

租税特別措置法施行令（非居住者、外国法人関連部分）

Order for Enforcement of the Act on Special Measures Concerning Taxation (Limited to the provisions related to nonresidents and foreign corporations)

(昭和三十二年三月三十一日政令第四十三号)

(Cabinet Order No. 43 of March 31, 1957)

(振替国債等の利子の課税の特例)

(Special Provisions for Taxation on Interest on Book-Entry Transfer National Government Bonds, etc.)

第三条 法第五条の二第一項及び第三項に規定する政令で定めるところにより計算した金額は、次の各号に掲げる場合の区分に応じ当該各号に定める金額とする。

Article 3 (1) The amount calculated as specified by a Cabinet Order prescribed in Article 5-2(1) and (3) of the Act shall be the amount specified respectively in the following items for the category of cases listed in the relevant items:

一 非居住者又は外国法人が所有している法第五条の二第一項に規定する振替国債（以下この条において「振替国債」という。）に係る同項に規定する所有期間（以下この条において「所有期間」という。）の初日が当該振替国債の利子の計算期間の初日以前である場合 当該計算期間に対応する利子の額

(i) Where the first day of the holding period prescribed in Article 5-2(1) of the Act (hereinafter referred to as the "holding period" in this Article) for book-entry transfer national government bonds prescribed in the said paragraph (hereinafter referred to as "book-entry transfer national government bonds" in this Article) held by a nonresident or foreign corporation falls on or before the first day of the accounting period for interest on the said book-entry transfer national government bonds: The amount of interest for the said accounting period

二 非居住者又は外国法人が所有している振替国債に係る所有期間の初日が当該振替国債の利子の計算期間の初日後である場合 当該計算期間に対応する利子の額に当該所有期間の日数を乗じこれを当該計算期間の日数で除して計算した金額

(ii) Where the first day of the holding period for book-entry transfer national government bonds held by a nonresident or foreign corporation falls after the first day of the accounting period for interest on the said book-entry transfer

national government bonds: The amount calculated by multiplying the amount of interest for the said accounting period by the number of days in the said holding period and then dividing the result by the number of days in the said accounting period

三 非居住者又は外国法人が所有している法第五条の二第一項に規定する振替地方債（以下この条において「振替地方債」という。）に係る所有期間の初日が当該振替地方債の利子の計算期間の初日以前である場合 当該計算期間に対応する利子の額

(iii) Where the first day of the holding period for book-entry transfer local government bonds prescribed in Article 5-2(1) of the Act (hereinafter referred to as "book-entry transfer local government bonds" in this Article) held by a nonresident or foreign corporation falls on or before the first day of the accounting period for interest on the said book-entry transfer local government bonds: The amount of interest for the said accounting period

四 非居住者又は外国法人が所有している振替地方債に係る所有期間の初日が当該振替地方債の利子の計算期間の初日後である場合 当該計算期間に対応する利子の額に当該所有期間の日数を乗じこれを当該計算期間の日数で除して計算した金額

(iv) Where the first day of the holding period for book-entry transfer local government bonds held by a nonresident or foreign corporation falls after the first day of the accounting period for interest on the said book-entry transfer local government bonds: The amount calculated by multiplying the amount of interest for the said accounting period by the number of days in the said holding period and then dividing the result by the number of days in the said accounting period.

2 法第五条の二第二項に規定する適格外国証券投資信託（以下この条において「適格外国証券投資信託」という。）の受託者である非居住者又は外国法人が当該適格外国証券投資信託の信託財産につき支払を受ける振替国債又は振替地方債の利子について法第五条の二第一項の規定の適用を受けようとする場合には、当該非居住者又は外国法人は、その受託した適格外国証券投資信託の別に、同項第一号イに規定する振替国債非課税適用申告書（以下この条において「振替国債非課税適用申告書」という。）及び同号ロに規定する振替国債所有期間明細書（第七項から第九項までにおいて「振替国債所有期間明細書」という。）又は法第五条の二第一項第二号イに規定する振替地方債非課税適用申告書（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。）及び同号ロに規定する振替地方債所有期間明細書（第七項、第八項及び第十一項において「振替地方債所有期間明細書」という。）を法第五条の二第一項第一号イ及びロの規定により同号イに規定する税務署長又は同項第二号イ及びロの規定により同号イに規定する税務署長に提出するものとする。

(2) Where a nonresident or foreign corporation that is the trustee of a qualified foreign securities investment trust prescribed in Article 5-2(2) of the Act (hereinafter referred to as a "qualified foreign securities investment trust" in this Article) seeks the application of the provisions of Article 5-2(1) of the Act with respect to interest on book-entry transfer national government bonds or

book-entry transfer local government bonds to be received thereby for the trust property under the said qualified foreign securities investment trust, the said nonresident or foreign corporation shall submit, for each qualified foreign securities investment trust accepted thereby, a written application for tax exemption of book-entry transfer national government bonds prescribed in Article 5-2(1)(i)(a) of the Act (hereinafter referred to as a "written application for tax exemption of book-entry transfer national government bonds" in this Article) and a statement of the holding period of book-entry transfer national government bonds prescribed in Article 5-2(1)(i)(b) of the Act (referred to as a "statement of the holding period of book-entry transfer national government bonds" in paragraph (7) to paragraph (9)), or a written application for tax exemption of book-entry transfer local government bonds prescribed in Article 5-2(1)(ii)(a) of the Act (hereinafter referred to as a "written application for tax exemption of book-entry transfer local government bonds" in this Article) and a statement of the holding period of book-entry transfer local government bonds prescribed in Article 5-2(1)(ii)(b) of the Act (referred to as a "statement of the holding period of book-entry transfer local government bonds" in paragraph (7), paragraph (8) and paragraph (11)), to the district director prescribed in Article 5-2(1)(i)(a) of the Act pursuant to the provisions of Article 5-2(1)(i)(a) and (b) of the Act, or the district director prescribed in Article 5-2(1)(ii)(a) of the Act pursuant to the provisions of Article 5-2(1)(ii)(a) and (b) of the Act.

- 3 非居住者又は外国法人が次の各号に掲げる口座において最初に振替国債（利子が支払われるものに限る。以下この項、第五項及び第二十二項において「利付振替国債」という。）の振替記載等（法第五条の二第五項第六号に規定する振替記載等をいう。以下この条において同じ。）を受ける場合において、当該振替記載等を受ける際、当該各号に掲げる口座の区分に応じ当該各号に定める者が、当該非居住者又は外国法人の氏名又は名称及び法第五条の二第一項第一号イに規定する住所（以下この項、第五項及び第二十二項において「住所」という。）その他の財務省令で定める事項を記載した書類（以下この項及び次項において「振替国債特例書類」という。）を作成し、当該振替国債特例書類を同号イに規定する税務署長に対し提出したとき（当該各号に定める者に係る特定振替機関等（同条第一項に規定する特定振替機関等をいう。以下この条において同じ。）が法第五条の二第五項第二号に規定する特定口座管理機関（以下この条において「特定口座管理機関」という。）である場合には、同項第一号に規定する特定振替機関（以下この条において「特定振替機関」という。）を経由して当該税務署長に対し提出したとき、当該各号に定める者に係る特定振替機関等が同項第三号に規定する特定間接口座管理機関（以下この条において「特定間接口座管理機関」という。）である場合には、当該利付振替国債の振替記載等に係る特定口座管理機関（当該各号に定める者に係る特定振替機関等が他の特定間接口座管理機関から当該利付振替国債の振替記載等を受ける者である場合には、当該他の特定間接口座管理機関及び当該利付振替国債の振替記載等に係る特定口座管理機関）及び特定振替機

関を經由して当該税務署長に対し提出したとき)は、当該非居住者又は外国法人は、当該利付振替国債につき法第五条の二第一項第一号イの規定による振替国債非課税適用申告書の提出をしたものとみなす。ただし、当該振替国債特例書類に記載すべき氏名又は名称及び住所が、同条第九項(同条第十二項において準用する場合を含む。)の規定により振替地方債につきされた確認(以下この項、次項及び第二十二項において「振替地方債に係る確認」という。)又は法第四十一条の十二第十二項の規定により短期国債等(同条第九項第一号から第八号までに掲げる国債で同項に規定する特定短期公社債に該当するもの並びに同条第十二項に規定する分離元本振替国債及び分離利息振替国債をいう。)につきされた確認(第二十六条の十八第六項の規定によりされた確認を含む。以下この条において「短期国債等に係る確認」という。)がされた当該非居住者又は外国法人の氏名又は名称及び住所と異なるときは、この限りでない。

- (3) Where a nonresident or foreign corporation makes, for the first time, entries or records under the book-entry transfer system (meaning entries or records under the book-entry transfer system prescribed in Article 5-2(5)(vi) of the Act; hereinafter the same shall apply in this Article) with regard to book-entry transfer national government bonds (limited to those bearing interest; hereinafter referred to as "interest-bearing book-entry transfer national government bonds" in this paragraph, paragraph (5) and paragraph (22)) in the account listed respectively in the following items, if the person specified in the relevant items for the category of accounts listed in the relevant items has, when the said entries or records under the book-entry transfer system are made, prepared a document containing the name of the said nonresident or foreign corporation and his/her or its address as prescribed in Article 5-2(1)(i)(a) of the Act (hereinafter referred to as "address" in this paragraph, paragraph (5) and paragraph (22)) and any other matters specified by an Ordinance of the Ministry of Finance (hereinafter referred to as a "document on special measures for book-entry transfer national government bonds" in this paragraph and the next paragraph) and submitted the said document on special measures for book-entry transfer national government bonds to the district director prescribed in Article 5-2(1)(i)(a) of the Act (in the case where the specified book-entry transfer institution, etc. (meaning a specified book-entry transfer institution, etc. prescribed in paragraph (1) of the said Article; hereinafter the same shall apply in this Article) pertaining to the person specified in the relevant items is a specified account management institution prescribed in Article 5-2(5)(ii) of the Act (hereinafter referred to as a "specified account management institution" in this Article), submission shall be made to the said district director via a specified book-entry transfer institution prescribed in paragraph (5)(i) of the said Article (hereinafter referred to as a "specified book-entry transfer institution" in this Article); in the case where the specified book-entry transfer institution, etc. pertaining to the person specified in the relevant items is a specified indirect account management institution

prescribed in paragraph (5)(iii) of the said Article (hereinafter referred to as a "specified indirect account management institution" in this Article), submission shall be made to the said district director via [1] the specified account management institution pertaining to the entries or records under the book-entry transfer system regarding the said interest-bearing book-entry transfer national government bonds (in the case where the said specified book-entry transfer institution, etc. pertaining to the person specified in the relevant items makes entries or records under the book-entry transfer system regarding the interest-bearing book-entry transfer national government bonds through any other specified indirect account management institution, submission shall be made via the said other specified indirect account management institution and the specified account management institution pertaining to the entries or records under the book-entry transfer system regarding the said interest-bearing book-entry transfer national government bonds) and [2] a specified book-entry transfer institution), the said nonresident or foreign corporation shall be deemed to have submitted a written application for tax exemption of book-entry transfer national government bonds pursuant to the provisions of Article 5-2(1)(i)(a) of the Act with respect to the said interest-bearing book-entry transfer national government bonds; provided, however, that this shall not apply where the name and address to be entered in the said document on special measures for book-entry transfer national government bonds are inconsistent with the name and address of the said nonresident or foreign corporation for which a confirmation has been provided pursuant to the provisions of paragraph (9) of the said Article (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the said Article) with respect to book-entry transfer local government bonds (hereinafter referred to as a "confirmation concerning book-entry transfer local government bonds" in this paragraph, the next paragraph and paragraph (22)) or a confirmation has been provided pursuant to the provisions of Article 41-12(12) of the Act with respect to short-term national government bonds, etc. (meaning national government bonds listed in paragraph (9)(i) to (viii) of the said Article that fall under the category of specified short-term government or company bonds prescribed in the said paragraph, and principal-only book-entry transfer national government bonds and coupon-only book-entry transfer national government bonds prescribed in paragraph (12) of the said Article) (including a confirmation provided pursuant to the provisions of Article 26-18(6); hereinafter referred to as a "confirmation concerning short-term national government bonds, etc." in this Article):

- 一 振替地方債に係る確認に係る振替記載等に係る口座 当該振替地方債に係る確認を行う特定振替機関等の法第五条の二第一項に規定する営業所等（以下第八項までにおいて「営業所等」という。）の長又は当該振替地方債に係る確認を行う同条第

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。）の同項第五号に規定する特定国外営業所等（以下第七項までにおいて「特定国外営業所等」という。）の長から法第五条の二第十四項の規定により通知を受けた特定振替機関等の営業所等の長

