final return form, etc. with a document attached thereto stating that it seeks the application of the said paragraph, and preserved documents or any other materials (hereinafter referred to in the next paragraph as "materials, etc.") that certify that the multiple number that it applies is appropriate.

8 税務署長は、第三項の規定の適用を受ける旨を記載した書面の添付のない連結確定申告書等の提出があり、又はその用いる倍数が妥当なものであることを明らかにする資料等を連結法人が保存していなかった場合においても、その添付又は保存がなかったことについてやむを得ない事情があると認めるときは、当該記載をした書面及び当該資料等の提出があつた場合に限り、同項の規定を適用することができる。

(8) Even where a consolidated corporation has filed a consolidated final return form, etc. without a document attached thereto stating that it seeks the application of the provision of paragraph (3) or failed to preserve the materials, etc. that certify that the

multiple number that it applies is appropriate, the district director may, when he/she finds any unavoidable reason for the consolidated corporation's failure to attach a necessary document or preserve the necessary materials, etc., apply the provision of the said paragraph, only if the said document and the said materials, etc. are submitted.

- 9 第一項に規定する国外支配株主等が二以上ある場合の同項に規定する負債に係る平均負債残高等の計算、同項の規定により損金の額に算入されない金額に係る法人税法の規定の適用その他同項から第四項までの規定の適用に関し必要な事項は、政令で定める。
- (9) The calculation of the average balance of liabilities, etc. regarding liabilities prescribed in paragraph (1) in the case where there is more than one foreign controlling shareholder, etc. prescribed in the said paragraph, the application of the provisions of the Corporation Tax Act with respect to the amount excluded from the amount of deductible expense pursuant to the provision of the said paragraph, and other necessary matters concerning the application of the provisions of the said paragraph to paragraph (4) shall be specified by a Cabinet Order.

#### **第二十四節 連結法人の特定外国子会社等に係る所得等の課税の特例**

#### **Section 24 Special Provisions for Taxation on Income, etc. of Specified Foreign Subsidiary Companies of Consolidated Corporations**

##### **第一款 連結法人の特定外国子会社等に係る所得の課税の特例**

##### **Subsection 1 Special Provisions for Taxation on Income of Specified Foreign Subsidiary Companies of Consolidated Corporations**

第六十八条の九十 (連結法人に係る特定外国子会社等の留保金額の益金算入)

Article 68-90 (Inclusion in Gross Profit of Retained Income of Specified Foreign Subsidiary Companies, etc. Related to Consolidated Corporations)

- 1 次に掲げる連結法人に係る外国関係会社のうち、本店又は主たる事務所の所在する国又は地域におけるその所得に対して課される税の負担が本邦における法人の所得に対して課される税の負担に比して著しく低いものとして政令で定める外国関係会社に該当するもの（以下この款において「特定外国子会社等」という。）が、各事業年度において、その未処分所得の金額から留保したものとして、政令で定めるところにより、当該未処分所得の金額につき当該未処分所得の金額に係る税額及び法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配（以下この項において「剰余金の配当等」という。）の額に関する調整を加えた金額（以下この条において「適用対象留保金額」という。）を有する場合には、その適用対象留保金額のうちその連結法人の有する当該特定外国子会社等の直接及び間接保有の株式等の数に対応するものとしてその株式等（株式又は出資をいう。以下この項において同じ。）の請求権（第六十六条の六第一項に規定する請求権をいう。第一号において同じ。）の内容を勘案して政令で定めるところにより計算した金額（以下この款において「個別課税対象留保金額」という。）に相当する金額は、

その連結法人の収益の額とみなして当該各事業年度終了の日の翌日から二月を経過する日を含むその連結法人の各連結事業年度の連結所得の金額の計算上、益金の額に算入する。

- (1) Where an affiliated foreign company related to any of the following consolidated corporations, which falls under the category of affiliated foreign company specified by a Cabinet Order as a company whose tax burden to be imposed on its income earned in a state or territory where its head office or principal office is located is significantly lower than the tax burden to be imposed on the income of a corporation in Japan (hereinafter referred to in this Subsection as a “specified foreign subsidiary company, etc.”), in each business year, retains as part of the amount of undistributed income, pursuant to the provision of a Cabinet Order, any amount that is adjusted, with respect to the said amount of undistributed income, based on the tax amount pertaining to the said amount of undistributed income and the amount of dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to in this paragraph as “dividend of surplus, etc.”) (such adjusted amount hereinafter referred to in this Article as “eligible retained income”), the amount equivalent to the part of eligible retained income which is calculated pursuant to the method specified by a Cabinet Order as the amount of income corresponding to the number of shares, etc. of the said specified foreign subsidiary company, etc. held by the consolidated corporation through direct and/or indirect ownership, while taking into consideration the contents of the claim (meaning a claim prescribed in Article 66-6(1); the same shall apply in item (i) vested in such shares, etc. (meaning shares or capital contributions; the same shall apply in this paragraph) (such part of eligible retained income hereinafter referred to in this Subsection as “individually taxable retained income”) shall be deemed to be the amount of the consolidated corporation’s profit, and included in its gross profit in the calculation of the amount of its consolidated income for the consolidated business year that includes the day on which two months have elapsed since the day following the last day of the relevant business year:
- 一 その有する外国関係会社の直接及び間接保有の株式等の数の当該外国関係会社の発行済株式又は出資（当該外国関係会社が有する自己の株式等を除く。）の総数又は総額のうちを占める割合（当該外国関係会社が次のイからハまでに掲げる法人である場合には、当該割合とそれぞれイからハまでに定める割合のいずれか高い割合。次号において「直接及び間接の外国関係会社株式等の保有割合」という。）が百分の五以上である連結法人
- (i) A consolidated corporation that holds shares, etc. of the affiliated foreign company through direct and/or indirect ownership, the ratio of whose shares, etc. to the total number or total amount of issued shares of or capital contributions to the said affiliated foreign company (excluding the shares, etc. held by the said affiliated foreign company) (in the case where the said foreign affiliated company is a corporation listed in (a) to (c): the said ratio or the ratio listed in (a) to (c), whichever is larger; referred to in the next item as the “direct and/or indirect ownership ratio

for shares, etc. of an affiliated foreign company”) is five percent or more:

イ 議決権（剰余金の配当等に関する決議に係るものに限る。以下この号において同じ。）の数が一個でない株式等を発行している法人（ハに掲げる法人を除く。）その有する当該外国関係会社の直接及び間接保有の議決権の数の当該外国関係会社の議決権の総数のうちに占める割合

(a) A corporation that issues shares, etc. in which more than one voting right (limited to a voting right pertaining to a resolution on dividend of surplus, etc.; hereinafter the same shall apply in this item) is vested (excluding a corporation listed in (c)): The ratio of the number of voting rights in the said affiliated foreign company held by the consolidated corporation through direct and/or indirect ownership to the total number of voting rights in the said affiliated foreign company

ロ 請求権の内容が異なる株式等を発行している法人（ハに掲げる法人を除く。）その有する当該外国関係会社の直接及び間接保有の請求権に基づく剰余金の配当等の額の当該外国関係会社の株式等の請求権に基づき受け取ることができる剰余金の配当等の総額のうちに占める割合

(b) A corporation that issues shares, etc. in which different claims are vested (excluding a corporation listed in (c)): The ratio of the amount of dividend of surplus, etc. based on the claim for the said affiliated foreign company held by the consolidated corporation through direct and/or indirect ownership to the total amount of dividend of surplus, etc. receivable based on the claims vested in the shares, etc. of the said affiliated foreign company

ハ 議決権の数が一個でない株式等及び請求権の内容が異なる株式等を発行している法人 イ又はロに定める割合のいずれか高い割合

(c) A corporation that issues both shares, etc. in which more than one voting right is vested and shares, etc. in which different claims are vested: The ratio specified in (a) or the ratio specified in (b), whichever is larger

二 直接及び間接の外国関係会社株式等の保有割合が百分の五以上である一と同族株主グループに属する連結法人（前号に掲げる連結法人を除く。）

(ii) A consolidated corporation that belongs to a family shareholder group whose direct and/or indirect ownership ratio for shares, etc. of the foreign affiliated company is five percent or more (excluding the consolidated corporation listed in the preceding item).