(i) An account pertaining to the entries or records under the book-entry transfer system covered by a confirmation concerning book-entry transfer local government bonds: The head of the business office, etc. prescribed in Article 5-2(1) of the Act (hereinafter referred to as the "business office, etc." through to paragraph (8)) of the specified book-entry transfer institution, etc. that provides a confirmation concerning the said book-entry transfer local government bonds, or the head of the business office, etc. of the specified book-entry transfer institution, etc. that has received a notice pursuant to the provisions of Article 5-2(14) of the Act from the head of the specified overseas business office, etc. prescribed in paragraph (5)(v) of the said Article (hereinafter referred to as the "specified overseas business office, etc." through to paragraph (7)) of the qualified foreign intermediary prescribed in item (iv) of the said paragraph (hereinafter referred to as the "qualified foreign intermediary" in this Article) that provides a confirmation concerning the said book-entry transfer local government bonds

二 短期国債等に係る確認に係る振替記載等に係る口座 当該短期国債等に係る確認を行う特定振替機関等の営業所等の長又は当該短期国債等に係る確認を行う適格外国仲介業者の特定国外営業所等の長から法第四十一条の二第十四項の規定による同項に規定する書類の提出を受けた特定振替機関等の営業所等の長

(ii) An account pertaining to the entries or records under the book-entry transfer system covered by a confirmation concerning short-term national government bonds, etc.: The head of the business office, etc. of the specified book-entry transfer institution, etc. that provides a confirmation concerning the said short-term national government bonds, or the head of the business office, etc. of the specified book-entry transfer institution, etc. that has received a document prescribed in paragraph (14) of Article 41-12 of the Act pursuant to the provisions of the said paragraph from the head of the specified overseas business office, etc. of the qualified foreign intermediary that provides a confirmation concerning the said short-term national government bonds

4 前項の場合において、同項の規定により振替国債特例書類の提出をした特定振替機関等の営業所等の長は、当該提出をした日以後遅滞なく、当該振替国債特例書類の提出をした旨を同項の規定により振替国債非課税適用申告書を提出したものとみなされる非居住者又は外国法人（当該非居住者又は外国法人に係る振替地方債に係る確認又は短期国債等に係る確認を適格外国仲介業者の特定国外営業所等の長が行う場合にあつては、当該特定国外営業所等の長を経由して当該非居住者又は外国法人）に対し通知をしなければならない。

(4) In the case referred to in the preceding paragraph, the head of the business office, etc. of the specified book-entry transfer institution, etc. who has submitted a document on special measures for book-entry transfer national government bonds pursuant to the provisions of the said paragraph shall, without delay after the date of the submission, give a notice of the submission of the document on special measures for book-entry transfer national government bonds to the nonresident or foreign corporation that shall be deemed to have submitted a written application for tax exemption of book-entry transfer national government bonds pursuant to the provisions of the said paragraph (in the case where a confirmation concerning book-entry transfer local government bonds or a confirmation concerning short-term national government bonds, etc. with regard to the said nonresident or foreign corporation is provided by the head of a specified overseas business office, etc. of a qualified foreign intermediary, a notice shall be given to the said nonresident or foreign corporation via the head of the said specified overseas business office, etc.).

5 非居住者又は外国法人が次の各号に掲げる口座において最初に振替地方債の振替記載等を受ける場合において、当該振替記載等を受ける際、当該各号に掲げる口座の区分に応じ当該各号に定める者が、当該非居住者又は外国法人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（以下この項及び次項において「振替地方債特例書類」という。）を作成し、当該振替地方債特例書類を当該振替地方債の利子の支払をする者を経由して法第五条の二第一項第二号イに規定する税務署長に対し提出したとき（当該各号に定める者に係る特定振替機関等が特定口座管理機関である場合には、特定振替機関及び当該利子の支払をする者を経由して当該税務署長に対し提出したとき、当該各号に定める者に係る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、当該振替地方債の振替記載等に係る特定口座管理機関（当該各号に定める者に係る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者である場合には、当該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）及び特定振替機関並びに当該利子の支払をする者を経由して当該税務署長に対し提出したとき）は、当該非居住者又は外国法人は、当該振替地方債につき同項第二号イの規定による振替地方債非課税適用申告書の提出をしたものとみなす。ただし、当該振替地方債特例書類に記載すべき氏名又は名称及び住所が、同条第九項（同条第十二項において準用する場合を含む。以下この項において同じ。）の規定により他の振替地方債につきされた確認（以下この項、次項及び第二十三項において「他の振替地方債に係る確認」という。）、同条第九項の規定により利付振替国債につきされた確認（以下この項、次項及び第二十三項において「利付振替国債に係る確認」という。）又は短期国債等に係る確認がされた当該非居住者又は外国法人の氏名又は名称及び住所と異なるときは、この限りでない。

(5) Where a nonresident or foreign corporation makes, for the first time, entries or records under the book-entry transfer system with regard to book-entry transfer local government bonds in an account listed respectively in the

following items, if the person specified in the relevant items for the category of accounts listed in the relevant items has, when the said entries or records under the book-entry transfer system are made, prepared a document containing the name of the said nonresident or foreign corporation and his/her or its address and any other matters specified by an Ordinance of the Ministry of Finance (hereinafter referred to as a "document on special measures for book-entry transfer local government bonds" in this paragraph and the next paragraph) and submitted the said document on special measures for book-entry transfer local government bonds to the district director prescribed in Article 5-2(1)(ii)(a) of the Act via the person who pays interest on the said book-entry transfer local government bonds (in the case where the specified book-entry transfer institution, etc. pertaining to the person specified in the relevant items is a specified account management institution, submission shall be made to the said district director via a specified book-entry transfer institution and the said person who pays the interest; in the case where the specified book-entry transfer institution, etc. pertaining to the person specified in the relevant items is a specified indirect account management institution, submission shall be made to the said district director via [1] the specified account management institution pertaining to the entries or records under the book-entry transfer system regarding the said interest-bearing book-entry transfer local government bonds (in the case where the said specified book-entry transfer institution, etc. pertaining to the person specified in the relevant items makes entries or records under the book-entry transfer system regarding the interest-bearing book-entry transfer local government bonds through any other specified indirect account management institution, submission shall be made via the said other specified indirect account management institution and the specified account management institution pertaining to the entries or records under the book-entry transfer system regarding the said interest-bearing book-entry transfer local government bonds), [2] a specified book-entry transfer institution, and [3] the said person who pays the interest), the said nonresident or foreign corporation shall be deemed to have submitted a written application for tax exemption of book-entry transfer local government bonds pursuant to the provisions of Article 5-2(1)(ii)(a) of the Act with respect to the said interest-bearing book-entry transfer local government bonds; provided, however, that this shall not apply where the name and address to be entered in the said document on special measures for book-entry transfer local government bonds are inconsistent with the name and address of the said nonresident or foreign corporation for which a confirmation has been provided pursuant to the provisions of paragraph (9) of the said Article (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the said Article; hereinafter the same shall apply

in this paragraph) with respect to other book-entry transfer local government bonds (hereinafter referred to as a "confirmation concerning other book-entry transfer local government bonds" in this paragraph, the next paragraph and paragraph (23)), a confirmation has been provided pursuant to the provisions of paragraph (9) of the said Article with respect to interest-bearing book-entry transfer national government bonds (hereinafter referred to as a "confirmation concerning interest-bearing book-entry transfer national government bonds" in this paragraph, the next paragraph and paragraph (23)) or a confirmation concerning short-term national government bonds, etc. has been provided:

一 他の振替地方債に係る確認に係る振替記載等に係る口座 当該他の振替地方債に係る確認を行う特定振替機関等の営業所等の長又は当該他の振替地方債に係る確認を行う適格外国仲介業者の特定国外営業所等の長から法第五条の二第十四項の規定により通知を受けた特定振替機関等の営業所等の長

(i) An account pertaining to the entries or records under the book-entry transfer system covered by a confirmation concerning other book-entry transfer local government bonds: The head of the business office, etc. of the specified book-entry transfer institution, etc. that provides a confirmation concerning the said other book-entry transfer local government bonds, or the head of the business office, etc. of the specified book-entry transfer institution, etc. that has received a notice pursuant to the provisions of Article 5-2(14) of the Act from the head of the specified overseas business office, etc. of the qualified foreign intermediary that provides a confirmation concerning the said other book-entry transfer local government bonds

二 利付振替国債に係る確認に係る振替記載等に係る口座 当該利付振替国債に係る確認を行う特定振替機関等の営業所等の長又は当該利付振替国債に係る確認を行う適格外国仲介業者の特定国外営業所等の長から法第五条の二第十四項の規定により通知を受けた特定振替機関等の営業所等の長

(ii) An account pertaining to the entries or records under the book-entry transfer system covered by a confirmation concerning interest-bearing book-entry transfer national government bonds: The head of the business office, etc. of the specified book-entry transfer institution, etc. that provides a confirmation concerning the said interest-bearing book-entry transfer national government bonds, or the head of the business office, etc. of the specified book-entry transfer institution, etc. that has received a notice pursuant to the provisions of Article 5-2(14) of the Act from the head of the specified overseas business office, etc. of the qualified foreign intermediary that provides a confirmation concerning the said interest-bearing book-entry transfer national government bonds

三 短期国債等に係る確認に係る振替記載等に係る口座 当該短期国債等に係る確認を行う特定振替機関等の営業所等の長又は当該短期国債等に係る確認を行う適格外国仲介業者の特定国外営業所等の長から法第四十一条の二第十四項の規定による

同項に規定する書類の提出を受けた特定振替機関等の営業所等の長

(iii) An account pertaining to the entries or records under the book-entry transfer system covered by a confirmation concerning short-term national government bonds, etc.: The head of the business office, etc. of the specified book-entry transfer institution, etc. that provides a confirmation concerning the said short-term national government bonds, or the head of the business office, etc. of the specified book-entry transfer institution, etc. that has received a document prescribed in paragraph (14) of Article 41-12 of the Act pursuant to the provisions of the said paragraph from the head of the specified overseas business office, etc. of the qualified foreign intermediary that provides a confirmation concerning the said short-term national government bonds.

6 前項の場合において、同項の規定により振替地方債特例書類の提出をした特定振替機関等の営業所等の長は、当該提出をした日以後遅滞なく、当該振替地方債特例書類の提出をした旨を同項の規定により振替地方債非課税適用申告書を提出したものとみなされる非居住者又は外国法人（当該非居住者又は外国法人に係る他の振替地方債に係る確認、利付振替国債に係る確認又は短期国債等に係る確認を適格外国仲介業者の特定国外営業所等の長が行う場合にあつては、当該特定国外営業所等の長を経由して当該非居住者又は外国法人）に対し通知をしなければならない。

(6) In the case referred to in the preceding paragraph, the head of the business office, etc. of the specified book-entry transfer institution, etc. who has submitted a document on special measures for book-entry transfer local government bonds pursuant to the provisions of the said paragraph shall, without delay after the date of the submission, give a notice of the submission of the document on special measures for book-entry transfer local government bonds, to the nonresident or foreign corporation that shall be deemed to have submitted a written application for tax exemption of book-entry transfer local government bonds pursuant to the provisions of the said paragraph (in the case where a confirmation concerning other book-entry transfer local government bonds, a confirmation concerning interest-bearing book-entry transfer national government bonds or a confirmation concerning short-term national government bonds, etc. with regard to the said nonresident or foreign corporation is provided by the head of a specified overseas business office, etc. of a qualified foreign intermediary, the notice shall be given to the said nonresident or foreign corporation via the head of the said specified overseas business office, etc.).

7 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、振替国債所有期間明細書又は振替地方債所有期間明細書の提出があつた場合には、当該振替国債所有期間明細書又は振替地方債所有期間明細書に記載された振替国債又は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が、法第五条の二第十三項に規定する帳簿（第九項、第十一項及び第二十四項において「振替帳簿」という。）

に記載又は記録がされ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と同じであるかどうかを確認しなければならない。

(7) The head of a business office, etc. of a specified book-entry transfer institution, etc. or head of a specified overseas business office, etc. of a qualified foreign intermediary shall, where a statement of the holding period of book-entry transfer national government bonds or statement of the holding period of book-entry transfer local government bonds has been submitted, confirm whether or not the holding period and other matters specified by an Ordinance of the Ministry of Finance with regard to the book-entry transfer national government bonds or book-entry transfer local government bonds entered in the said statement of the holding period of book-entry transfer national government bonds or statement of the holding period of book-entry transfer local government bonds are consistent with 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 and other matters specified by an Ordinance of the Ministry of Finance as entered or recorded in the books prescribed in Article 5-2(13) of the Act (referred to as the "books for book-entry transfer" in paragraph (9), paragraph (11) and paragraph (24)).

8 非居住者又は外国法人が適格外国仲介業者を経由して振替国債所有期間明細書又は振替地方債所有期間明細書を法第五条の二第一項第一号ロ又は同項第二号ロの税務署長に提出する場合（第十項において準用する次項の規定により適格外国仲介業者が同項の書類を提出する場合を含む。）には、同条第十四項の規定により同項の通知を受けていた特定振替機関等の営業所等の長は、当該振替国債所有期間明細書若しくは振替地方債所有期間明細書又は当該書類に記載された振替国債又は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が、同項に規定する帳簿に記載又は記録がされ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と同じであるかどうかを確認しなければならない。

(8) Where a nonresident or foreign corporation submits a statement of the holding period of book-entry transfer national government bonds or a statement of the holding period of book-entry transfer local government bonds via a qualified foreign intermediary to the district director set forth in Article 5-2(1)(i)(b) or (ii)(b) of the Act (including the cases where a qualified foreign intermediary submits the document set forth in the next paragraph pursuant to the provisions of the said paragraph as applied mutatis mutandis pursuant to paragraph (10)), the head of the business office, etc. of the specified book-entry transfer institution, etc. that has received a notice set forth in paragraph (14) of the said Article pursuant to the provisions of the said paragraph shall confirm whether or not the holding period and other matters specified by an Ordinance of the Ministry of Finance with regard to the book-entry transfer national government bonds or book-entry transfer local government bonds

entered in the said statement of the holding period of book-entry transfer national government bonds or statement of the holding period of book-entry transfer local government bonds or the said document are consistent with 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 and other matters specified by an Ordinance of the Ministry of Finance as entered or recorded in the books prescribed in said paragraph.

- 9 特定振替機関等が法第五条の二第九項（同条第十二項において準用する場合を含む。）の規定により非居住者又は外国法人から提示を受けた同条第九項に規定する書類の写しを作成し、保存している場合において、当該非居住者又は外国法人が当該特定振替機関等から振替記載等を受けている振替国債につきその利子の支払を受ける際、その利子の支払を受けるべき日の前日までに、当該特定振替機関等がその備える振替帳簿に基づき当該非居住者又は外国法人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を作成し、これを同条第一項第一号ロの税務署長に対し提出したとき（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、特定振替機関を経由して当該税務署長に対し提出したとき、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、当該振替国債の振替記載等に係る特定口座管理機関（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者である場合には、当該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）及び特定振替機関を経由して当該税務署長に対し提出したとき）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同号ロの規定による振替国債所有期間明細書の提出をしたものとみなす。

- (9) Where a specified book-entry transfer institution, etc. has, pursuant to the provisions of Article 5-2(9) of the Act (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the said Article), prepared and preserved a copy of a document prescribed in paragraph (9) of the said Article that has been presented thereto by a nonresident or foreign corporation, and the said nonresident or foreign corporation receives payment of interest on the book-entry transfer national government bonds for which he/she or it has made entries or records under the book-entry transfer system through the said specified book-entry transfer institution, etc., if the said specified book-entry transfer institution, etc. has, no later than the day preceding the day on which the said nonresident or foreign corporation is to receive payment of such interest, prepared a document containing the holding period and any other matters specified by an Ordinance of the Ministry of Finance with regard to the book-entry transfer national government bonds held by the said nonresident or foreign corporation based on the books for book-entry transfer that the said specified book-entry transfer institution, etc. keeps, and submitted the document to the district director set forth in paragraph (1)(i)(b) of the said Article (in the case where the said specified book-entry transfer

institution, etc. is a specified account management institution, submission shall be made to the said district director via 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 to the said district director via [1] 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 (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 any other specified indirect account management institution, submission shall be made via the said other specified indirect account management institution and 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 [2] a specified book-entry transfer institution), the said nonresident or foreign corporation shall be deemed to have submitted a statement of the holding period of book-entry transfer national government bonds pursuant to the provisions of item (i)(b) of the said paragraph with respect to the interest receivable thereby.

10 前項の規定は、非居住者又は外国法人が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につきその利子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、同項中「同条第一項第一号ロ」とあるのは「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同条第一項第一号ロ」と、「特定口座管理機関である場合には、特定振替機関を経由して当該税務署長に対し提出したとき、当該特定振替機関等が特定間接口座管理機関」とあるのは「同条第五項第七号に規定する外国再間接口座管理機関（以下この項において「外国再間接口座管理機関」という。））」と、「特定口座管理機関（）」とあるのは「同条第五項第八号に規定する外国間接口座管理機関（以下この項において「外国間接口座管理機関」という。）（）」と、「他の特定間接口座管理機関」とあるのは「他の外国再間接口座管理機関」と、「特定口座管理機関）及び特定振替機関」とあるのは「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」と読み替えるものとする。

(10) The provisions of the preceding paragraph shall apply mutatis mutandis where a nonresident or foreign corporation receives payment of interest on the book-entry transfer national government bonds for which he/she or it has made entries or records under the book-entry transfer system through a qualified foreign intermediary. In this case, in the said paragraph, the term "to the district director set forth in paragraph (1)(i)(b) of the said Article" shall be deemed to be replaced with "to the district director set forth in paragraph (1)(i)(b) of the said Article via 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"; the term

"(in the case where the said specified book-entry transfer institution, etc. is a specified account management institution, submission shall be made to the said district director via 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" shall be deemed to be replaced with "(in the case where the said specified book-entry transfer institution, etc. is a foreign further indirect account management institution prescribed in paragraph (5)(vii) of the said Article (hereinafter referred to as a "foreign further indirect account management institution" in this paragraph"; the term "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 (" shall be deemed to be replaced with "the foreign indirect account management institution prescribed in paragraph (5)(viii) of the said Article (hereinafter referred to as "foreign indirect account management institution" in this paragraph) pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national government bonds ("; the term "any other specified indirect account management institution" shall be deemed to be replaced with "any other foreign further indirect account management institution"; and the term "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 [2] a specified book-entry transfer institution" shall be deemed to be replaced with "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 [2] 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."

- 1 1 特定振替機関等が法第五条の二第九項（同条第十二項において準用する場合を含む。）の規定により非居住者又は外国法人から提示を受けた同条第九項に規定する書類の写しを作成し、保存している場合において、当該非居住者又は外国法人が当該特定振替機関等から振替記載等を受けている振替地方債につきその利子の支払を受ける際、その利子の支払を受けるべき日の前日までに、当該特定振替機関等がその備える振替帳簿に基づき当該非居住者又は外国法人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を作成し、これを当該振替地方債の利子の支払をする者を経由して同条第一項第二号ロの税務署長に対し提出したとき（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、特定振替機関及び当該利子の支払をする者を経由して当該税務署長に対し提出したとき、当該特定振替機関等が特定間口座管理機関である場合には、当該振替地方債の振替記載等に係る特定口座管理機関（当該特定振替機関等が他の特定間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者である場合には、当該他の特定間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) 及び特定振替機関並びに当該利子の支払をする者を経由して当該税務署長に対し提出したとき) 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同号口の規定による振替地方債所有期間明細書の提出をしたものとみなす。

- (11) Where a specified book-entry transfer institution, etc. has, pursuant to the provisions of Article 5-2(9) of the Act (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the said Article), prepared and preserved a copy of a document prescribed in paragraph (9) of the said Article that has been presented thereto by a nonresident or foreign corporation, and the said nonresident or foreign corporation receives payment of interest on the book-entry transfer local government bonds for which he/she or it has made entries or records under the book-entry transfer system through the said specified book-entry transfer institution, etc., if the said specified book-entry transfer institution, etc. has, no later than the day preceding the day on which the said nonresident or foreign corporation is to receive payment of such interest, prepared a document containing the holding period and any other matters specified by an Ordinance of the Ministry of Finance with regard to the book-entry transfer local government bonds held by the said nonresident or foreign corporation based on the books for book-entry transfer that the said specified book-entry transfer institution, etc. keeps, and submitted the document to the district director set forth in paragraph (1)(ii)(b) of the said Article via the person who pays interest on the said book-entry transfer local government bonds (in the case where the said specified book-entry transfer institution, etc. is a specified account management institution, submission shall be made to the said district director via a specified book-entry transfer institution and the said person who pays the interest; in the case where the specified book-entry transfer institution, etc. is a specified indirect account management institution, submission shall be made to the said district director via [1] 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 (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 any other specified indirect account management institution, submission shall be made via the said other specified indirect account management institution and 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), [2] a specified book-entry transfer institution, and [3] the said person who pays the interest), the said nonresident or foreign corporation shall be deemed to have submitted a statement of the holding period of book-entry transfer local government

bonds pursuant to the provisions of item (ii)(b) of the said paragraph with respect to the interest receivable thereby.

- 12 前項の規定は、非居住者又は外国法人が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につきその利子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、同項中「これを当該振替地方債」とあるのは「これを当該振替地方債の振替記載等に係る特定振替機関等及び当該振替地方債」と、「特定口座管理機関である場合には、特定振替機関及び当該利子の支払をする者を經由して当該税務署長に対し提出したとき、当該特定振替機関等が特定間接口座管理機関」とあるのは「同条第五項第七号に規定する外国再間接口座管理機関（以下この項において「外国再間接口座管理機関」という。））」と、「特定口座管理機関（）」とあるのは「同条第五項第八号に規定する外国間接口座管理機関（以下この項において「外国間接口座管理機関」という。）（）」と、「他の特定間接口座管理機関」とあるのは「他の外国再間接口座管理機関」と、「特定口座管理機関）及び」とあるのは「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」と読み替えるものとする。

- (12) The provisions of the preceding paragraph shall apply mutatis mutandis where a nonresident or foreign corporation receives payment of interest on the book-entry transfer local government bonds for which he/she or it has made entries or records under the book-entry transfer system through a qualified foreign intermediary. In this case, in the said paragraph, the term "via the person who pays interest on the said book-entry transfer local government bonds" shall be deemed to be replaced with "via 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 interest on the said book-entry transfer local government bonds"; the term "(in the case where the said specified book-entry transfer institution, etc. is a specified account management institution, submission shall be made to the said district director via a specified book-entry transfer institution and the said person who pays the interest; in the case where the specified book-entry transfer institution, etc. is a specified indirect account management institution" shall be deemed to be replaced with "(in the case where the said specified book-entry transfer institution, etc. is a foreign further indirect account management institution prescribed in paragraph (5)(vii) of the said Article (hereinafter referred to as a "foreign further indirect account management institution" in this paragraph"; the term "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 (" shall be deemed to be replaced with "the foreign indirect account management institution prescribed in paragraph (5)(viii) of the said Article (hereinafter referred to as a "foreign indirect account management institution" in this paragraph) pertaining to the entries or records under the book-entry transfer system regarding the said book-entry transfer national

government bonds ("; the term "any other specified indirect account management institution" shall be deemed to be replaced with "any other foreign further indirect account management institution"; and the term "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), [2] a specified book-entry transfer institution" shall be deemed to be replaced with "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."

1 3 法第五条の二第三項に規定する政令で定める利子は、次に掲げる利子。

(13) The interest specified by a Cabinet Order prescribed in Article 5-2(3) of the Act shall be the interest listed as follows:

一 所得税法第百六十四条第一項第一号に掲げる非居住者が支払を受ける利子のうち、当該非居住者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

(i) Interest to be received by a nonresident listed in Article 164(1)(i) of the Income Tax Act, which is attributed to a business that is conducted by the said nonresident in Japan at any fixed place prescribed in Article 164(1)(i) of the said Act:

二 所得税法第百六十四条第一項第二号又は第三号に掲げる非居住者が支払を受ける利子のうち、当該非居住者のこれらの号に規定する事業に帰せられるもの

(ii) Interest to be received by a nonresident listed in Article 164(1)(ii) or (iii) of the Income Tax Act, which is attributed to a business prescribed in these provisions that is conducted by the said nonresident.

1 4 法第五条の二第五項第四号の承認を受けようとする者は、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申請書にその者が同項第七号に規定する外国口座管理機関である旨を特定振替機関が証する書類その他財務省令で定める書類を添付して、これを、振替国債にあつては当該振替国債に係る特定振替機関を経由して同条第一項第一号イに規定する税務署長に、振替地方債にあつては当該振替地方債に係る特定振替機関及び当該振替地方債の利子の支払をする者を経由して同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。

(14) A person who intends to obtain the approval set forth in Article 5-2(5)(iv) of the Act shall attach, to a document containing the person's name and the location of the person's head office or principal office and any other matters specified by an Ordinance of the Ministry of Finance, a document in which a specified book-entry transfer institution certifies that the person is a foreign account management institution prescribed in paragraph (5)(vii) of the said Article and any other document specified by an Ordinance of the Ministry of

Finance, and submit such documents, in the case of book-entry transfer national government bonds, to the district director prescribed in paragraph (1)(i)(a) of the said Article via the specified book-entry transfer institution pertaining to the said book-entry transfer national government bonds, or in the case of book-entry transfer local government bonds, to the district director prescribed in item (ii)(a) of the said paragraph via the specified book-entry transfer institution pertaining to the said book-entry transfer local government bonds and the person who pays interest on the said book-entry transfer local government bonds.