2 前項において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(2) In the preceding paragraph, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 外国関係会社 第六十六条の六第二項第一号に規定する外国関係会社をいう。

(i) Foreign affiliated company: A foreign corporation prescribed in Article 66-6(2)(i)

二 未処分所得の金額 特定外国子会社等の各事業年度の決算に基づく所得の金額につき、法人税法及びこの法律による各事業年度の所得の金額の計算に準ずるものとして政令

で定める基準により計算した金額を基礎として政令で定めるところにより当該各事業年度開始の日前七年以内に開始した各事業年度において生じた欠損の金額に係る調整を加えた金額をいう。

(ii) Amount of undistributed income: An amount adjusted, with respect to the amount of income of a specified foreign subsidiary company, etc. in its settlement of accounts for each business year, pursuant to the method specified by a Cabinet Order, based on the amount calculated in accordance with the standards specified by a Cabinet Order in a manner equivalent to the manner for calculating the amount of income for each business year pursuant to the Corporation Tax Act and this Act, in terms of the amount of loss incurred in each of the business years that commenced within seven years before the first day of the relevant business year

三 直接及び間接保有の株式等の数 第六十六条の六第二項第三号に規定する直接及び間接保有の株式等の数をいう。

(iii) Number of shares, etc. (held) through direct and/or indirect ownership: The number of shares, etc. (held) through direct and/or indirect ownership prescribed in Article 66-6(2)(iii)

四 直接及び間接保有の議決権の数 第六十六条の六第二項第四号に規定する直接及び間接保有の議決権の数をいう。

(iv) Number of voting rights (held) through direct and/or indirect ownership: The number of voting rights (held) through direct and/or indirect ownership prescribed in Article 66-6(2)(iv)

五 直接及び間接保有の請求権に基づく剰余金の配当等の額 第六十六条の六第二項第五号に規定する直接及び間接保有の請求権に基づく剰余金の配当等の額をいう。

(v) Amount of dividend of surplus, etc. based on the claims (held) through direct and/or indirect ownership: The amount of dividend of surplus, etc. based on the claims (held) through direct and/or indirect ownership prescribed in Article 66-6(2)(v)

六 同族株主グループ 第六十六条の六第二項第六号に規定する同族株主グループをいう。

(vi) Family shareholder group: The family shareholder group prescribed in Article 66-6(2)(vi)

3 第一項各号に掲げる連結法人に係る特定外国子会社等（株式（出資を含む。）若しくは債券の保有、工業所有権その他の技術に関する権利、特別の技術による生産方式若しくはこれらに準ずるもの（これらの権利に関する使用権を含む。）若しくは著作権（出版権及び著作隣接権その他これに準ずるものを含む。）の提供又は船舶若しくは航空機の貸付けを主たる事業とするものを除く。）がその本店又は主たる事務所の所在する国又は地域においてその主たる事業を行うに必要と認められる事務所、店舗、工場その他の固定施設を有し、かつ、その事業の管理、支配及び運営を自ら行っているものである場合（次項において「固定施設を有するものである場合」という。）における第一項の規定の適用については、同項中「調整を加えた金額」とあるのは、「調整を加えた金額から当該特定外国子会社等の事業に従事する者の人件費として政令で定める費用の額の百分の十に相当する金額を控除した金額」とする。

(3) With regard to the application of the provision of paragraph (1) in the case where a specified foreign subsidiary company, etc. related to a consolidated corporation listed in each item of paragraph (1) (excluding a company engaged in, as its principal business, the holding of shares (including capital contributions) or bonds, the provision of industrial property rights or any other rights concerning technology, production methods involving special technology or any other equivalent rights or methods (including the right to use these rights) or copyrights (including rights of publication, neighboring rights and any other equivalent rights) or the lending of vessels or aircrafts) has an office, store, factory or any other fixed facility that is considered to be necessary for conducting its principal business in the state or territory where its head office or principal office is located, and takes charge of managing, controlling and operating the business by itself (referred to as the “case where a specified foreign subsidiary company, etc. has a fixed facility” in the next paragraph), the phrase “amount that is adjusted” in the said paragraph shall be deemed to be replaced with “amount that is adjusted,..., after deducting therefrom the amount equivalent to ten percent of the amount of expense specified by a Cabinet Order as a personnel expense for people engaged in the business at the said specified foreign subsidiary, etc.”

4 第一項及び前項の規定は、第一項各号に掲げる連結法人に係る前項に規定する特定外国子会社等がその本店又は主たる事務所の所在する国又は地域において固定施設を有するものである場合であつて、各事業年度においてその行う主たる事業が次の各号に掲げる事業のいずれに該当するかに応じ当該各号に定める場合に該当するときは、当該特定外国子会社等のその該当する事業年度に係る適用対象留保金額については、適用しない。

(4) Where a specified foreign subsidiary company, etc. prescribed in the preceding paragraph that is related to a consolidated corporation listed in each item of paragraph (1) has a fixed facility in the state or territory where its head office or principal office is located, and falls under any of the cases listed in the following items depending on the type of business listed in the following items to which its principal business corresponds in each business year, the provisions of paragraph (1) and the preceding paragraph shall not apply to the eligible retained income of the said specified foreign subsidiary company, etc. for the relevant business year:

一 卸売業、銀行業、信託業、証券業、保険業、水運業又は航空運送業 その事業を主として当該特定外国子会社等に係る第四十条の四第一項各号に掲げる居住者、当該特定外国子会社等に係る第六十六条の六第一項各号に掲げる内国法人、当該特定外国子会社等に係る第一項各号に掲げる連結法人その他これらの者に準ずる者として政令で定めるもの以外の者との間で行っている場合として政令で定める場合

(i) Wholesale business, banking business, trust business, securities business, insurance business, water transportation business or air transportation business: The case specified by a Cabinet Order in which the said specified foreign subsidiary company, etc. conducts business mainly with a person other than [1] a resident listed in each item of Article 40-4(1) who is related to the said specified foreign subsidiary

company, etc., [2] a domestic corporation listed in each item of Article 66-6(1) that is related to the said specified foreign subsidiary company, etc., [3] a consolidated corporation listed in each item of paragraph (1) that is related to the said specified foreign subsidiary company, etc. or [4] any other person specified by a Cabinet Order as being equivalent to the persons mentioned in [1] to [3]

二 前号に掲げる事業以外の事業 その事業を主として本店又は主たる事務所の所在する国又は地域（当該国又は地域に係る水域で第六十六条の六第四項第二号に規定する政令で定めるものを含む。）において行っている場合として政令で定める場合

(ii) Business other than those listed in the preceding item: The case specified by a Cabinet Order in which the said specified foreign subsidiary company, etc. conducts a business mainly in the state or territory where its head office or principal office is located (including the water areas belonging to the said state or territory which are specified by a Cabinet Order prescribed in Article 66-6(4)(ii)).

5 第一項各号に掲げる連結法人に係る連結親法人は、当該連結法人に係る特定外国子会社等の各事業年度の貸借対照表及び損益計算書その他の財務省令で定める書類を当該各事業年度終了の日の翌日から二月を経過する日を含む各連結事業年度の連結確定申告書（法人税法第二条第三十二号に規定する連結確定申告書をいう。次項において同じ。）に添付しなければならない。

(5) A consolidated parent corporation related to a consolidated corporation listed in each item of paragraph (1) shall attach a balance sheet and profit and loss statement for each business year regarding the specified foreign subsidiary company, etc. related to the said consolidated corporation as well as any other documents specified by an Ordinance of the Ministry of Finance, to its consolidated final return form (meaning a consolidated final return form prescribed in Article 2(xxxii) of the Corporation Tax Act; the same shall apply in the next paragraph) for the consolidated business year that includes the day on which two months have elapsed since the day following the last day of the relevant business year.

6 第三項又は第四項の規定は、連結確定申告書にこれらの規定の適用がある旨を記載した書面を添付し、かつ、その適用があることを明らかにする書類その他の資料を連結法人又は当該連結法人に係る連結親法人が保存している場合に限り、適用する。

(6) The provisions of paragraph (3) and paragraph (4) shall apply only where the consolidated corporation has attached, to its consolidated final return form, a document stating that these provisions shall apply, and the consolidated corporation or the consolidated parent corporation related to the said consolidated corporation has preserved the documents or any other materials that certify that these provisions shall apply.

7 連結法人が外国信託（投資信託及び投資法人に関する法律第二条第二十二項に規定する外国投資信託のうち第六十八条の三の三第一項に規定する特定投資信託に類するものをいう。以下この項において同じ。）の受益権を直接又は間接に保有する場合には、当該外国信託の受託者は、当該外国信託の信託資産等（信託財産に属する資産及び負債並びに当該

信託財産に帰せられる収益及び費用をいう。以下この項において同じ。)及び固有資産等(外国信託の信託資産等以外の資産及び負債並びに収益及び費用をいう。)ごとに、それぞれ別の者とみなして、この条(第三項、第四項及び前項を除く。)から第六十八条の九十三までの規定を適用する。

(7) Where a consolidated corporation holds, directly or indirectly, a beneficial right of a foreign trust (meaning a foreign investment trust prescribed in Article 2(22) of the Act on Investment Trust and Investment Corporation, which is similar to a specified investment trust prescribed in Article 68-3-3(1); hereinafter the same shall apply in this paragraph), the trustee of the said foreign trust shall be deemed to be a different person for each of the trust assets, etc. under the said foreign trust (meaning assets and liabilities included in the trust property and profits and expenses attributed to the said trust property; hereinafter the same shall apply in this paragraph) and the trustee's own assets, etc. (meaning the trustee's assets and liabilities as well as profits and expenses other than those included in the trust assets, etc. under the foreign trust), and the provisions of this Article (excluding paragraph (3), paragraph (4) and the preceding paragraph) to Article 68-93 shall be applied thereto.

8 法人税法第四条の六第二項及び第四条の七の規定は、前項の規定を適用する場合について準用する。

(8) The provisions of Article 4-6(2) and Article 4-7 of the Corporation Tax Act shall apply in the case where the provision of the preceding paragraph shall apply.