15 税務署長は、前項の申請書の提出があつた場合において、その申請につき承認又は却下の処分をするときは、その申請をした者に対し、書面によりその旨を通知する。

(15) Where a written application set forth in the preceding paragraph has been submitted, the district director shall, when he/she makes a disposition to approve or dismiss the application, give a notice in writing to the person who has submitted the application to that effect.

16 第十四項の申請書の提出があつた場合において、その申請書の提出があつた日の属する月の翌月末日までにその申請につき承認又は却下の処分がなかつたときは、同日においてその承認があつたものとみなす。

(16) Where a written application set forth in paragraph (14) has been submitted, if a disposition to approve or dismiss the application has not been made by the final day of the month following the month that includes the day on which the written application was submitted, it shall be deemed that approval has been granted as of the said day.

17 税務署長は、法第五条の二第七項の規定による承認の取消しの処分を行う場合には、その承認を受けていた者に対し、書面によりその旨を通知する。

(17) The district director shall, when he/she makes a disposition to rescind approval pursuant to the provisions of Article 5-2(7) of the Act, give a notice in writing to the person who has obtained the approval to that effect.

18 振替国債につき法第五条の二第五項第四号の承認を受けようとする者が振替地方債につき同号の承認を受けている場合における第十四項の規定の適用については、同項中「特定振替機関が」とあるのは「振替国債に係る特定振替機関が」と、「その他財務省令で定める書類」とあるのは「及び振替地方債につき同項第四号の承認を受けていることを証する書類」と、「これを、振替国債にあつては」とあるのは「これを」と、「税務署長に、振替地方債にあつては当該振替地方債に係る特定振替機関及び当該振替地方債の利子の支払をする者を経由して同項第二号イに規定する税務署長に」とあるのは「税務署長に」とする。この場合において、同項の申請書の提出があつたときは、その提出の時に同号の承認があつたものとみなす。

(18) With respect to the application of the provisions of paragraph (14) in the case where a person who intends to obtain the approval set forth in Article 5-2(5)(iv) of the Act with regard to book-entry transfer national government bonds has already obtained the approval set forth in paragraph (5)(iv) of the

said Article with regard to book-entry transfer local government bonds, in paragraph (14), the term "a specified book-entry transfer institution certifies" shall be deemed to be replaced with "the specified book-entry transfer institution pertaining to book-entry transfer national government bonds certifies"; the term "other matters specified by an Ordinance of the Ministry of Finance" shall be deemed to be replaced with "and a document that certifies that the person has obtained the approval set forth in item (iv) of the said paragraph with regard to book-entry transfer local government bonds"; the term "submit such documents, in the case of book-entry transfer national government bonds, to" shall be deemed to be replaced with "submit such documents to"; the term "to the district director prescribed in paragraph (1)(i)(a) of the said Article via the specified book-entry transfer institution pertaining to the said book-entry transfer national government bonds, or in the case of book-entry transfer local government bonds, to the district director prescribed in item (ii)(a) of the said paragraph via the specified book-entry transfer institution pertaining to the said book-entry transfer local government bonds and the person who pays interest on the said book-entry transfer local government bonds" shall be deemed to be replaced with "to the district director prescribed in paragraph (1)(i)(a) of the said Article via the specified book-entry transfer institution pertaining to the said book-entry transfer national government bonds." In this case, where the written application set forth in paragraph (14) has been submitted, it shall be deemed that the approval set forth in Article 5-2(5)(iv) of the Act has been granted at the time of such submission.

19 振替地方債につき法第五条の二第五項第四号の承認を受けようとする者が振替国債につき同号の承認を受けている場合における第十四項の規定の適用については、同項中「特定振替機関が」とあるのは「振替地方債に係る特定振替機関が」と、「その他財務省令で定める書類」とあるのは「及び振替国債につき同項第四号の承認を受けていることを証する書類」と、「これを、振替国債にあつては当該振替国債に係る特定振替機関を経由して同条第一項第一号イに規定する税務署長に、振替地方債にあつては」とあるのは「これを」と、「同項第二号イ」とあるのは「同条第一項第二号イ」とする。この場合において、同項の申請書の提出があつたときは、その提出の時に同号の承認があつたものとみなす。

(19) With respect to the application of the provisions of paragraph (14) in the case where a person who intends to obtain the approval set forth in Article 5-2(5)(iv) of the Act with regard to book-entry transfer local government bonds has already obtained the approval set forth in paragraph (5)(iv) of the said Article with regard to book-entry transfer national government bonds, in paragraph (14), the term "a specified book-entry transfer institution certifies" shall be deemed to be replaced with "the specified book-entry transfer institution pertaining to book-entry transfer local government bonds certifies";

the term "other matters specified by an Ordinance of the Ministry of Finance" shall be deemed to be replaced with "and a document that certifies that the person has obtained the approval set forth in paragraph (5)(iv) of the said Article with regard to book-entry transfer national government bonds"; the term "submit such documents, in the case of book-entry transfer national government bonds, to the district director prescribed in paragraph (1)(i)(a) of the said Article via the specified book-entry transfer institution pertaining to the said book-entry transfer national government bonds, or in the case of book-entry transfer local government bonds, to" shall be deemed to be replaced with "submit such documents to"; the term "item (ii)(a) of the said paragraph" shall be deemed to be replaced with "paragraph (1)(ii)(a) of the said Article." In this case, where the written application set forth in paragraph (14) has been submitted, it shall be deemed that the approval set forth in Article 5-2(5)(iv) of the Act has been granted at the time of such submission.

20 振替地方債につき法第五条の二第五項第四号の承認を受けようとする者が他の振替地方債につき同号の承認を受けている場合における第十四項の規定の適用については、同項中「その者が同項第七号に規定する外国口座管理機関である旨を特定振替機関が証する書類その他財務省令で定める書類」とあるのは「他の振替地方債につき同号の承認を受けていることを証する書類」と、「これを、振替国債にあつては当該振替国債に係る特定振替機関を経由して同条第一項第一号イに規定する税務署長に、振替地方債にあつては」とあるのは「これを」と、「同項第二号イ」とあるのは「同条第一項第二号イ」とする。この場合において、同項の申請書の提出があつたときは、その提出の時に於いて同号の承認があつたものとみなす。

(20) With respect to the application of the provisions of paragraph (14) in the case where a person who intends to obtain the approval set forth in Article 5-2(5)(iv) of the Act with regard to book-entry transfer local government bonds has already obtained the approval set forth in paragraph (5)(iv) of the said Article with regard to other book-entry transfer local government bonds, in paragraph (14), the term "a document in which a specified book-entry transfer institution certifies that the person is a foreign account management institution prescribed in paragraph (5)(vii) of the said Article and any other document specified by an Ordinance of the Ministry of Finance" shall be deemed to be replaced with "a document that certifies that the person has obtained the approval set forth in paragraph (5) (iv) of the said Article with regard to other book-entry transfer local government bonds"; the term "submit such documents, in the case of book-entry transfer national government bonds, to the district director prescribed in paragraph (1)(i)(a) of the said Article via the specified book-entry transfer institution pertaining to the said book-entry transfer national government bonds, or in the case of book-entry transfer local government bonds, to" shall be deemed to be replaced with "submit such documents to"; the term "item (ii)(a) of the said paragraph" shall be deemed to

be replaced with "paragraph (1)(ii)(a) of the said Article." In this case, where the written application set forth in paragraph (14) has been submitted, it shall be deemed that the approval set forth in Article 5-2(5)(iv) of the Act has been granted at the time of such submission.

2 1 法第五条の二第九項に規定する政令で定める書類は、次の各号に掲げる者の区分に応じ当該各号に定めるいずれかの書類（当該各号に掲げる者が適格外国証券投資信託の受託者である場合にあつては、当該各号に定めるいずれかの書類及び当該適格外国証券投資信託の目論見書又はこれに類する書類）とする。

(21) The document specified by a Cabinet Order prescribed in Article 5-2(9) of the Act shall be any of the documents specified respectively in the following items for the category of persons listed in the relevant items (in the case where the person listed in the relevant items is the trustee of a qualified foreign securities investment trust, any of the documents specified in the relevant items and the prospectus of the said qualified foreign securities investment trust or any other document similar thereto):

一 非居住者 当該非居住者の外国人登録証明書、国税又は地方税の領収証書、納税証明書その他の財務省令で定める書類

(i) Nonresident: The nonresident's certificate of alien registration, receipt for national tax or local tax, certificate of tax payment or any other document specified by an Ordinance of the Ministry of Finance

二 外国法人 当該外国法人の法人の登記事項証明書、国税又は地方税の領収証書、納税証明書その他の財務省令で定める書類

(ii) Foreign corporation: The foreign corporation's certificate of registered matters of the corporation, receipt for national tax or local tax, certificate of tax payment or any other document specified by an Ordinance of the Ministry of Finance.

2 2 非居住者又は外国法人が、振替地方債に係る確認に係る振替記載等に係る口座若しくは短期国債等に係る確認に係る振替記載等に係る口座において最初に利付振替国債の振替記載等を受ける場合又は利付振替国債に係る法第五条の二第十項の規定による同項に規定する申告書（以下この項、第二十四項及び第二十五項において「振替国債異動申告書」という。）の提出をする場合には、当該振替記載等又は提出については、振替地方債に係る確認に係る同条第九項（同条第十二項において準用する場合を含む。以下この項において同じ。）の規定による同条第九項の確認書類の提示又は短期国債等に係る確認に係る法第四十一条の十二第十二項の規定による同項の確認書類の提示（第二十六条の十八第五項の規定による同項の確認書類の提示を含む。）をもつて法第五条の二第九項の規定による同項の政令で定める書類の提示があつたものと、当該振替地方債に係る確認又は当該短期国債等に係る確認をもつて同項の規定による確認があつたものと、それぞれみなす。ただし、当該非居住者又は外国法人が提出をする振替国債非課税適用申告書又は振替国債異動申告書に記載された氏名又は名称及び住所が当該振替地方債に係る確認又は当該短期国債等に係る確認がされた当該非居住者又は外国法人の氏名又は名称及び住所と異なるときは、この限りでない。

(22) Where a nonresident or foreign corporation makes, for the first time, entries or records under the book-entry transfer system regarding interest-bearing book-entry transfer national government bonds in the account pertaining to the entries or records under the book-entry transfer system covered by a confirmation concerning book-entry transfer local government bonds or the account pertaining to the entries or records under the book-entry transfer system covered by a confirmation concerning short-term national government bonds, etc., or submits a written application prescribed in Article 5-2(10) of the Act pursuant to the provisions of paragraph (10) of the said Article with regard to interest-bearing book-entry transfer national government bonds (hereinafter referred to as a "written application for a change of book-entry transfer national government bonds" in this paragraph, paragraph (24) and paragraph (25)), in terms of the said entries and records under the book-entry transfer system or submission, the fact that the identification documents set forth Article 5-2(9) of the Act (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the said Article; hereinafter the same shall apply in this paragraph) have been presented pursuant to the provisions of paragraph (9) of the said Article with regard to a confirmation concerning book-entry local government bonds or that the identification documents set forth in Article 41-12(12) of the Act have been presented pursuant to the provisions of paragraph (12) of the said Article with regard to a confirmation concerning short-term national government bonds, etc. (including the cases where the identification documents set forth in Article 26-18(5) have been presented pursuant to the provisions of paragraph (5) of the said Article) shall be deemed to mean that the document specified by a Cabinet Order set forth in Article 5-2(9) of the Act has been presented pursuant to the provisions of paragraph (9) of the said Article, and the fact that a confirmation concerning the said book-entry transfer local government bonds or a confirmation concerning the said short-term national government bonds, etc. has been provided shall be deemed to mean that a confirmation has been provided pursuant to the provisions of the said paragraph, respectively; provided, however, that this shall not apply where the name and address entered in a written application for tax exemption of book-entry transfer national government bonds or a written application for a change of book-entry transfer national government bonds to be submitted by the said nonresident or foreign corporation are inconsistent with the name and address of the said nonresident or foreign corporation for which a confirmation concerning the said book-entry transfer local government bonds or a confirmation concerning the said short-term national government bonds, etc. has been provided.