#### 第六十八条の九十一

##### Article 68-91

1 前条第一項各号に掲げる連結法人が同項の規定の適用を受ける場合には、当該連結法人に係る特定外国子会社等の所得に対して課される外国法人税(法人税法第六十九条第一項に規定する外国法人税をいう。次項において同じ。)の額のうち当該特定外国子会社等の個別課税対象留保金額に対応するもの(当該個別課税対象留保金額に相当する金額を限度とする。)として政令で定めるところにより計算した金額は、政令で定めるところにより、当該連結法人が納付する個別控除対象外国法人税の額(同法第八十一条の十五第一項に規定する個別控除対象外国法人税の額をいう。以下この款において同じ。)とみなして、同法第八十一条の十五第一項から第七項まで、第十項及び第十五項から第十七項までの規定を適用する。この場合において、同条第十項中「うち第八項の規定により当該連結法人が納付するものとみなされる部分の金額」とあるのは「うち第八項の規定により当該連結法人が納付するものとみなされる部分の金額及び租税特別措置法第六十八条の九十一第一項(連結法人における特定外国子会社等の個別課税対象留保金額に係る外国税額の控除)に規定する特定外国子会社等の所得に対して課される外国法人税の額のうち同項の規定により当該連結法人が納付するものとみなされる部分の金額」と、「うち同条第八項の規定により当該連結法人が納付するものとみなされる部分の金額」とあるのは「うち同条第八項の規定により当該連結法人が納付するものとみなされる部分の金額及び同法第六十六条の七第一項(内国法人における特定外国子会社等の課税対象留保金額に係る外国税

額の控除)に規定する特定外国子会社等の所得に対して課される外国法人税の額のうち同項の規定により当該連結法人が納付するものとみなされる部分の金額」と、「同条第一項から第三項まで」とあるのは「第六十九条第一項から第三項まで」とする。

- (1) Where a consolidated corporation listed in each item of paragraph (1) of the preceding Article is subject to the provision of the said paragraph, any part of the amount of foreign corporation tax (meaning foreign corporation tax prescribed in Article 69(1) of the Corporation Tax Act; the same shall apply in the next paragraph) to be imposed on the income of a specified foreign subsidiary company, etc. related to the said consolidated corporation, which is calculated pursuant to the method specified by a Cabinet Order as corresponding to the individually taxable retained income of the said specified foreign subsidiary company, etc. (up to the amount equivalent to the said individually taxable retained income) shall, pursuant to the provision of a Cabinet Order, be deemed to be the amount of individually creditable foreign corporation tax (meaning the amount of individually creditable corporation tax prescribed in Article 81-15(1) of the said Act; hereinafter the same shall apply in this Subsection) paid by the said consolidated corporation, and the provisions of Article 81-15(1) to (7), (10) and (15) to (17) shall be applied thereto. In this case, in paragraph (10) of the said Article, the phrase “any part of the amount..., which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of paragraph (8)” shall be deemed to be replaced with “any part of the amount..., which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of paragraph (8) and any part of the amount of foreign corporation tax to be imposed on the income of a specified foreign subsidiary company, etc. prescribed in Article 68-91(1) of the Act on Special Measures Concerning Taxation (Credit for Foreign Tax on Individually Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. of Consolidated Corporations), which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of Article 68-91(1) of the said Act”, the phrase “any part of the amount..., which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of paragraph (8) of the said Article” shall be deemed to be replaced with “any part of the amount..., which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of paragraph (8) and any part of the amount of foreign corporation tax to be imposed on the income of a specified foreign subsidiary company, etc. prescribed in Article 66-7(1) of the said Act (Credit for Foreign Tax on Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. of Domestic Corporations), which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of Article 66-7(1) of the said Act”, and the phrase “paragraph (1) to paragraph (3) of the said Article” shall be deemed to be replaced with “Article 69(1) to (3).”

- 2 内国法人が各事業年度（連結事業年度に該当する期間を除く。）において当該内国法人に係る第六十六条の六第一項に規定する特定外国子会社等の同項に規定する課税対象留保

金額に相当する金額につき同項の規定の適用を受けた場合において、その適用を受けた事業年度終了の日後に開始する各連結事業年度の期間において当該特定外国子会社等の所得に対して外国法人税が課されるときは、当該特定外国子会社等の当該課税対象留保金額は前項に規定する特定外国子会社等の個別課税対象留保金額と、同条第一項に規定する特定外国子会社等の所得に対して課される当該外国法人税の額は前項に規定する特定外国子会社等の所得に対して課される外国法人税の額とそれぞれみなして、同項の規定を適用する。

(2) Where a domestic corporation is, in each business year (excluding a period that is included in a consolidated business year), subject to the provision of paragraph (1) of Article 66-6 with respect to the amount equivalent to the taxable retained income prescribed in the said paragraph of a specified foreign subsidiary company, etc. prescribed in the said paragraph that is related to the said domestic corporation, if foreign corporation tax shall be imposed on the income of the said specified foreign subsidiary company, etc. during the period of each consolidated business year beginning after the last day of the business year during which the said domestic corporation has been subject to the said provision, the said taxable retained income of the said specified foreign subsidiary company, etc. shall be deemed to be the individually taxable retained income of a specified foreign subsidiary company, etc. prescribed in the preceding paragraph, and the amount of the said foreign corporation tax to be imposed on the income of a specified foreign subsidiary company, etc. prescribed in paragraph (1) of the said Article shall be deemed to be the amount of foreign corporation tax to be imposed on the income of a specified foreign subsidiary company, etc. prescribed in the preceding paragraph respectively, and the provision of the said paragraph shall be applied thereto.

3 前条第一項各号に掲げる連結法人が同項の規定の適用に係る特定外国子会社等の個別課税対象留保金額に相当する金額につき同項の規定の適用を受ける場合において、第一項の規定により法人税法第八十一条の十五第一項 から第三項 までの規定の適用を受けるときは、第一項の規定により個別控除対象外国法人税の額とみなされた金額は、当該連結法人の政令で定める連結事業年度の連結所得の金額の計算上、益金の額に算入する。

(3) Where a consolidated corporation listed in each item of paragraph (1) of the preceding Article is subject to the provision of the said paragraph with respect to the amount equivalent to the individually taxable retained income of a specified foreign subsidiary company, etc. that is subject to the provision of the said paragraph, and the said consolidated corporation is also subject to the provision of Article 81-15(1) to (3) of the Corporation Tax Act pursuant to the provision of paragraph (1), the amount that is deemed to be the amount of individually creditable foreign corporation tax pursuant to the provision of paragraph (1) shall be included in the amount of gross profit in the calculation of the amount of consolidated income of the said consolidated corporation for the consolidated business year specified by a Cabinet Order.

第六十八条の九十二

Article 68-92

1 第六十八条の九十第一項の規定の適用を受けた連結法人に係る特定外国子会社等につき第一号若しくは第二号に掲げる事実が生じた場合又は当該連結法人に係る同条第二項第一号に規定する外国関係会社（当該特定外国子会社等から法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配（以下この項において「剰余金の配当等」という。）の支払（第二号に定める金額の同号に掲げる交付を含む。）を受けた外国関係会社のうち政令で定めるものに限る。以下この項において同じ。）につき第三号に掲げる事実が生じた場合で、当該連結法人のこれらの事実が生じた日を含む連結事業年度開始の日前十年以内に開始した各連結事業年度（以下この条において「前十年以内の各連結事業年度」という。）において当該特定外国子会社等の個別課税対象留保金額で第六十八条の九十第一項の規定により前十年以内の各連結事業年度の連結所得の金額の計算上益金の額に算入された金額（この項の規定により前十年以内の各連結事業年度において損金の額に算入された金額を除く。以下この条及び次条において「個別課税済留保金額」という。）があるときは、当該個別課税済留保金額に相当する金額は、当該特定外国子会社等又は当該外国関係会社につき生じた事実が次の各号に掲げる事実のいずれに該当するかに応じ当該各号に定める金額のうち当該連結法人に係る個別課税対象留保金額から充てられたものとして政令で定めるところにより計算した金額に相当する金額を限度として、当該連結法人のその事実が生じた日を含む連結事業年度の連結所得の金額の計算上、損金の額に算入する。

(1) Where an event listed in item (i) or item (ii) has occurred with regard to a specified foreign subsidiary company, etc. related to a consolidated corporation that has been subject to the provision of Article 68-90(1), or where an event listed in item (iii) has occurred with regard to an affiliated foreign company prescribed in Article 68-90(2)(i) (limited to an affiliated foreign company that has received, from the said specified foreign subsidiary company, etc., payment of dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to in this paragraph as “dividend of surplus, etc.”) (such payment shall include the delivery listed in item (ii) of the amount specified in the said item), which is specified by a Cabinet Order; hereinafter the same shall apply in this paragraph) that is related to the said consolidated corporation, if the individually taxable retained income of the said specified foreign subsidiary company, etc. in each consolidated business year of the said consolidated corporation that commenced within ten years before the first day of the consolidated business year that includes the day on which the relevant event has occurred (hereinafter referred to in this Article as “each consolidated business year within the preceding ten years”), contains any amount included in the amount of gross profit in the calculation of the amount of the said consolidated corporation’s consolidated income for each consolidated business year within the preceding ten years pursuant to the provision of Article 68-90(1) (excluding any amount included in the amount of deductible expense for each consolidated

business year within the preceding ten years pursuant to the provision of this paragraph; hereinafter referred to in this Article as “individually taxed amount of retained income” and the next Article), such individually taxed amount of retained income shall be included in the amount of deductible expense in the calculation of the amount of the said consolidated corporation’s consolidated income for the consolidated business year that includes the day on which the relevant event has occurred, up to the amount equivalent to the amount calculated pursuant to the method specified by a Cabinet Order as part of the amount specified by each of the following items for the type of event corresponding to the event that has occurred with regard to the said specified foreign subsidiary company, etc. or the said foreign affiliated company, which is appropriated from the individually taxable retained income pertaining to the said consolidated corporation:

一 剰余金の配当等の支払 その支払う剰余金の配当等の額

(i) Payment of dividend of surplus, etc.: The amount of dividend of surplus, etc. to be paid