23 前項の規定は、非居住者又は外国法人が、他の振替地方債に係る確認に係る振替記載等に係る口座、利付振替国債に係る確認に係る振替記載等に係る口座若しくは短

期国債等に係る確認に係る振替記載等に係る口座において最初に振替地方債の振替記載等を受ける場合又は振替地方債に係る法第五条の二第十一項の規定による同項に規定する申告書（第二十六項において「振替地方債異動申告書」という。）の提出をする場合について準用する。この場合において、前項中「振替地方債に係る確認に係る同条第九項」とあるのは「他の振替地方債に係る確認若しくは利付振替国債に係る確認に係る同条第九項」と、「振替地方債に係る確認又は」とあるのは「他の振替地方債に係る確認、当該利付振替国債に係る確認又は」と、「振替国債非課税適用申告書又は振替国債異動申告書」とあるのは「振替地方債非課税適用申告書又は振替地方債異動申告書」と読み替えるものとする。

(23) The provisions of the preceding paragraph shall apply mutatis mutandis where a nonresident or foreign corporation makes, for the first time, entries or records under the book-entry transfer system regarding book-entry transfer local government bonds in the account pertaining to the entries or records under the book-entry transfer system covered by a confirmation concerning other book-entry transfer local government bonds, the account pertaining to the entries or records under the book-entry transfer system covered by a confirmation concerning interest-bearing book-entry transfer national government bonds or the account pertaining to the entries or records under the book-entry transfer system covered by a confirmation concerning short-term national government bonds, etc., or submits a written application prescribed in Article 5-2(11) of the Act pursuant to the provisions of paragraph (11) of the said Article with regard to book-entry transfer local government bonds (such written application shall be referred to as a "written application for a change of book-entry transfer local government bonds" in paragraph (26)). In this case, in the preceding paragraph, the term "pursuant to the provisions of paragraph (9) of the said Article with regard to a confirmation concerning the said book-entry local government bonds" shall be deemed to be replaced with "pursuant to the provisions of paragraph (9) of the said Article with regard to a confirmation concerning other book-entry local government bonds or a confirmation concerning interest-bearing book-entry transfer national government bonds"; the term "a confirmation concerning the said book-entry transfer local government bonds or" shall be deemed to be replaced with "a confirmation concerning other book-entry transfer local government bonds, a confirmation concerning the said interest-bearing book-entry transfer national government bonds or"; the term "a written application for tax exemption of book-entry transfer national government bonds or written application for a change of book-entry transfer national government bonds" shall be deemed to be replaced with "a written application for tax exemption of book-entry transfer local government bonds or written application for a change of book-entry transfer local government bonds."

2 4 振替国債非課税適用申告書を提出した者（第三項の規定により振替国債非課税適

用申告書を提出したものとみなされる者を含む。以下この項、次項及び第二十八項において同じ。)が特定振替機関等若しくは適格外国仲介業者から振替国債の振替記載等を受けたとき又は特定振替機関等若しくは適格外国仲介業者に対し振替国債異動申告書を提出したときは、当該特定振替機関等又は適格外国仲介業者は、その都度、当該振替国債非課税適用申告書を提出した者の各人別(当該振替国債非課税適用申告書を提出した者が適格外国証券投資信託の受託者である場合にあつては、当該振替国債非課税適用申告書を提出した者の各人別及びその受託した適格外国証券投資信託の別)に、法第五条の二第十三項に規定する事項を振替帳簿に記載し、又は記録し、かつ、当該振替帳簿を財務省令で定めるところにより保存しなければならない。

(24) When a person who has submitted a written application for tax exemption of book-entry transfer national government bonds (including one who shall be deemed to have submitted a written application for tax exemption of book-entry transfer national government bonds pursuant to the provisions of paragraph (3); hereinafter the same shall apply in this paragraph, the next paragraph and paragraph (28)) has made entries or records under the book-entry transfer system regarding book-entry transfer national government bonds through a specified book-entry transfer institution, etc. or qualified foreign intermediary, or submitted a written application for a change of book-entry transfer national government bonds to a specified book-entry transfer institution, etc. or qualified foreign intermediary, the said specified book-entry transfer institution, etc. or qualified foreign intermediary shall, on each occasion, for each person who has submitted the said written application for tax exemption of book-entry transfer national government bonds (in the case where the person who has submitted the said written application for tax exemption of book-entry transfer national government bonds is the trustee of a qualified foreign securities investment trust, for each person who has submitted the said written application for tax exemption of book-entry transfer national government bonds and for each qualified foreign securities investment trust accepted thereby), enter or record in the books for book-entry transfer the matters prescribed in Article 5-2(13) of the Act, and preserve the said books for book-entry transfer pursuant to the provisions of an Ordinance of the Ministry of Finance.

25 振替国債非課税適用申告書を提出した者が適格外国仲介業者から振替国債の振替記載等を受けたとき又は適格外国仲介業者に対し振替国債異動申告書を提出したときは、当該適格外国仲介業者は、当該振替国債非課税適用申告書を提出した者の各人別(当該振替国債非課税適用申告書を提出した者が適格外国証券投資信託の受託者である場合にあつては、当該振替国債非課税適用申告書を提出した者の各人別及びその受託した適格外国証券投資信託の別)に、法第五条の二第十四項に規定する事項を当該振替国債に係る当該適格外国仲介業者の同項に規定する特定振替機関等に通知しなければならない。

(25) When a person who has submitted a written application for tax exemption of

book-entry transfer national government bonds has made entries or records under the book-entry transfer system regarding book-entry transfer national government bonds through a qualified foreign intermediary, or submitted a written application for a change of book-entry transfer national government bonds to a qualified foreign intermediary, the said qualified foreign intermediary shall, for each person who has submitted the said written application for tax exemption of book-entry transfer national government bonds (in the case where the person who has submitted the said written application for tax exemption of book-entry transfer national government bonds is the trustee of a qualified foreign securities investment trust, for each person who has submitted the said written application for tax exemption of book-entry transfer national government bonds and for each qualified foreign securities investment trust accepted thereby), notify the matters prescribed in Article 5-2(14) of the Act to the specified book-entry transfer institution, etc. prescribed in the said paragraph of the said qualified foreign intermediary pertaining to the said book-entry transfer national government bonds.

26 第二十四項の規定は振替地方債非課税適用申告書を提出した者（第五項の規定により振替地方債非課税適用申告書を提出したものとみなされる者を含む。以下この項及び第二十八項において同じ。）が特定振替機関等若しくは適格外国仲介業者から振替地方債の振替記載等を受けたとき又は特定振替機関等若しくは適格外国仲介業者に対し振替地方債異動申告書を提出したときについて、前項の規定は振替地方債非課税適用申告書を提出した者が適格外国仲介業者から振替地方債の振替記載等を受けたとき又は適格外国仲介業者に対し振替地方債異動申告書を提出したときについて、それぞれ準用する。この場合において、第二十四項中「当該振替国債非課税適用申告書」とあるのは「当該振替地方債非課税適用申告書」と、前項中「当該振替国債非課税適用申告書」とあるのは「当該振替地方債非課税適用申告書」と、「振替国債に」とあるのは「振替地方債に」と読み替えるものとする。

(26) The provisions of paragraph (24) shall apply mutatis mutandis where a person who has submitted a written application for tax exemption of book-entry transfer local government bonds (including one who shall be deemed to have submitted a written application for tax exemption of book-entry transfer local government bonds pursuant to the provisions of paragraph (5); hereinafter the same shall apply in this paragraph and paragraph (28)) has made entries or records under the book-entry transfer system regarding book-entry transfer local government bonds through a specified book-entry transfer institution, etc. or qualified foreign intermediary, or submitted a written application for a change of book-entry transfer local government bonds to a specified book-entry transfer institution, etc. or qualified foreign intermediary; and the provisions of the preceding paragraph shall apply mutatis mutandis where a person who has submitted a written application for tax exemption of book-entry transfer local government bonds has made entries or records under

the book-entry transfer system regarding book-entry transfer local government bonds through a qualified foreign intermediary, or submitted a written application for a change of book-entry transfer local government bonds to a qualified foreign intermediary. In this case, in paragraph (24), the term "the said written application for tax exemption of book-entry transfer national government bonds" shall be deemed to be replaced with "the said written application for tax exemption of book-entry transfer local government bonds"; in the preceding paragraph, the term "the said written application for tax exemption of book-entry transfer national government bonds" shall be deemed to be replaced with "the said written application for tax exemption of book-entry transfer local government bonds," and the term "pertaining to the said book-entry transfer national government bonds" shall be deemed to be replaced with "pertaining to the said book-entry transfer local government bonds."

27 法第五条の二第十四項に規定する政令で定める方法は、電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて財務省令で定めるものとする。

(27) The means specified by a Cabinet Order prescribed in Article 5-2(14) of the Act shall be a means of using an electronic data processing system or another means of using information and communications technology that is specified by an Ordinance of the Ministry of Finance.

28 特定振替機関等は、第二十五項（第二十六項において準用する場合を含む。）に規定する通知を受けた場合には、当該通知を受けた事項を、その通知を受けた都府、振替国債非課税適用申告書を提出した者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（当該振替国債非課税適用申告書を提出した者又は振替地方債非課税適用申告書を提出した者が適格外国証券投資信託の受託者である場合にあつては、当該振替国債非課税適用申告書を提出した者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及びその受託した適格外国証券投資信託の別）に、法第五条の二第十四項に規定する帳簿に記載し、又は記録し、かつ、当該帳簿を財務省令で定めるところにより保存しなければならない。

(28) Where a specified book-entry transfer institution, etc. has received the notice prescribed in paragraph (25) (including the cases where it is applied *mutatis mutandis* pursuant to paragraph (26)), it shall, on each occasion of receiving the notice, 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 (in the case where 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 is the trustee of a qualified foreign securities investment trust, 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 and for each qualified foreign securities investment trust accepted thereby), enter or record in the books prescribed in Article 5-2(14) of the Act the matters mentioned in the said notice, and preserve the said books pursuant to the provisions of an Ordinance of the Ministry of Finance.

29 法第五条の二第十五項第一号に規定する政令で定める国債は、次の各号に掲げる者の区分に応じ当該各号に定める振替国債とする。

(29) The national government bonds specified by a Cabinet Order prescribed in Article 5-2(15)(i) of the Act shall be the book-entry transfer national government bonds specified respectively in the following items for the category of persons listed in the relevant items:

一 非居住者又は外国法人（次号に掲げる者を除く。） その者が振替記載等を受けていた振替国債（その利子につき法第五条の二第一項の規定の適用があるものに限る。）

(i) Nonresident or foreign corporation (excluding those listed in the next item):
The book-entry transfer national government bonds for which the nonresident or foreign corporation made entries or records under the book-entry transfer system (limited to those subject to the provisions of Article 5-2(1) of the Act in terms of interest thereon)

二 非居住者又は外国法人で所得税法第十一条第二項に規定する外国法人又は法第八条第一項に規定する金融機関若しくは同条第二項に規定する金融商品取引業者等に該当する者 その者が振替記載等を受けていた振替国債

(ii) Nonresident or foreign corporation that falls under the category of foreign corporation prescribed in Article 11(2) of the Income Tax Act, or what falls under the category of financial institution prescribed in Article 8(1) of the Act or the category of financial instruments business operator, etc. prescribed in paragraph (2) of the said Article: The book-entry transfer national government bonds for which the nonresident or foreign corporation made entries or records under the book-entry transfer system

30 法第五条の二第十五項第三号に規定する政令で定める方法は、電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて財務省令で定めるものとする。

(30) The means specified by a Cabinet Order prescribed in Article 5-2(15)(iii) of the Act shall be a means of using an electronic data processing system or another means of using information and communications technology that is specified by an Ordinance of the Ministry of Finance.

31 非居住者又は外国法人の振替国債の振替記載等に係る特定振替機関等は、その受けた法第五条の二第十五項第三号の規定による通知が書面による方法で行われた場合には、財務省令で定めるところにより、当該書面を保存しなければならない。

(31) A specified book-entry transfer institution, etc. pertaining to the entries or records under the book-entry transfer system regarding the book-entry transfer

national government bonds held by a nonresident or foreign corporation shall, where it has received the notice pursuant to the provisions of Article 5-2(15)(iii) of the Act by means of a document, preserve the said document pursuant to the provisions of an Ordinance of the Ministry of Finance.

3 2 前項の特定振替機関等は、その受けた法第五条の二第十五項第三号の規定による通知が第三十項に規定する方法で行われた場合には、財務省令で定めるところにより、当該通知がされた事項を同項に規定する電子情報処理組織に係る入出力装置（財務省令で定めるものに限る。）を用いて出力することにより作成した書面又はマイクロフィルムにより保存しなければならない。

(32) The specified book-entry transfer institution, etc. set forth in the preceding paragraph shall, where it has received the notice pursuant to the provisions of Article 5-2(15)(iii) of the Act by the means prescribed in paragraph (30), preserve the document or microfilm produced by outputting the matters contained in the said notice using input-output devices of an electronic data processing system prescribed in said paragraph (limited to those specified by an Ordinance of the Ministry of Finance), pursuant to the provisions of an Ordinance of the Ministry of Finance.