二 法人税法第二十四条第一項各号に掲げる事由による金銭その他の資産の交付 その交付により減少することとなる利益積立金額に相当する金額

(ii) Delivery of money or any other assets by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve which is to be decreased due to the delivery

三 当該連結法人に対する剰余金の配当等の支払又は法人税法第二十四条第一項各号に掲げる事由による金銭その他の資産の交付 その支払う剰余金の配当等の額又はその交付により減少することとなる利益積立金額に相当する金額

(iii) Payment of dividend of surplus, etc. to the said consolidated corporation or delivery of money or any other assets to the to the said consolidated corporation by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve which is to be decreased due to the amount of dividend of surplus, etc. to be paid or the delivery

2 連結法人の前項各号に掲げる事実が生じた日を含む連結事業年度開始の日前十年以内に開始した事業年度に連結事業年度に該当しないものがある場合において、その該当しない事業年度に係る課税済留保金額（第六十六条の八第一項に規定する課税済留保金額をいう。以下この条において同じ。）があるときは、前項の規定の適用については、その課税済留保金額は、当該事業年度の期間に対応する前十年以内の各連結事業年度の個別課税済留保金額とみなす。

(2) Where a consolidated corporation has a business year that commenced within ten years before the first day of the consolidated business year that includes the day on which the event listed in any item of the preceding paragraph has occurred, which is not included in a consolidated business year, and has a taxed amount of retained

income (meaning a taxed amount of retained income prescribed in Article 66-8(1); hereinafter the same shall apply in this Article) for the said business year that is not included in a consolidated business year, with regard to the application of the provision of the preceding paragraph, such taxed amount of retained income shall be deemed to be an individually taxed amount of retained income for each consolidated business year within the preceding ten years which corresponds to the period of the said business year.

3 連結法人が適格合併、適格分割、適格現物出資又は適格事後設立（以下この項において「適格合併等」という。）により被合併法人、分割法人、現物出資法人又は事後設立法人からその有する特定外国子会社等の第六十六条の六第二項第三号に規定する直接及び間接保有の株式等の数（以下この項において「直接及び間接保有の株式等の数」という。）の全部又は一部の移転を受けた場合には、当該連結法人の当該適格合併等の日を含む連結事業年度以後の各連結事業年度における第一項の規定の適用については、次の各号に掲げる適格合併等の区分に応じ当該各号に定める金額は、政令で定めるところにより、当該連結法人の前十年以内の各連結事業年度の個別課税済留保金額とみなす。

(3) Where a consolidated corporation has acquired, as a result of a qualified merger, qualified company split, qualified capital contribution in kind or qualified post-formation acquisition of assets and/or liabilities (hereinafter referred to in this paragraph as a “qualified merger, etc.”), the transfer of the whole or part of the number of shares, etc. of a specified foreign subsidiary company, etc. held through direct and/or indirect ownership prescribed in Article 66-6(2)(iii) (hereinafter referred to in this paragraph as the “number of shares, etc. held through direct and/or indirect ownership”) by the merged corporation, the split corporation, the corporation making a capital contribution-in-kind or the corporation effecting post-formation acquisition of assets and/or liabilities, with regard to the application of the provision of paragraph (1) in the consolidated business year that includes the date of the said qualified merger, etc. and each subsequent consolidated business year of the said consolidated corporation, the amount specified in each of the following items for the category of qualified merger, etc. listed in the relevant item shall, pursuant to the provision of a Cabinet Order, be deemed to be the individually taxed amount of retained income of the said consolidated corporation for each consolidated business year within the preceding ten years:

一 適格合併 当該適格合併に係る被合併法人の合併前十年内事業年度（適格合併の日前十年以内に開始した各連結事業年度又は各事業年度をいう。）の個別課税済留保金額又は課税済留保金額

(i) Qualified merger: The individually taxed amount of retained income or taxed amount of retained income of the merged corporation involved in the qualified merger for each business year within ten years before the merger (meaning each consolidated business year or each business year that commenced within ten years before the date of the qualified merger)

二 適格分割型分割 当該適格分割型分割に係る分割法人の分割前十年内事業年度（適格分割型分割の日前十年以内に開始した各連結事業年度又は各事業年度をいう。次項において同じ。）の個別課税済留保金額又は課税済留保金額のうち、当該適格分割型分割により当該連結法人が移転を受けた当該特定外国子会社等の直接及び間接保有の株式等の数に対応する部分の金額として第六十六条の六第一項に規定する請求権の内容を勘案して政令で定めるところにより計算した金額

(ii) Qualified split-off-type company split: Any part of the individually taxed amount of retained income or taxed amount of retained income of the split corporation involved in the qualified split-off-type company split for each business year within ten years before the company split (meaning each consolidated business year or each business year that commenced within ten years before the date of the qualified split-off-type company split; the same shall apply in the next paragraph), which is calculated pursuant to the method specified by a Cabinet Order as the amount of income corresponding to the number of shares, etc. of the said specified foreign subsidiary company, etc. transferred to and therefore held by the said consolidated corporation through direct and/or indirect ownership as a result of the said qualified split-off-type company split, while taking into consideration the contents of the claim prescribed in Article 66-6(1)

三 適格分社型分割、適格現物出資又は適格事後設立（以下この号において「適格分社型分割等」という。） 当該適格分社型分割等に係る分割法人、現物出資法人又は事後設立法人の分割等前十年内事業年度（適格分社型分割等の日を含む連結事業年度開始の日前十年以内に開始した各連結事業年度若しくは各事業年度又は適格分社型分割等の日を含む事業年度開始の日前十年以内に開始した各事業年度若しくは各連結事業年度をいう。次項において同じ。）の個別課税済留保金額又は課税済留保金額のうち、当該適格分社型分割等により当該連結法人が移転を受けた当該特定外国子会社等の直接及び間接保有の株式等の数に対応する部分の金額として第六十六条の六第一項に規定する請求権の内容を勘案して政令で定めるところにより計算した金額

(iii) Qualified spin-off-type company split, qualified capital contribution in kind or qualified post-formation acquisition of assets and/or liabilities (hereinafter referred to in this item as “qualified spin-off-type company split, etc.”): Any part of the individually taxed amount of retained income or taxed amount of retained income of the split corporation, corporation making a capital contribution in kind or corporation effecting a post-formation acquisition of assets and/or liabilities involved in the qualified spin-off-type company split, etc. for each business year within ten years before the company split, etc. (meaning each consolidated business year or each business year that commenced within ten years before the first day of the consolidated business year that includes the date of the qualified spin-off-type company split, etc., or each business year or each consolidated business year that commenced within ten years before the first day of the business year that includes the date of the qualified spin-off-type company split, etc.; the same shall apply in the

next paragraph), which is calculated pursuant to the method specified by a Cabinet Order as the amount of income corresponding to the number of shares, etc. of the said specified foreign subsidiary company, etc. transferred to and therefore held by the said consolidated corporation through direct and/or indirect ownership as a result of the said qualified spin-off-type company split, while taking into consideration the contents of the claim prescribed in Article 66-6(1)

- 4 適格分割、適格現物出資又は適格事後設立（以下この項において「適格分割等」という。）に係る分割承継法人、被現物出資法人又は被事後設立法人（以下この項において「分割承継法人等」という。）が前項又は第六十六条の八第三項の規定の適用を受ける場合には、当該適格分割等に係る分割法人、現物出資法人又は事後設立法人（以下この項において「分割法人等」という。）の当該適格分割等の日を含む連結事業年度以後の各連結事業年度における第一項の規定の適用については、当該分割法人等の分割前十年内事業年度又は分割等前十年内事業年度の個別課税済留保金額のうち、前項の規定により当該分割承継法人等の前十年以内の各連結事業年度の個別課税済留保金額とみなされる金額及び同条第三項の規定により前十年以内の各事業年度（同条第一項に規定する前十年以内の各事業年度をいう。）の課税済留保金額とみなされる金額は、ないものとする。

- (4) Where the succeeding corporation in a company split, the corporation receiving capital contribution in kind or the corporation receiving post-formation acquisition of assets and/or liabilities (hereinafter referred to in this paragraph as the “succeeding corporation in a company split, etc.”) involved in a qualified company split, qualified capital contribution in kind or qualified post-formation acquisition of assets and/or liabilities (hereinafter referred to in this paragraph as a “qualified company split, etc.”) is subject to the provisions of the preceding paragraph or Article 66-8(3), with regard to the application of the provision of paragraph (1) in the consolidated business year that includes the date of the said qualified company split, etc. and each subsequent consolidated business year of the split corporation, the corporation making a capital contribution in kind or the corporation effecting post-formation acquisition of assets and/or liabilities (hereinafter referred to in this paragraph as the “split corporation, etc.”) involved in the said qualified company split, etc., no part of the individually taxed amount of retained income of the said split corporation, etc. for each business year within ten years before the company split or each business year within ten years before the company split, etc. shall be deemed to be the individually taxed amount of retained income of the said succeeding corporation in a company split, etc. for each consolidated business year within the preceding ten years pursuant to the provision of the preceding paragraph, or the taxed amount of retained income of the said succeeding corporation in a company split, etc. for each business year within the preceding ten years (meaning each business year within the preceding ten years prescribed in paragraph (1) of the said Article).

- 5 第一項の規定は、個別課税済留保金額に係る連結事業年度又は事業年度のうち最も古い連結事業年度又は事業年度以後の各連結事業年度の法人税法第二条第三十二号に規定する

連結確定申告書又は各事業年度の同条第三十一号に規定する確定申告書に当該個別課税済留保金額又は課税済留保金額その他財務省令で定める事項に関する明細書の添付があり、かつ、同項の規定の適用を受けようとする連結事業年度の連結確定申告書等に、同項の規定により損金の額に算入される金額の損金算入に関する申告の記載及びその損金の額に算入される金額の計算に関する明細書の添付がある場合に限り、適用する。この場合において、同項の規定により損金の額に算入される金額は、当該申告に係るその損金の額に算入されるべき金額に限るものとする。

(5) The provision of paragraph (1) shall apply only where a consolidated corporation has filed a consolidated final return form prescribed in Article 2(3)(xxxii) of the Corporation Tax Act or a final return form prescribed in Article 2(3)(xxx) of the said Act for the earliest consolidated business year or business year pertaining to the individually taxed amount of retained income respectively and each subsequent consolidated business year, with a written statement attached thereto regarding the said individually taxed amount of retained income or taxed amount of retained income and any other matters specified by an Ordinance of the Ministry of Finance, and filed a consolidated final return form, etc. for the consolidated business year for which the consolidated corporation seeks the application of the provision of Article 2(3) of the said Act, with an application made therein to seek the inclusion in deductible expense of the amount to be included in the amount of deductible expense pursuant to the provision of Article 2(3) of the said Act and a written statement attached thereto regarding the calculation of the amount to be included in the amount of deductible expense. In this case, the amount to be included in the amount of deductible expense pursuant to the provision of Article 2(3) of the said Act shall be limited to the amount to be included in the amount of deductible expense based on the said application.

6 税務署長は、第一項の規定により損金の額に算入されるべきこととなる金額又は個別課税済留保金額若しくは課税済留保金額その他財務省令で定める事項の全部又は一部につき前項の記載又は明細書の添付がない連結確定申告書等又は同項に規定する確定申告書の提出があつた場合においても、同項の記載又は明細書の添付がなかつたことについてやむを得ない事情があると認める場合において、これらの明細書の提出があつたときは、その記載又は明細書の添付がなかつた金額につき第一項の規定を適用することができる。

(6) Even where a consolidated corporation has filed a consolidated final return form, etc. or a final return form prescribed in paragraph (1) without the application or written statement attached thereto as set forth in the preceding paragraph regarding the whole or part of the necessary matters including [1] the amount to be included in the amount of deductible expense pursuant to paragraph (1), [2] the individually taxed amount of retained income or taxed amount of retained income and [3] any other matters specified by an Ordinance of the Ministry of Finance, the district director may, when he/she finds any unavoidable reason for the consolidated corporation's failure to make a necessary application or attach a necessary written statement as set forth in the said paragraph, apply the provision of paragraph (1) to any amount for which the

application or written statement has not been made or attached, only if such application and written statement are submitted.

7 第一項の規定の適用を受けた連結法人の同項の規定により損金の額に算入された金額は、法人税法第八十一条の十三第二項及び第四項の規定の適用については、これらの規定に規定する連結所得等の金額に含まれるものとするほか、連結利益積立金額の計算に関し必要な事項は、政令で定める。

(7) With regard to the application of the provisions of Article 81-13(2) and (4) of the Corporation Tax Act, any amount included, pursuant to the provision of paragraph (1), in the amount of deductible expense of a consolidated corporation subject to the provision of the said paragraph shall be included in the amount of consolidated income, etc. prescribed in these provisions, and any necessary matters concerning the calculation of the amount of consolidated profit reserve shall be specified by a Cabinet Order.

第六十八条の九十三

**Article 68-93**

連結法人が第六十八条の九十第一項各号に掲げる法人に該当するかどうかの判定に関する事項、第六十八条の九十一第一項の規定により連結法人が納付したとみなされる個別控除対象外国法人税の額のうち前条第一項の規定により各連結事業年度の連結所得の金額の計算上損金の額に算入された個別課税済留保金額に係るものの処理その他前三条の規定の適用に関し必要な事項は、政令で定める。

Matters concerning the determination as to whether or not a consolidated corporation falls under any of the categories of corporation listed in the items of Article 68-90(1), the treatment of the part of the amount of individually creditable foreign corporation tax that shall be deemed to be paid by a consolidated corporation pursuant to the provision of Article 68-91(1), which pertains to the individually taxed amount of retained income included in the amount of deductible expense in the calculation of the amount of consolidated income for each consolidated business year pursuant to the provision of paragraph (1) of the preceding Article, and other necessary matters concerning the application of the provisions of the preceding three Articles shall be specified by a Cabinet Order.

**第三款 特殊関係株主等である連結法人に係る特定外国法人に係る所得の課税の特例**

**Subsection 3 Special Provisions for Taxation on Income of Specified Foreign Corporations Related to Consolidated Corporations That Are Specially-Related Shareholders, etc.**

第六十八条の九十三の六 (特殊関係株主等である連結法人に係る特定外国法人の留保金額の益金算入)

Article 68-93-6 (Inclusion in Gross Profit of Retained Income of Specified Foreign Corporations Related to Consolidated Corporations That Are Specially-Related Shareholders, etc.)

1 特殊関係株主等（特定株主等に該当する者並びにこれらの者と政令で定める特殊の関係のある個人及び法人をいう。以下この款において同じ。）と特殊関係内国法人との間に特定関係（当該特殊関係株主等が当該特殊関係内国法人の発行済株式又は出資（自己が有する自己の株式又は出資を除く。以下この項において「発行済株式等」という。）の総数又は総額の百分の八十以上の数又は金額の株式又は出資を間接に保有する関係として政令で定める関係をいう。）がある場合において、当該特殊関係株主等と特殊関係内国法人との間に発行済株式等の保有を通じて介在するものとして政令で定める外国法人（以下この款において「外国関係法人」という。）のうち、本店又は主たる事務所の所在する国又は地域におけるその所得に対して課される税の負担が本邦における法人の所得に対して課される税の負担に比して著しく低いものとして政令で定める外国関係法人に該当するもの（以下この款において「特定外国法人」という。）が、平成十九年十月一日以後に開始する各事業年度において、その未処分所得の金額から留保したものとして、政令で定めるところにより、当該未処分所得の金額につき当該未処分所得の金額に係る税額及び剰余金の配当等（法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配をいう。）の額に関する調整を加えた金額（以下この条において「適用対象留保金額」という。）を有するときは、その適用対象留保金額のうち当該特殊関係株主等である連結法人の有する当該特定外国法人の直接及び間接保有の株式等の数に対応するものとしてその株式又は出資の第六十六条の九の六第一項に規定する請求権の内容を勘案して政令で定めるところにより計算した金額（以下この款において「個別課税対象留保金額」という。）に相当する金額は、当該特殊関係株主等である連結法人の収益の額とみなして当該各事業年度終了の日の翌日から二月を経過する日を含む当該連結法人の各連結事業年度の連結所得の金額の計算上、益金の額に算入する。

(1) Where, between a specially-related shareholder, etc. (meaning a person who falls under the category of specified shareholder, etc. as well as an individual and a corporation having a special relationship therewith as specified by a Cabinet Order; hereinafter the same shall apply in this Subsection) and a specially-related domestic corporation, there is a special relationship (meaning a relationship specified by a Cabinet Order as a relationship whereby the said specially-related shareholder, etc. indirectly holds shares or capital contributions that account for 80 percent or more of the total number or total amount of issued shares of or capital contributions to the said specially-related domestic corporation (excluding the shares or capital contributions held by the corporation; hereinafter referred to in this paragraph as “issued shares, etc.”), and a foreign corporation specified by a Cabinet Order as acting as an intermediary between the said specially-related shareholder, etc. and the said specially-related domestic corporation by way of the holding of the issued shares, etc. (hereinafter referred to in this Subsection as an “affiliated foreign corporation”), which falls under the category of affiliated foreign corporation specified by a Cabinet Order as

a corporation whose tax burden to be imposed on its income earned in a state or territory where its head office or principal office is located is significantly lower than a tax burden to be imposed on the income of a corporation in Japan (hereinafter referred to in this Subsection as a “specified foreign corporation”), in each business year beginning on or after October 1, 2007, retains as part of the amount of undistributed income, pursuant to the provision of a Cabinet Order, any amount that is adjusted, with respect to the said amount of undistributed income, based on the tax amount pertaining to the said amount of undistributed income and the amount of dividend of surplus, etc. (meaning dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act) (such adjusted amount hereinafter referred to in this Article as “eligible retained income”), the amount equivalent to the part of eligible retained income which is calculated pursuant to the method specified by a Cabinet Order as the amount of income corresponding to the number of shares, etc. of the said specified foreign corporation held by the consolidated corporation that is the said specially-related shareholder, etc. through direct and/or indirect ownership, while taking into consideration the contents of the claim prescribed in Article 66-9-6(1) vested in such shares or capital contributions (such part of eligible retained income hereinafter referred to in this Subsection as “individually taxable retained income”) shall be deemed to be the amount of profit of the consolidated corporation that is the said specially-related shareholder, etc., and included in its gross profit in the calculation of the amount of its consolidated income for the consolidated business year that includes the day on which two months have elapsed since the day following the last day of the relevant business year.