3 3 法第五条の二第十六項第一号に規定する政令で定める地方債は、次の各号に掲げる者の区分に応じ当該各号に定める振替地方債とする。

(33) The national government bonds specified by a Cabinet Order prescribed in Article 5-2(16)(i) of the Act shall be the book-entry transfer national government bonds specified respectively in the following items for the category of persons listed in the relevant items:

一 非居住者又は外国法人（次号に掲げる者を除く。） その者が振替記載等を受けていた振替地方債（その利子につき法第五条の二第一項の規定の適用があるものに限る。）

(i) Nonresident or foreign corporation (excluding those listed in the next item): The book-entry transfer local government bonds for which the nonresident or foreign corporation made entries or records under the book-entry transfer system (limited to those subject to the provisions of Article 5-2(1) of the Act in terms of interest thereon)

二 非居住者又は外国法人で所得税法第十一条第二項に規定する外国法人又は法第八条第一項に規定する金融機関若しくは同条第二項に規定する金融商品取引業者等に該当する者 その者が振替記載等を受けていた振替地方債

(ii) Nonresident or foreign corporation that falls under the category of foreign corporations prescribed in Article 11(2) of the Income Tax Act, or what falls under the category of financial institutions prescribed in Article 8(1) of the Act or the category of financial instruments business operators, etc. prescribed in paragraph (2) of the said Article: The book-entry transfer local government bonds for which the nonresident or foreign corporation made entries or records under the book-entry transfer system

34 法第五条の二第十六項第三号に規定する政令で定める方法は、電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて財務省令で定めるものとする。

(34) The means specified by a Cabinet Order prescribed in Article 5-2(16)(iii) of the Act shall be a means of using an electronic data processing system or another means of using information and communications technology that is specified by an Ordinance of the Ministry of Finance.

35 第三十一項の規定は、その受けた法第五条の二第十六項第三号の規定による通知が書面による方法で行われた場合について準用する。

(35) The provisions of paragraph (31) shall apply *mutatis mutandis* where the said specified book-entry transfer institution, etc. has received the notice pursuant to Article 5-2(16)(iii) of the Act by means of a document.

36 前項において準用する第三十一項の特定振替機関等は、その受けた法第五条の二第十六項第三号の規定による通知が第三十四項に規定する方法で行われた場合には、財務省令で定めるところにより、当該通知がされた事項を同項に規定する電子情報処理組織に係る入出力装置（財務省令で定めるものに限る。）を用いて出力することにより作成した書面又はマイクロフィルムにより保存しなければならない。

(36) The specified book-entry transfer institution, etc. set forth in paragraph (31) as applied *mutatis mutandis* pursuant to the preceding paragraph shall, where it has received the notice pursuant to the provisions of Article 5-2(16)(iii) of the Act by the means prescribed in paragraph (34), preserve the document or microfilm produced by outputting the matters contained in the said notice using input-output devices of an electronic data processing system prescribed in said paragraph (limited to those specified by an Ordinance of the Ministry of Finance), pursuant to the provisions of an Ordinance of the Ministry of Finance.

（民間国外債等の利子の課税の特例）

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

第三条の二 法第六条第四項に規定する政令で定める支払の取扱者は、国内における第二条の二第二項に規定する者及び国外において法第六条第一項に規定する民間国外債（第二十二項において「民間国外債」という。）の利子の受領の媒介、取次ぎ又は代理（第十項及び第二十四項において「媒介等」という。）をその業務として、又はその業務に関連して行う者とする。

Article 3-2 (1) The person in charge of handling payment as specified by a Cabinet Order prescribed in Article 6(4) of the Act shall be the person prescribed in Article 2-2(2) who is in Japan, and the person who provides, outside Japan, intermediary, brokerage or agent services (referred to as the "intermediary services, etc." in paragraph (10) and paragraph (24)) for the receipt of interest on foreign-issued company bonds prescribed in Article 6(1) of the Act (referred to as "foreign-issued company bonds" in paragraph (22)) as the person's own operations or in relation to such operations.

2 法第六条第四項の規定による非課税適用申告書（次項から第六項までにおいて「非課税適用申告書」という。）の提出は、同条第一項に規定する一般民間国外債（第四項から第六項まで、第二十三項及び第二十四項において「一般民間国外債」という。）の利子の支払を受ける都度、その利子の支払をする者（当該利子の支払が同条第四項に規定する支払の取扱者（以下この条において「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）を経由して法第六条第四項に規定する税務署長に対してしなければならない。

(2) A written application for tax exemption pursuant to the provisions of Article 6(4) of the Act (referred to as a "written application for tax exemption" in the next paragraph to paragraph (6)) shall be submitted, on each occasion of receiving payment of interest on general foreign-issued company bonds prescribed in paragraph (1) of the said Article (referred to as "general foreign-issued company bonds" in paragraph (4) to paragraph (6), paragraph (23) and paragraph (24)), to the district director prescribed in Article 6(4) of the Act, via the person who pays the interest (in the case where the said interest is paid via a person in charge of handling payment as prescribed in paragraph (4) of the said Article (hereinafter referred to as a "person in charge of handling payment" in this Article), submission shall be made via the said person in charge of handling payment and the person who pays the interest).

3 非課税適用申告書の提出をする者は、その提出をしようとする際、その者が非居住者又は外国法人に該当することを証する書類（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（以下この項、次項及び第八項において「住所等」という。）の記載がされているものに限る。第八項において同じ。）を、当該非課税適用申告書に係る利子の支払をする者（当該利子の支払が支払の取扱者を通じて行われる場合には、当該支払の取扱者。以下この項及び次項において同じ。）に提示しなければならないものとし、当該利子の支払をする者は、当該非課税適用申告書に記載された氏名又は名称及び国外にある住所等を当該書類により確認しなければならないものとする。

(3) A person who submits a written application for tax exemption shall, upon submitting it, present a document that certifies that the person falls under the category of nonresidents or foreign corporations (limited to such document that contains the name and domicile or residence or the location of the person's head office or principal office (hereinafter referred to as "domicile, etc." in this paragraph, the next paragraph and paragraph (8)), each of which is located outside Japan; the same shall apply in paragraph (8)), to a person who pays interest based on the said written application for tax exemption (in the case where the said interest is paid via a person in charge of handling payment, the document shall be presented to the said person in charge of handling payment; hereinafter the same shall apply in this paragraph and the next paragraph), and the said person who pays interest shall confirm, by the document presented thereto, the name and domicile, etc. located outside Japan as

entered in the said written application for tax exemption.

4 一般民間国外債の利子の支払をする者は、その提出を受けた当該一般民間国外債の利子に係る非課税適用申告書に記載された氏名又は名称及び国外にある住所等を前項に規定する書類により確認したときは、当該非課税適用申告書にその旨並びに当該利子の支払をする者の氏名又は名称及び住所等を記載しなければならない。

(4) A person who pays interest on general foreign-issued company bonds shall, when he/she has confirmed, by the document prescribed in the preceding paragraph, the name or domicile etc. located outside Japan as entered in the written application for tax exemption pertaining to the interest on the said general foreign-issued company bonds which has been submitted thereto, enter in the said written application for tax exemption to that effect that such confirmation has been provided as well as the name and domicile, etc. of the said person who pays interest.

5 一般民間国外債の利子の支払をする者は、当該一般民間国外債の利子に係る非課税適用申告書を受理したときは、その受理した日の属する月の翌月末日までに、当該非課税適用申告書を法第六条第四項に規定する税務署長に提出しなければならない。

(5) A person who pays interest on general foreign-issued company bonds shall, when he/she has received a written application for tax exemption pertaining to the interest on the said general foreign-issued company bonds, submit the said written application for tax exemption to the district director prescribed in Article 6(4) of the Act no later than the final day of the month that includes the day on which the person has received the written application.

6 一般民間国外債の利子の支払をする者は、当該一般民間国外債の利子に係る非課税適用申告書を受理したときは、財務省令で定めるところにより、当該非課税適用申告書の写し（これに準ずるものを含む。）を作成し、これを保存しなければならない。

(6) A person who pays interest on general foreign-issued company bonds shall, when he/she has received a written application for tax exemption pertaining to the interest on the said general foreign-issued company bonds, prepare and preserve a copy of the said written application for tax exemption (including its equivalent), pursuant to the provisions of an Ordinance of the Ministry of Finance.

7 法第六条第四項及び第十項に規定する政令で定める利子は、次に掲げる利子とする。

(7) The interest specified by a Cabinet Order prescribed in Article 6(4) and (10) of the Act shall be the interest listed as follows:

一 所得税法第百六十四条第一項第一号に掲げる非居住者が支払を受ける利子のうちその者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

(i) Interest to be received by a nonresident listed in Article 164(1)(i) of the Income Tax Act, which is attributed to a business that is conducted by the said nonresident in Japan at any fixed place prescribed in Article 164(1)(i) of the said Act

二 所得税法第百六十四条第一項第二号又は第三号に掲げる非居住者が支払を受ける利子のうち、当該非居住者のこれらの号に規定する事業に帰せられるもの

(ii) Interest to be received by a nonresident listed in Article 164(1)(ii) or (iii) of the Income Tax Act, which is attributed to a business prescribed in these provisions that is conducted by the said nonresident.

8 法第六条第七項に規定する特定民間国外債（以下第十八項までにおいて「特定民間国外債」という。）の利子につき同条第七項の規定の適用を受けようとする非居住者又は外国法人は、当該特定民間国外債につき支払の取扱者に保管の委託をする際、財務省令で定めるところにより、当該支払の取扱者に、その者の氏名又は名称及び国外にある住所等の告知をし、当該告知をした事項につき、その者が非居住者又は外国法人に該当することを証する書類を提示することその他これに準ずる方法により確認を受けなければならない。

(8) A nonresident or foreign corporation who seeks the application of Article 6(7) of the Act with respect to interest on specified foreign-issued company bonds prescribed in paragraph (7) of the said Article (hereinafter referred to as "specified foreign-issued company bonds" through to paragraph (18)) shall, upon entrusting a person in charge of handling payment with custody of the said specified foreign-issued company bonds, pursuant to the provisions of an Ordinance of the Ministry of Finance, notify the said person in charge of handling payment of his/her or its name and domicile, etc. located outside Japan, and obtain a confirmation with regard to the matters contained in the notification, by presenting a document that certifies that he/she or it falls under the category of nonresidents or foreign corporations or by any other method equivalent thereto.

9 特定民間国外債の利子につき法第六条第七項の規定の適用を受けようとする非居住者又は外国法人は、当該特定民間国外債につき支払の取扱者に保管の委託をする場合において、既に他の特定民間国外債につき当該支払の取扱者に保管の委託をする際前項の規定による確認を受けているとき、その他これに準ずる場合として財務省令で定める場合に該当するときは、同項の規定にかかわらず、当該特定民間国外債の保管の委託をする際、同項の規定による告知をすることを要しない。

(9) Where a nonresident or foreign corporation who seeks the application of Article 6(7) of the Act with respect to interest on specified foreign-issued company bonds entrusts a person in charge of handling payment with custody of the said specified foreign-issued company bonds, if he/she or it has already obtained a confirmation pursuant to the provisions of the preceding paragraph when entrusting the said person in charge of handling payment with custody of other specified foreign-issued company bonds or the case falls under any of those specified by an Ordinance of the Ministry of Finance as equivalent thereto, notwithstanding the provisions of the said paragraph, the nonresident or foreign corporation shall not be required to give a notification pursuant to the provisions of the said paragraph when entrusting custody of the said

specified foreign-issued company bonds.

10 法第六条第七項に規定する保管支払取扱者（以下第十五項までにおいて「保管支払取扱者」という。）は、その保管の委託を受けている特定民間国外債の利子の受領の媒介等に基づきその利子の交付を受ける都度、その交付を受けるべき日の前日までに、その交付を受ける利子に係る同条第七項に規定する利子受領者情報（以下第十六項までにおいて「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）同条第七項の規定による通知（以下第十二項までにおいて「通知」という。）をしなければならない。この場合において、最初に当該特定民間国外債の利子の交付を受ける日が、当該特定民間国外債の発行をした日以後四十日を経過する日後であるときは、その交付を受ける利子に係る利子受領者情報の通知は、同日以後にしなければならない。

(10) The person in charge of handling custody and payment prescribed in Article 6(7) of the Act (hereinafter referred to as the "person in charge of handling custody and payment" through to paragraph (15)) shall, on each occasion of receiving the delivery of interest on specified foreign-issued company bonds, of which the person is entrusted with custody, in the course of the intermediary services, etc. for the receipt of such interest, no later than the day preceding the day on which the person is to receive the delivery, give a notice pursuant to the provisions of paragraph (7) of the said Article (hereinafter referred to as a "notice" through to paragraph (12)) to provide interest recipient information prescribed in paragraph (7) of the said Article (hereinafter referred to as "interest recipient information" through to paragraph (16)) which pertains to the interest to be delivered thereto to the person who pays the interest (in the case where the interest is delivered via any other person in charge of handling payment with whom the said person in charge of handling custody and payment has further entrusted custody, a notice shall be given to the person who pays the interest via such other person in charge of handling payment). In this case, if the person in charge of handling custody and payment receives the delivery of interest on the said specified foreign-issued company bonds, for the first time, on or after the day on which 40 days have elapsed since the day on which the said specified foreign-issued company bonds were issued, the notice of interest recipient information pertaining to the interest to be delivered thereto shall be given on or after the said day on which the 40-day period has expired.

11 保管支払取扱者は、その保管の委託を受けている特定民間国外債につきその利子の支払をする者に対し通知をした利子受領者情報（法第六条第七項第一号に掲げる場合に該当する旨の通知に係るものに限る。以下この項において同じ。）に係る利子の交付を受けた日後に当該特定民間国外債の利子の交付を受ける場合において、その交付を受ける利子（法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がすべて非居住者又は外国法人であることの確認をしたときは、その交付を受ける利子に係る利子受領者情報の通知を省略することができる。

(11) Where a person in charge of handling custody and payment receives the delivery of interest on specified foreign-issued company bonds, of which the person is entrusted with custody, on or after the day on which the person has received the delivery of interest pertaining to the interest recipient information of which the said person gave a notice to the person who pays interest on the said specified foreign-issued company bonds (limited to such information provided in the notice stating to the effect that Article 6(7)(i) of the Act shall apply; hereinafter the same shall apply in this paragraph), if the person in charge of handling custody and payment has confirmed that all persons who are to receive payment of the interest (excluding interest subject to the provisions of Article 3-3(3) or (6) of the Act; hereinafter the same shall apply in this paragraph) to be delivered thereto fall under the category of nonresidents or foreign corporations, the said person in charge of handling custody and payment may omit to give a notice of interest recipient information pertaining to the interest to be delivered thereto.

1 2 前項の規定は、同項の保管支払取扱者が財務省令で定めるところによりあらかじめ同項の利子の支払をする者から同項の規定による通知の省略をすることについて承認を得ている場合に限り、適用する。この場合において、当該特定民間国外債の利子の交付を受ける日の前日までにその交付を受ける利子に係る利子受領者情報の通知が当該保管支払取扱者からなかつたときは、同日において当該保管支払取扱者から当該利子の支払をする者に対して法第六条第七項第一号に掲げる場合に該当する旨の利子受領者情報の通知があつたものとみなす。

(12) The provisions of the preceding paragraph shall apply only where the person in charge of handling custody and payment set forth in the said paragraph has obtained approval in advance, pursuant to the provisions of an Ordinance of the Ministry of Finance, from the person who pays interest set forth in the said paragraph with regard to the omission of a notice prescribed in the said paragraph. In this case, if the said person in charge of handling custody and payment has not given, by the day preceding the day on which the person is to receive the delivery of interest on the relevant specified foreign-issued company bonds, a notice of interest recipient information pertaining to the interest to be delivered thereto, a notice of interest recipient information shall be deemed to have been given, as of the said day, by the said person in charge of handling custody and payment to the person who pays interest, stating to the effect that Article 6(7)(i) of the Act shall apply.

1 3 保管支払取扱者は、その保管の委託を受けている特定民間国外債と同一銘柄の他の特定民間国外債につき保管の再委託を受けている場合において、当該他の特定民間国外債の利子に係る利子受領者情報につき法第六条第七項に規定する経由のための通

知を受けたときは、財務省令で定めるところにより、その保管の委託を受けている特定民間国外債の利子に係る利子受領者情報に当該経由のための通知を受けた利子受領者情報を合わせて、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經由してその利子の支払をする者に対し）通知をすることができる。この場合において、当該通知は、同項の規定による利子受領者情報の通知とみなす。

(13) Where a person in charge of handling custody and payment is entrusted by subcontract with custody of other specified foreign-issued company bonds with the same brand as that of the specified foreign-issued company bonds of which the person is directly entrusted with custody, when the person has received a notice, as the relay point via which the notice shall be given pursuant to the provisions of Article 6(7) of the Act, with regard to the interest recipient information pertaining to the interest on the said other specified foreign-issued company bonds, the person may, pursuant to the provisions of an Ordinance of the Ministry of Finance, give a notice to provide the interest recipient information pertaining to the specified foreign-issued company bonds of which the person is directly entrusted with custody together with the interest recipient information of which the person has received a notice as such relay point, to the person who pays the interest (in the case where the interest is delivered via any other person in charge of handling payment with whom the said person in charge of handling custody and payment has further entrusted custody, a notice shall be given to the person who pays the interest via such other person in charge of handling payment). In this case, the said notice shall be deemed to be a notice of interest recipient information given pursuant to the provisions of paragraph (7) of the said Article.

14 特定民間国外債の保管の再委託を受けている支払の取扱者（当該特定民間国外債と同一銘柄の他の特定民間国外債に係る保管支払取扱者に該当する者を除く。以下この項及び次項において「再委託に係る支払取扱者」という。）は、二以上の当該特定民間国外債の利子に係る利子受領者情報につき法第六条第七項に規定する経由のための通知を受けたときは、財務省令で定めるところにより、当該経由のための通知を受けた二以上の利子受領者情報を合わせて、その利子の支払をする者に対し（その利子の交付が、当該再委託に係る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經由してその利子の支払をする者に対し）通知をすることができる。この場合において、当該通知は、同項の規定による利子受領者情報の通知とみなす。

(14) When a person who is entrusted by subcontract with custody of specified foreign-issued company bonds (excluding such person who is deemed to be a person in charge of handling custody and payment who is entrusted with custody of other specified foreign-issued company bonds with the same brand as that of the said specified foreign-issued company bonds; hereinafter referred

to as a "person in charge of handling payment based on entrustment by subcontract" in this paragraph and the next paragraph) has received a notice, as the relay point via which the notice shall be given pursuant to the provisions of Article 6(7) of the Act, with regard to two or more pieces of interest recipient information pertaining to the interest on the said specified foreign-issued company bonds, the person may, pursuant to the provisions of an Ordinance of the Ministry of Finance, give a notice to provide these pieces of interest recipient information of which the person has received a notice as such relay point together, to the person who pays the interest (in the case where the interest is delivered via any other person in charge of handling payment with whom the said person in charge of handling custody and payment has further entrusted custody, a notice shall be given to the person who pays the interest via such other person in charge of handling payment). In this case, the said notice shall be deemed to be a notice of interest recipient information given pursuant to the provisions of paragraph (7) of the said Article.

15 第十一項及び第十二項の規定は、次に掲げる場合について準用する。

(15) The provisions of paragraph (11) and paragraph (12) shall apply mutatis mutandis in the following cases:

一 保管支払取扱者又は再委託に係る支払取扱者が、その保管の委託又はその保管の再委託を受けている特定民間国外債の利子に係る利子受領者情報を、法第六条第七項に規定する他の支払の取扱者に対し同項に規定する経由のための通知をする場合

(i) Where the person in charge of handling custody and payment or person in charge of handling payment based on entrustment by subcontract gives a notice, as the relay point via which a notice shall be given pursuant to the provisions of Article 6(7) of the Act, to provide the interest recipient information pertaining to the interest on the specified foreign-issued company bonds of which the person is entrusted with custody directly or by subcontract, to the other person in charge of handling payment as prescribed in paragraph (7) of the said Article

二 再委託に係る支払取扱者が、その保管の再委託を受けている特定民間国外債の利子に係る利子受領者情報を、当該特定民間国外債の利子の支払をする者に対し前項の規定による通知をする場合

(ii) Where the person in charge of handling payment based on entrustment by subcontract gives a notice pursuant to the provisions of the preceding paragraph to provide the interest recipient information pertaining to the interest on the specified foreign-issued company bonds of which the person is entrusted with custody by subcontract, to the person who pays interest on the said specified foreign-issued company bonds.

16 特定民間国外債の利子の支払をする者は、その利子の支払を行う際、第十項、第十三項又は第十四項の規定により通知を受けた利子受領者情報（第十二項（前項において準用する場合を含む。）の規定により通知があつたものとみなされる利子受領者

情報を含む。)に基づいて法第六条第七項に規定する利子受領者確認書(次項において「利子受領者確認書」という。)を作成しなければならない。

(16) A person who pays interest on specified foreign-issued company bonds shall, when paying such interest, prepare an interest recipient confirmation document prescribed in Article 6(7) of the Act (hereinafter referred to as an "interest recipient confirmation document" in the next paragraph) based on the interest recipient information provided in the notice given thereto pursuant to the provisions of paragraph (10), paragraph (13) or paragraph (14) (including the interest recipient information of which a notice shall be deemed to have been given pursuant to the provisions of paragraph (12) (including the cases where it is applied mutatis mutandis pursuant to the preceding paragraph)).

17 特定民間国外債の利子の支払をする者は、前項の規定により作成した利子受領者確認書を、当該利子受領者確認書に係る利子の支払をした日の属する月の翌月末日までに法第六条第七項に規定する税務署長に提出しなければならない。

(17) A person who pays interest on specified foreign-issued company bonds shall submit an interest recipient confirmation document prepared pursuant to the provisions of the preceding paragraph to the district director prescribed in Article 6(7) of the Act no later than the final day of the month following the month that includes the day on which the interest pertaining to the said interest recipient confirmation document has been paid.

18 特定民間国外債の利子の支払をする者は、第十六項に規定する通知を受けた利子受領者情報を帳簿に記載し、当該帳簿を、財務省令で定めるところにより保存しなければならない。

(18) A person who pays interest on specified foreign-issued company bonds shall enter in the books the interest recipient information provided in the notice given thereto pursuant to the provisions of paragraph (16), and preserve the said books pursuant to the provisions of an Ordinance of the Ministry of Finance.

19 法第六条第八項に規定する政令で定める金融機関又は金融商品取引業者は、次に掲げる者とする。

(19) The financial institution or financial instruments business operator specified by a Cabinet Order prescribed in Article 6(8) of the Act shall be any of the following:

一 銀行、信用金庫、信用金庫連合会、商工組合中央金庫、農林中央金庫、生命保険会社及び損害保険会社

(i) A bank, shinkin bank, Federation of Shinkin Banks, the Shoko Chukin Bank, the Norinchukin Bank, a life insurance company, and casualty insurance company

二 金融商品取引法第二条第九項に規定する金融商品取引業者(同法第二十八条第一項に規定する第一種金融商品取引業を行う者に限る。)

(ii) A financial instruments business operator prescribed in Article 2(9) of the

Financial Instruments and Exchange Act (limited to one engaged in a Type I financial instruments business prescribed in Article 28(1) of the said Act).

20 第二項から第六項まで及び第八項から第十八項までの規定は、法第六条第八項に規定する国内金融機関等につき同項において準用する同条第四項本文、第六項及び第七項の規定の適用がある場合について準用する。この場合において、第三項中「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の所在地（以下この項、次項及び第八項において「住所等」という。）」とあり、及び「氏名又は名称及び国外にある住所等」とあるのは「名称及び本店又は主たる事務所の所在地」と、第四項及び第八項中「氏名又は名称及び国外にある住所等」とあるのは「名称及び本店又は主たる事務所の所在地」と、第十一項中「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法第六条第八項に規定する国内金融機関等」と読み替えるものとする。

(20) The provisions of paragraph (2) to paragraph (6), and paragraph (8) to paragraph (18) shall apply mutatis mutandis where a domestic financial institution, etc. prescribed in Article 6(8) of the Act shall be subject to the provisions of the main clause of paragraph (4) of the said Article as well as paragraph (6) and paragraph (7) of the said Article, all of which shall be applied mutatis mutandis pursuant Article 6(8) of the Act. In this case, in paragraph (3), the term "the name and domicile or residence or the location of the person's head office or principal office (hereinafter referred to as "domicile, etc." in this paragraph, the next paragraph and paragraph (8)), each of which is located outside Japan" and the term "name and domicile, etc. located outside Japan" shall be deemed to be replaced with "name and the location of the person's head office or principal office"; in paragraph (4) and paragraph (8), the term "name and domicile, etc. located outside Japan" shall be deemed to be replaced with "name and the location of the person's head office or principal office"; and in paragraph (11), the term "nonresident or foreign corporation" shall be deemed to be replaced with "nonresident or foreign corporation, or domestic financial institution, etc. prescribed in Article 6(8) of the Act."

21 法第六条第十一項に規定する政令で定める国は、スイスとする。

(21) The state designated by a Cabinet Order prescribed in Article 6(11) of the Act shall be Switzerland.