2 この款において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(2) In this Subsection, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 特定株主等 第六十六条の九の六第二項第一号に規定する特定株主等をいう。

(i) Specified shareholder, etc.: A specified shareholder, etc. prescribed in Article 66-9-6(2)(i)

二 特殊関係内国法人 第六十六条の九の六第二項第二号に規定する特殊関係内国法人をいう。

(ii) Specially-related domestic corporation: A specially-related domestic corporation prescribed in Article 66-9-6(2)(ii)

三 未処分所得の金額 特定外国法人の各事業年度の決算に基づく所得の金額につき、法人税法及びこの法律による各事業年度の所得の金額の計算に準ずるものとして政令で定める基準により計算した金額を基礎として政令で定めるところにより当該各事業年度開始の日前七年以内に開始した各事業年度において生じた欠損の金額に係る調整を加えた金額をいう。

(iii) Amount of undistributed income: An amount adjusted, with respect to the amount of income of a specified foreign corporation in its settlement of accounts for each

business year, pursuant to the method specified by a Cabinet Order, based on the amount calculated in accordance with the standards specified by a Cabinet Order in a manner equivalent to the manner for calculating the amount of income for each business year pursuant to the Corporation Tax Act and this Act, in terms of the amount of loss incurred in each of the business years that commenced within seven years before the first day of the relevant business year

四 直接及び間接保有の株式等の数 第六十六条の九の六第二項第四号に規定する直接及び間接保有の株式等の数をいう。

(iv) Number of shares, etc. held through direct and/or indirect ownership: The number of shares, etc. held through direct and/or indirect ownership prescribed in Article 66-9-6(2)(iv)

3 特殊関係株主等である連結法人に係る特定外国法人（株式（出資を含む。）若しくは債券の保有、工業所有権その他の技術に関する権利、特別の技術による生産方式若しくはこれらに準ずるもの（これらの権利に関する使用権を含む。）若しくは著作権（出版権及び著作隣接権その他これに準ずるものを含む。）の提供又は船舶若しくは航空機の貸付けを主たる事業とするものを除く。）がその本店又は主たる事務所の所在する国又は地域においてその主たる事業を行うに必要と認められる事務所、店舗、工場その他の固定施設を有し、かつ、その事業の管理、支配及び運営を自ら行っているものである場合（次項において「固定施設を有するものである場合」という。）における第一項の規定の適用については、同項中「調整を加えた金額」とあるのは、「調整を加えた金額から当該特定外国法人の事業に従事する者の人件費として政令で定める費用の額の百分の十に相当する金額を控除した金額」とする。

(3) With regard to the application of the provision of paragraph (1) in the case where a specified foreign corporation related to a consolidated corporation that is a specially-related shareholder, etc. (excluding a corporation engaged in, as its principal business, the holding of shares (including capital contributions) or bonds, the provision of industrial property rights or any other rights concerning technology, production methods involving special technology or any other equivalent rights or methods (including the right to use these rights) or copyrights (including rights of publication, neighboring rights and any other equivalent rights) or the lending of vessels or aircrafts) has an office, store, factory or any other fixed facility that is considered to be necessary for conducting its principal business in the state or territory where its head office or principal office is located, and takes charge of managing, controlling and operating the business by itself (referred to in the next paragraph as the “case where a specified foreign corporation has a fixed facility”), the phrase “amount that is adjusted” in the said paragraph shall be deemed to be replaced with “amount that is adjusted,..., after deducting therefrom the amount equivalent to ten percent of the amount of expense specified by a Cabinet Order as a personnel expense for people engaged in the business at the said specified foreign corporation.”

4 第一項及び前項の規定は、特殊関係株主等である連結法人に係る同項に規定する特定外

国法人がその本店又は主たる事務所の所在する国又は地域において固定施設を有するものである場合であつて、各事業年度においてその行う主たる事業が次の各号に掲げる事業のいずれに該当するかに応じ当該各号に定める場合に該当するときは、当該特定外国法人のその該当する事業年度に係る適用対象留保金額については、適用しない。

(4) Where a specified foreign corporation prescribed in the preceding paragraph related to a consolidated corporation that is a specially-related shareholder, etc. has a fixed facility in the state or territory where its head office or principal office is located, and falls under any of the cases listed in the following items depending on the type of business listed in the following items to which its principal business corresponds in each business year, the provisions of paragraph (1) and the preceding paragraph shall not apply to the eligible retained income of the said specified foreign corporation for the relevant business year:

一 卸売業、銀行業、信託業、証券業、保険業、水運業又は航空運送業 その事業を主として当該特定外国法人に係る特殊関係内国法人、特殊関係株主等その他これらの者に準ずる者として政令で定めるもの以外の者との間で行っている場合として政令で定める場合

(i) Wholesale business, banking business, trust business, securities business, insurance business, water transportation business or air transportation business: The case specified by a Cabinet Order in which the said specified foreign corporation conducts business mainly with a person other than [1] a specially-related domestic corporation that is related to the said specified foreign corporation, [2] a specially-related shareholder, etc. or [3] any other person specified by a Cabinet Order as being equivalent to the persons mentioned in [1] or [2]

二 前号に掲げる事業以外の事業 その事業を主として本店又は主たる事務所の所在する国又は地域（当該国又は地域に係る水域で第六十六条の六第四項第二号に規定する政令で定めるものを含む。）において行っている場合として政令で定める場合

(ii) Business other than those listed in the preceding item: The case specified by a Cabinet Order in which the said specified foreign corporation conducts business mainly in the state or territory where its head office or principal office is located (including the water areas belonging to the said state or territory which are specified by a Cabinet Order prescribed in Article 66-6(4)(ii)).

5 特殊関係株主等である連結法人に係る連結親法人は、当該連結法人に係る特定外国法人の各事業年度の貸借対照表及び損益計算書その他の財務省令で定める書類を当該各事業年度終了の日の翌日から二月を経過する日を含む各連結事業年度の連結確定申告書（法人税法第二条第三十二号に規定する連結確定申告書をいう。次項において同じ。）に添付しなければならない。

(5) A consolidated parent corporation related to a consolidated corporation that is a specially-related shareholder, etc. shall attach a balance sheet and profit and loss statement for each business year regarding the specified foreign corporation related to the said consolidated corporation as well as any other documents specified by an

Ordinance of the Ministry of Finance, to its consolidated final return form (meaning a consolidated final return form prescribed in Article 2(xxxii) of the Corporation Tax Act; the same shall apply in the next paragraph) for the consolidated business year that includes the day on which two months have elapsed since the day following the last day of the relevant business year.

- 6 第三項又は第四項の規定は、連結確定申告書にこれらの規定の適用がある旨を記載した書面を添付し、かつ、その適用があることを明らかにする書類その他の資料を特殊関係株主等である連結法人又は当該連結法人に係る連結親法人が保存している場合に限り、適用する。
- (6) The provisions of paragraph (3) and paragraph (4) shall apply only where the consolidated corporation has attached, to its consolidated final return form, a document stating that these provisions shall apply, and the consolidated corporation that is a specially-related shareholder, etc. or the consolidated parent corporation related to the said consolidated corporation has preserved the documents or any other materials that certify that these provisions shall apply.
- 7 特殊関係株主等である連結法人に係る外国関係法人が第六十八条の九十第二項第一号に規定する外国関係会社に該当し、かつ、当該特殊関係株主等である連結法人が同条第一項各号に掲げる連結法人に該当する場合には、第一項の規定は、適用しない。
- (7) The provision of paragraph (1) shall not apply where an affiliated foreign corporation related to a consolidated corporation that is a specially-related shareholder, etc. falls under the category of affiliated foreign company prescribed in Article 68-90(2)(i) and the said consolidated corporation that is a specially-related shareholder, etc. falls under the category of consolidated corporation listed in each item of Article 68-90(1).
- 8 特殊関係株主等である連結法人が外国信託（投資信託及び投資法人に関する法律第二条第二十二項に規定する外国投資信託のうち第六十八条の三の三第一項に規定する特定投資信託に類するものをいう。以下この項において同じ。）の受益権を直接又は間接に保有する場合には、当該外国信託の受託者は、当該外国信託の信託資産等（信託財産に属する資産及び負債並びに当該信託財産に帰せられる収益及び費用をいう。以下この項において同じ。）及び固有資産等（外国信託の信託資産等以外の資産及び負債並びに収益及び費用をいう。）ごとに、それぞれ別の者とみなして、この条（第三項、第四項及び第六項を除く。）から第六十八条の九十三の九までの規定を適用する。
- (8) Where a consolidated corporation that is a specially-related shareholder, etc. holds, directly or indirectly, a beneficial right of a foreign trust (meaning a foreign investment trust prescribed in Article 2(22) of the Act on Investment Trust and Investment Corporation, which is similar to a specified investment trust prescribed in Article 68-3-3(1); hereinafter the same shall apply in this paragraph), the trustee of the said foreign trust shall be deemed to be a different person for each of the trust assets, etc. under the said foreign trust (meaning assets and liabilities included in the trust property and profits and expenses attributed to the said trust property; hereinafter the same shall apply in this paragraph) and the trustee's own assets, etc. (meaning the

trustee's assets and liabilities as well as profits and expenses other than those included in the trust assets, etc. under the foreign trust), and the provisions of this Article (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 68-93-9 shall be applied thereto.

9 法人税法第四条の六第二項及び第四条の七の規定は、前項の規定を適用する場合について準用する。

(9) The provisions of Article 4-6(2) and Article 4-7 of the Corporation Tax Act shall apply mutatis mutandis in the case where the provision of the preceding paragraph shall apply.

第六十八条の九十三の七

#### Article 68-93-7

1 特殊関係株主等である連結法人が前条第一項の規定の適用を受ける場合には、当該連結法人に係る特定外国法人の所得に対して課される外国法人税（法人税法第六十九条第一項に規定する外国法人税をいう。次項において同じ。）の額のうち当該特定外国法人の個別課税対象留保金額に対応するもの（当該個別課税対象留保金額に相当する金額を限度とする。）として政令で定めるところにより計算した金額は、政令で定めるところにより、当該連結法人が納付する個別控除対象外国法人税の額（同法第八十一条の十五第一項に規定する個別控除対象外国法人税の額をいう。以下この款において同じ。）とみなして、同法第八十一条の十五第一項から第七項まで、第十項及び第十五項から第十七項までの規定を適用する。この場合において、同条第十項中「うち第八項の規定により当該連結法人が納付するものとみなされる部分の金額」とあるのは「うち第八項の規定により当該連結法人が納付するものとみなされる部分の金額及び租税特別措置法第六十八条の九十三の七第一項（特定外国法人の個別課税対象留保金額に係る外国税額の控除）に規定する特定外国法人の所得に対して課される外国法人税の額のうち同項の規定により当該連結法人が納付するものとみなされる部分の金額」と、「うち同条第八項の規定により当該連結法人が納付するものとみなされる部分の金額」とあるのは「うち同条第八項の規定により当該連結法人が納付するものとみなされる部分の金額及び同法第六十六条の九の七第一項（特定外国法人の課税対象留保金額に係る外国税額の控除）に規定する特定外国法人の所得に対して課される外国法人税の額のうち同項の規定により当該連結法人が納付するものとみなされる部分の金額」と、「同条第一項から第三項まで」とあるのは「第六十九条第一項から第三項まで」とする。

(1) Where a consolidated corporation that is a specially-related shareholder, etc. is subject to the provision of paragraph (1) of the preceding Article, any part of the amount of foreign corporation tax (meaning foreign corporation tax prescribed in Article 69(1) of the Corporation Tax Act; the same shall apply in the next paragraph) to be imposed on the income of a specified foreign corporation related to the said consolidated corporation, which is calculated pursuant to the method specified by a Cabinet Order as corresponding to the individually taxable retained income of the said specified foreign corporation (up to the amount equivalent to the said individually taxable

retained income) shall, pursuant to the provision of a Cabinet Order, be deemed to be the amount of individually creditable foreign corporation tax (meaning the amount of individually creditable corporation tax prescribed in Article 81-15(1) of the said Act; hereinafter the same shall apply in this Subsection) paid by the said consolidated corporation, and the provisions of Article 81-15(1) to (7), (10) and (15) to (17) shall be applied thereto. In this case, in paragraph (10) of the said Article, the phrase “any part of the amount..., which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of paragraph (8)” shall be deemed to be replaced with “any part of the amount..., which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of paragraph (8) and any part of the amount of foreign corporation tax to be imposed on the income of a specified foreign corporation prescribed in Article 68-93-7(1) of the Act on Special Measures Concerning Taxation (Credit for Foreign Tax on Individually Taxable Retained Income of Specified Foreign Corporations), which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of Article 68-93-7(1) of the said Act”, the phrase “any part of the amount..., which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of paragraph (8) of the said Article” shall be deemed to be replaced with “any part of the amount..., which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of paragraph (8) and any part of the amount of foreign corporation tax to be imposed on the income of a specified foreign corporation prescribed in Article 66-9-7(1) of the said Act (Credit for Foreign Tax on Taxable Retained Income of Specified Foreign Corporations), which shall be deemed to be payable by the said consolidated corporation pursuant to the provision of Article 66-9-7(1) of the said Act”, and the phrase “paragraph (1) to paragraph (3) of the said Article” shall be deemed to be replaced with “Article 69(1) to (3).”

2 特殊関係株主等である内国法人が各事業年度（連結事業年度に該当する期間を除く。）において当該内国法人に係る第六十六条の九の六第一項に規定する特定外国法人の同項に規定する課税対象留保金額に相当する金額につき同項の規定の適用を受けた場合において、その適用を受けた事業年度終了の日後に開始する各連結事業年度の期間において当該特定外国法人の所得に対して外国法人税が課されるときは、当該特定外国法人の当該課税対象留保金額は前項に規定する特定外国法人の個別課税対象留保金額と、同条第一項に規定する特定外国法人の所得に対して課される当該外国法人税の額は前項に規定する特定外国法人の所得に対して課される外国法人税の額とそれぞれみなして、同項の規定を適用する。

(2) Where a domestic corporation that is a specially-related shareholder, etc. is, in each business year (excluding a period that is included in a consolidated business year), subject to the provision of paragraph (1) of Article 66-9-6 with respect to the amount equivalent to the taxable retained income prescribed in the said paragraph of a specified foreign corporation prescribed in the said paragraph that is related to the said

domestic corporation, if foreign corporation tax shall be imposed on the income of the said specified foreign corporation during the period of each consolidated business year beginning after the last day of the business year during which the said domestic corporation has been subject to the said provision, the said taxable retained income of the said specified foreign corporation shall be deemed to be the individually taxable retained income of a specified foreign corporation prescribed in the preceding paragraph, and the amount of the said foreign corporation tax to be imposed on the income of a specified foreign corporation prescribed in paragraph (1) of the said Article shall be deemed to be the amount of foreign corporation tax to be imposed on the income of a specified foreign corporation prescribed in the preceding paragraph respectively, and the provision of the said paragraph shall be applied thereto.

- 3 特殊関係株主等である連結法人が前条第一項の規定の適用に係る特定外国法人の個別課税対象留保金額に相当する金額につき同項の規定の適用を受ける場合において、第一項の規定により法人税法第八十一条の十五第一項から第三項までの規定の適用を受けるときは、第一項の規定により個別控除対象外国法人税の額とみなされた金額は、当該連結法人の政令で定める連結事業年度の連結所得の金額の計算上、益金の額に算入する。

- (3) Where a consolidated corporation that is a specially-related shareholder, etc. is subject to the provision of paragraph (1) of the preceding Article with respect to the amount equivalent to the individually taxable retained income of a specified foreign corporation that is subject to the provision of the said paragraph, and the said consolidated corporation is also subject to the provision of Article 81-15(1) to (3) of the Corporation Tax Act pursuant to the provision of paragraph (1), the amount that is deemed to be the amount of individually creditable foreign corporation tax pursuant to the provision of paragraph (1) shall be included in the amount of gross profit in the calculation of the amount of consolidated income of the said consolidated corporation for the consolidated business year specified by a Cabinet Order.

#### 第六十八条の九十三の八

##### Article 68-93-8

- 1 第六十八条の九十三の六第一項の規定の適用を受けた特殊関係株主等である連結法人に係る特定外国法人につき第一号若しくは第二号に掲げる事実が生じた場合又は当該連結法人に係る外国関係法人（当該特定外国法人から法人税法第二十三条第一項第一号に規定する剰余金の配当、利益の配当又は剰余金の分配（以下この項において「剰余金の配当等」という。）の支払（第二号に定める金額の同号に掲げる交付を含む。）を受けた外国関係法人のうち政令で定めるものに限る。以下この項において同じ。）につき第三号に掲げる事実が生じた場合で、当該連結法人のこれらの事実が生じた日を含む連結事業年度開始の日前十年以内に開始した各連結事業年度（以下この条において「前十年以内の各連結事業年度」という。）において当該特定外国法人の個別課税対象留保金額で第六十八条の九十三の六第一項の規定により前十年以内の各連結事業年度の連結所得の金額の計算上益金の額に算入された金額（この項の規定により前十年以内の各連結事業年度において損金の額に

算入された金額を除く。以下この条及び次条において「個別課税済留保金額」という。)があるときは、当該個別課税済留保金額に相当する金額は、当該特定外国法人又は当該外国関係法人につき生じた事実が次の各号に掲げる事実のいずれに該当するかに応じ当該各号に定める金額のうち当該連結法人に係る個別課税対象留保金額から充てられたものとして政令で定めるところにより計算した金額に相当する金額を限度として、当該連結法人のその事実が生じた日を含む連結事業年度の連結所得の金額の計算上、損金の額に算入する。

- (1) Where an event listed in item (i) or item (ii) has occurred with regard to a specified foreign corporation related to a consolidated corporation that has been subject to the provision of Article 68-93-6(1), or where an event listed in item (iii) has occurred with regard to an affiliated foreign corporation (limited to an affiliated foreign corporation that has received, from the said specified foreign corporation, payment of dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to in this paragraph as “dividend of surplus, etc.”) (such payment shall include the delivery listed in item (ii) of the amount specified in the said item), which is specified by a Cabinet Order; hereinafter the same shall apply in this paragraph) that is related to the said consolidated corporation, if the individually taxable retained income of the said specified foreign corporation in each consolidated business year of the said consolidated corporation that commenced within ten years before the first day of the consolidated business year that includes the day on which the relevant event has occurred (hereinafter referred to in this Article as “each consolidated business year within the preceding ten years”), contains any amount included in the amount of gross profit in the calculation of the amount of the said consolidated corporation’s consolidated income for each consolidated business year within the preceding ten years pursuant to the provision of Article 68-93-6(1) (excluding any amount included in the amount of deductible expense for each consolidated business year within the preceding ten years pursuant to the provision of this paragraph; hereinafter referred to in this Article and the next Article as “individually taxed amount of retained income”), such individually taxed amount of retained income shall be included in the amount of deductible expense in the calculation of the amount of the said consolidated corporation’s consolidated income for the consolidated business year that includes the day on which the relevant event has occurred, up to the amount equivalent to the amount calculated pursuant to the method specified by a Cabinet Order as part of the amount specified by each of the following items for the type of event corresponding to the event that has occurred with regard to the said specified foreign corporation or the said foreign affiliated corporation, which is appropriated from the individually taxable retained income pertaining to the said consolidated corporation:

一 剰余金の配当等の支払 その支払う剰余金の配当等の額

- (i) Payment of dividend of surplus, etc.: The amount of dividend of surplus, etc. to be paid

二 法人税法第二十四条第一項各号に掲げる事由による金銭その他の資産の交付— その交付により減少することとなる利益積立金額に相当する金額

(ii) Delivery of money or any other assets by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve which is to be decreased due to the delivery

三 当該連結法人に対する剰余金の配当等の支払又は法人税法第二十四条第一項各号に掲げる事由による金銭その他の資産の交付— その支払う剰余金の配当等の額又はその交付により減少することとなる利益積立金額に相当する金額

(iii) Payment of dividend of surplus, etc. to the said consolidated corporation or delivery of money or any other assets to the said consolidated corporation by reason of the occurrence of any of the events listed in the items of Article 24(1) of the Corporation Tax Act: The amount equivalent to the amount of profit reserve which is to be decreased due to the amount of dividend of surplus, etc. to be paid or the delivery

2 特殊関係株主等である連結法人の前項各号に掲げる事実が生じた日を含む連結事業年度開始の日前十年以内に開始した事業年度に連結事業年度に該当しないものがある場合において、その該当しない事業年度に係る課税済留保金額（第六十六条の九の八第一項に規定する課税済留保金額をいう。以下この項において同じ。）があるときは、前項の規定の適用については、その課税済留保金額は、当該事業年度の期間に対応する前十年以内の各連結事業年度の個別課税済留保金額とみなす。

(2) Where a consolidated corporation that is a specially-related shareholder, etc. has a business year that commenced within ten years before the first day of the consolidated business year that includes the day on which the event listed in any item of the preceding paragraph has occurred, which is not included in a consolidated business year, and has a taxed amount of retained income (meaning a taxed amount of retained income prescribed in Article 66-9-8(1); hereinafter the same shall apply in this paragraph) for the said business year that is not included in a consolidated business year, with regard to the application of the provision of the preceding paragraph, such taxed amount of retained income shall be deemed to be an individually taxed amount of retained income for each consolidated business year within the preceding ten years which corresponds to the period of the said business year.

3 第六十八条の九十二第三項から第六項までの規定は、第一項の規定を適用する場合について準用する。この場合において、次の表の上欄に掲げるこれらの規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

(3) The provisions of Article 68-92(3) to (6) shall apply mutatis mutandis in the case where the provision of paragraph (1) shall apply. In this case, each term or phrase listed in the middle column of the table below that appears in the provision listed in the upper [left hand] column of the same table shall be deemed to be replaced with the corresponding term or phrase listed in the lower [right hand] column of the same table.

<p>第六十八條の九十二第三項 Article 68-92(3)</p>	<p>連結法人が適格合併</p> <p>[連結法人が適格合併…により…受けた]</p> <p>consolidated corporation has acquired, as a result of a qualified merger</p>	<p>第六十八條の九十三の六第二項第二号に規定する特殊関係内国法人（以下この項において「特殊関係内国法人」という。）に係る同条第一項に規定する特殊関係株主等（以下この項において「特殊関係株主等」という。）である連結法人が適格合併</p> <p>[第六十八條の九十三の六第二項第二号に規定する…連結法人が適格合併…により…受けた]</p> <p>consolidated corporation that is a specially-related shareholder, etc. prescribed in Article 68-93-6(1) (hereinafter referred to in this paragraph as a “specially-related shareholder, etc.”) which is related to a specially-related domestic corporation prescribed in Article 68-93-6(2)(ii) (hereinafter referred to in this paragraph as a “specially-related domestic corporation”) has acquired, as a result of a qualified merger</p>
	<p>により被合併法人</p> <p>[により被合併法人…又は事後設立法人]</p> <p>by the merged corporation...or the corporation effecting post-formation acquisition of assets and/or liabilities</p>	<p>により当該特殊関係内国法人に係る特殊関係株主等である被合併法人</p> <p>[により当該特殊関係内国法人に係る特殊関係株主等である被合併法人…又は事後設立法人]</p> <p>by the merged</p>

	corporation...or the corporation effecting post-formation acquisition of assets and/or liabilities that is a specially-related shareholder, etc. related to the said specially-related domestic corporation
<p>特定外国子会社等の第六十六条の六第二項第三号</p> <p>[特定外国子会社等の第六十六条の六第二項第三号に規定する直接及び間接保有]</p> <p>of a specified foreign subsidiary company, etc. held through direct and/or indirect ownership prescribed in Article 66-6(2) (iii)</p>	<p>同条第一項に規定する特定外国法人（以下この項において「特定外国法人」という。）の同条第二項第四号</p> <p>[同条第一項に規定する特定外国法人（以下この項において「特定外国法人」という。）の同条第二項第四号に規定する直接及び間接保有]</p> <p>of a specified foreign corporation prescribed in paragraph (1) of the said Article (hereinafter referred to in this paragraph as a “specified foreign corporation”) held through direct and/or indirect ownership prescribed in paragraph (2)(iv) of the said Article</p>
<p>第一項の</p> <p>of paragraph (1)</p>	<p>第六十八条の九十三の八第一項の</p> <p>of Article 68-93-8(1)</p>
<p>個別課税済留保金額とみなす</p> <p>deemed to be the individually taxed amount of retained income</p>	<p>個別課税済留保金額（同項に規定する個別課税済留保金額をいう。以下第六項までにおいて同じ。）とみなす</p> <p>deemed to be the individually taxed amount of retained income (meaning the individually taxed</p>

		amount of retained income prescribed in the said paragraph [Article 68-93-8(1)]; hereinafter the same shall apply through to paragraph (6))
第六十八条の九十二第三項 第一号 Article 68-92(3)(i)	又は課税済留保金額 or taxed amount of retained income	又は課税済留保金額（第六十六 条の九の八第一項に規定す る課税済留保金額をいう。以 下第六項までにおいて同じ。） or taxed amount of retained income (meaning the taxed amount of retained income prescribed in Article 66-9-8 (1); hereinafter the same shall apply through to paragraph (6))
第六十八条の九十二第三項 第二号及び第三号 Article 68-92(3)(ii) and (iii)	特定外国子会社等 specified foreign subsidiary company, etc.	特定外国法人 specified foreign corporation
	第六十六条の六第一項 Article 66-6(1)	第六十六条の九の六第一項 Article 66-9-6(1)
第六十八条の九十二第四項 Article 68-92(4)	前項又は第六十六条の八第三 項 preceding paragraph or Article 66-8(3)	第六十八条の九十三の八第三 項において準用する前項又は 第六十六条の九の八第三項に おいて準用する第六十六条の 八第三項 preceding paragraph as applied mutatis mutandis pursuant to Article 68-93-8 (3), or Article 66-8(3) as applied mutatis mutandis pursuant to Article 66-9-8(3)
	第一項の of paragraph (1)	第六十八条の九十三の八第一 項の of Article 68-93-8(1)
	前項の	同条第三項において準用する

	of the preceding paragraph	前項の of the preceding paragraph as applied mutatis mutandis pursuant to paragraph (3) of the said Article
	同条第三項 paragraph (3) of the said Article	第六十六条の九の八第三項に おいて準用する第六十六条の 八第三項 Article 66-8(3) as applied mutatis mutandis pursuant to Article 66-9-8(3)
	同条第一項 paragraph (1) of the said Article	第六十六条の九の八第一項 Article 66-9-8(1)
第六十八条の九十二第五項 Article 68-92(5)	第一項 paragraph (1)	第六十八条の九十三の八第一 項 Article 68-93-8(1)
第六十八条の九十二第六項 Article 68-92(6)	第一項 paragraph (1)	第六十八条の九十三の八第一 項 Article 68-93-8(1)
	前項 preceding paragraph	同条第三項において準用する 前項 preceding paragraph as applied mutatis mutandis pursuant to paragraph (3) of the said Article

4 第六十八条の九十二第七項の規定は、第一項の規定の適用を受けた特殊関係株主等である連結法人の同項の規定により損金の額に算入された金額について準用する。

(4) The provision of Article 68-92(7) shall apply mutatis mutandis to the amount included, pursuant to the provision of paragraph (1), in the amount of deductible expense of a consolidated corporation that is a specially-related shareholder, etc. subject to the provision of the said paragraph.

第六十八条の九十三の九

**Article 68-93-9**

特殊関係株主等と特殊関係内国法人との間に第六十八条の九十三の六第一項に規定する特定関係があるかどうかの判定に関する事項、第六十八条の九十三の七第一項の規定により特殊関係株主等である連結法人が納付したとみなされる個別控除対象外国法人税の額のうち前条第一項の規定により各連結事業年度の連結所得の金額の計算上損金の額に算入された個別課税済留保金額に係るものの処理その他前三条の規定の適用に関し必要な事項は、政令で定める。

Matters concerning the determination as to whether or not there is a specified relationship prescribed in Article 68-93-6(1) between a specially-related shareholder, etc. and a specially-related domestic corporation, the treatment of the part of the amount of individually creditable foreign corporation tax that shall be deemed to be paid by a consolidated corporation that is a specially-related shareholder, etc. pursuant to the provision of Article 68-93-7(1), which pertains to the individually taxed amount of retained income included in the amount of deductible expense in the calculation of the amount of consolidated income for each consolidated business year pursuant to the provision of paragraph (1) of the preceding Article, and other necessary matters concerning the application of the provisions of the preceding three Articles shall be specified by a Cabinet Order.