22 法第六条第十一項に規定する政令で定める要件は、次に掲げる要件とする。

(22) The requirements specified by a Cabinet Order prescribed in Article 6(11) of the Act shall be the requirements listed as follows:

一 当該民間国外債の元本の償還及び利子の支払が、当該民間国外債が発行された法第六条第十一項に規定する指定国において、当該指定国の通貨により行われること。

(i) Redemption of the principal of the relevant foreign-issued company bonds and payment of interest thereon are made in the designated state prescribed in Article 6(11) where the said foreign-issued company bonds were issued, using the currency of the said designated state

二 当該民間国外債の発行をする者が締結する引受契約等（法第六条第九項第一号に規定する引受契約等をいう。）に、当該民間国外債の同号に規定する引受け等（次号において「引受け等」という。）を行う者は、当該民間国外債を居住者及び内国法人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（次号において「募集又は売出し等」という。）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。

(ii) In the underwriting contract, etc. (meaning an underwriting contract, etc. prescribed in Article 6(9)(i) of the Act) concluded by the person who issues the said foreign-issued company bonds, it is provided that the person who performs the underwriting, etc. prescribed in paragraph (9)(i) of the said Article (referred to as the "underwriting, etc." in the next item) of the said foreign-issued company bonds shall not have a resident or domestic corporation acquire or buy the said foreign-issued company bonds by way of an offering or secondary distribution, dealing in an offering or secondary distribution, or any other operations equivalent thereto (referred to as the "offering or secondary distribution, etc." in the next item) under the said underwriting contract, etc.

三 当該民間国外債の引受け等をしたすべての者が、財務省令で定めるところにより、当該引受け等をしたすべての民間国外債の募集又は売出し等が前号の要件を満たして行われた旨その他財務省令で定める事項を記載した書類を、当該民間国外債の発行をした者を經由して当該発行をした者の本店又は主たる事務所の所在地の所轄税務署長に提出したこと。

(iii) All persons who have performed the underwriting, etc. of the relevant foreign-issued company bonds have, pursuant to the provisions of an Ordinance of the Ministry of Finance, submitted a document stating to the effect that the requirement set forth in the preceding item has been satisfied during the performance of the offering or secondary distribution, etc. of all of the foreign-issued company bonds for which the underwriting, etc. has been performed, as well as any other matters specified by an Ordinance of the Ministry of Finance, to the competent district director having jurisdiction over the location or principal office of the person who issued the said foreign-issued company bonds, via the said person who issued the bonds.

23 その年において一般民間国外債の利子（法第三条の三第一項の規定の適用があるものを除く。）に係る利子所得を有する居住者が所得税法施行令第二百六十七条第二項に規定する確定申告書を提出する場合における同項の規定の適用については、同項中「明細書」とあるのは、「明細書その他財務省令で定める書類」とする。

(23) With respect to the application of the provisions of Article 267(2) of the Order for Enforcement of the Income Tax Act in the case where a resident who has, in a given year, interest income from interest (excluding interest subject to the provisions of Article 3-3(1) of the Act) on general foreign-issued company bonds, submits a final return form prescribed in Article 267(2) of the said Act,

the term "written statement" in paragraph (2) of the said Article shall be deemed to be replaced with "written statement or any other document specified by an Ordinance of the Ministry of Finance."

24 一般民間国外債の利子の支払をする者は、国内における支払の取扱者に対し、当該支払の取扱者が当該一般民間国外債の利子の受領の媒介等に基づき交付をする当該利子のうち法第三条の三第三項又は第六項の規定の適用があるものの金額を通知することを求めることができる。

(24) A person who pays interest on specified foreign-issued company bonds may request a person in charge of handling payment in Japan to give a notice thereto of the part of the amount of interest on the relevant foreign-issued company bonds delivered by the said person in charge of handling payment in the course of intermediary services, etc. for the receipt of such interest, which is subject to the provisions of Article 3-3(3) or (6) of the Act.

25 前各項の規定は、法第六条第十三項に規定する外貨債の利子につき同項において準用する同条第一項から第十二項までの規定の適用がある場合について準用する。

(25) The provisions of the preceding paragraphs shall apply mutatis mutandis where the provisions of Article 6(1) to (12) of the Act as applied mutatis mutandis pursuant to paragraph (13) of the said Article shall apply with respect to interest on bonds in foreign currency prescribed in the said paragraph.

(特定外国子会社等の範囲)

(Scope of Specified Foreign Subsidiary Companies, etc.)

第二十五条の十九 法第四十条の四第一項に規定する政令で定める外国関係会社は、次に掲げるものとする。

Article 25-19 (1) The affiliated foreign company specified by a Cabinet Order prescribed in Article 40-4(1) of the Act shall be any of the following:

一 法人の所得に対して課される税が存在しない国又は地域に本店又は主たる事務所を有する外国関係会社（法第四十条の四第二項第一号に規定する外国関係会社をいう。以下この節において同じ。）

(i) An affiliated foreign company that has its head office or principal office in a state or territory where there are no taxes imposed on corporate income (meaning an affiliated foreign company prescribed in Article 40-4(2)(i) of the Act; hereinafter the same shall apply in this Section)

二 その各事業年度（法第二条第二項第十九号に規定する事業年度をいう。以下この節において同じ。）の所得に対して課される租税の額が当該所得の金額の百分の二十五以下である外国関係会社

(ii) An affiliated foreign company whose tax imposed on its income for the relevant business year (meaning a business year prescribed in Article 2(2)(xix) of the Act; hereinafter the same shall apply in this Section) is 25 percent or less of the said income.

2 外国関係会社が前項第二号の外国関係会社に該当するかどうかの判定については、次に定めるところによる。

(2) Whether or not an affiliated foreign company falls under the category of an affiliated foreign company set forth in item (ii) of the preceding paragraph shall be determined as specified as follows:

一 前項第二号の所得の金額は、当該外国関係会社の当該各事業年度の決算に基づく所得の金額につき、その本店又は主たる事務所の所在する国又は地域（以下この節において「本店所在地国」という。）の外国法人税（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。以下この項において同じ。）に関する法令（当該外国法人税に関する法令が二以上ある場合には、そのうち主たる外国法人税に関する法令をいう。以下この項において「本店所在地国の法令」という。）の規定により計算した所得の金額に当該所得の金額に係るイからホまでに掲げる金額の合計額を加算した金額から当該所得の金額に係るへに掲げる金額を控除した残額とする。

(i) The amount of income set forth in item (ii) of the preceding paragraph shall be the amount obtained by adding the amount of income calculated pursuant to the provisions of the laws and regulations concerning foreign corporation taxes (meaning foreign corporation taxes prescribed in Article 69(1) of the Corporation Tax Act; hereinafter the same shall apply in this paragraph) of the state or territory where the said affiliated foreign company's head office or principal office is located (hereinafter referred to as the "state of the head office" in this Section) (where there are two or more laws and regulations concerning the said foreign corporation taxes, pursuant to the provisions of the principal ones; hereinafter referred to as the "laws and regulations of the state of the head office" in this paragraph) with regard to the said affiliated foreign company's income in its settlement of accounts for the relevant business year and the sum of the amounts listed in (a) to (e) pertaining to the said calculated amount of income and then deducting therefrom the amount listed in (f) pertaining to the said calculated amount of income:

イ その本店所在地国の法令により外国法人税の課税標準に含まれないこととされる所得の金額（次に掲げる金額を除く。）

(a) The amount of income which shall not be included in the foreign corporation tax base under the laws and regulations of the state of the head office (excluding the amounts listed as follows):

(1) その本店所在地国に所在する法人から受ける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（以下この節において「剰余金の配当等」という。）の額（法第四十条の五第一項第二号に定める金額を含む。以下この項において「配当等の額」という。）

1. The amount of a dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to as a "dividend of surplus, etc." in this Section) to be received from a corporation located in the state of the head office

(including the amount specified in Article 40-5(1)(ii) of the Act; hereinafter referred to as the "amount of a dividend, etc." in this paragraph)

- (2) その本店所在地国以外の国又は地域に所在する法人から受ける配当等の額でその有する株式等（株式又は出資をいう。以下この節において同じ。）の数又は金額の当該法人の発行済株式又は出資（自己が有する自己の株式等を除く。）の総数又は総額（以下この節において「発行済株式等」という。）のうちを占める割合が当該本店所在地国の法令に定められた割合以上であることを要件として課税標準に含まれないこととされるもの

2. The amount of a dividend, etc. to be received from a corporation located in a state or territory other than the state of the head office, which shall not be included in the foreign corporation tax base on condition that the ratio of the shares, etc. (meaning shares or capital contributions; hereinafter the same shall apply in this Section) held by the affiliated foreign company out of the total number or total amount of the said corporation's issued shares or capital contributions (excluding its own shares held by the said corporation) (hereinafter referred to as the "issued shares, etc." in this Section) is not less than the ratio specified by the laws and regulations of the said state of the head office

ロ その支払う配当等の額で損金の額に算入している金額

(b) The amount of a dividend, etc. that the affiliated foreign company shall pay and which is included in deductible expenses

ハ その納付する外国法人税の額で損金の額に算入している金額

(c) The amount of foreign corporation tax that the affiliated foreign company shall pay and which is included in deductible expenses

ニ その積み立てた法第五十七条の五第一項又は第五十七条の六第一項の異常危険準備金に類する準備金（ホにおいて「保険準備金」という。）の額のうち損金の額に算入している金額で法第五十七条の五又は第五十七条の六の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(d) The amount equivalent to the amount of reserve belonging to the reserve for casualty set forth in Article 57-5(1) or Article 57-6(1) of the Act (referred to as the "insurance reserve" in (e)) that the affiliated foreign company has saved and which is included in deductible expenses, which shall not be included in deductible expenses when the provisions of Article 57-5 or Article 57-6 of the Act shall be applied

ホ その積み立てた保険準備金（法第五十七条の五又は第五十七条の六の規定の例によるものとした場合に積み立てられるものに限る。）につき益金の額に算入した金額がこれらの規定の例によるものとした場合に益金の額に算入すべき金額に相当する金額に満たない場合におけるその満たない部分の金額

(e) Where the amount of the insurance reserve that has been saved by the

affiliated foreign company and has been included in gross profits (limited to the insurance reserve that shall be saved when the provisions of Article 57-5 or Article 57-6 of the Act shall be applied) does not reach the amount to be included in gross profits when these provisions shall be applied, the amount of the said shortfall

へ その還付を受ける外国法人税の額で益金の額に算入している金額

(f) The amount of foreign corporation tax that shall be refunded to the affiliated foreign company and which is included in gross profits

二 前項第二号の租税の額は、次に掲げる金額の合計額とする。

(ii) The amount of tax set forth in item (ii) of the preceding paragraph shall be the sum of the amounts listed as follows:

イ 当該外国関係会社の当該各事業年度の決算に基づく所得の金額につき、その本店所在地国又は本店所在地国以外の国若しくは地域において課される外国法人税の額（その本店所在地国の法令により当該外国関係会社が納付したものとみなしてその本店所在地国の外国法人税の額から控除されるものを含むものとし、前号イ（２）に掲げる金額に対して課されるものを除く。）

(a) The amount of foreign corporation tax to be imposed on the amount of the affiliated foreign company's income in its settlement of accounts for the relevant business year in the state of the head office or in a state or territory other than the state of the head office (including the amount to be deducted from the foreign corporation tax in the state of the head office by deeming that the said affiliated foreign company has paid the said amount under the laws and regulations of the state of the head office and excluding the amount of foreign corporation tax to be imposed on the amount listed in (a)2. of the preceding item)

ロ 当該外国関係会社が当該各事業年度においてその本店所在地国において軽減され、又は免除された外国法人税の額で、当該外国関係会社に係る内国法人が法人税法第六十九条第八項又は第八十一条の十五第八項の規定の適用を受ける場合に第一条の三第一項第二号に規定する租税条約の規定により当該外国関係会社が納付したものとみなされるもの

(b) The amount of foreign corporation tax that has been reduced or exempted for the affiliated foreign company for the relevant business year in the state of the head office and which is deemed to have been paid by the said affiliated foreign company pursuant to the provisions of the tax convention prescribed in Article 1-3(1)(ii) in the case where a domestic corporation related to the said affiliated foreign company is subject to the provisions of Article 69(8) or Article 81-15(8) of the Corporation Tax Act

三 その本店所在地国の外国法人税の税率が所得の額に応じて高くなる場合には、前号イの外国法人税の額は、これらの税率をこれらの税率のうち最も高い税率であるものとして算定した外国法人税の額とすることができる。

(iii) Where foreign corporation tax rates in the state of the head office increase

in accordance with the amount of income, the amount of foreign corporation tax set forth in (a) of the preceding item shall be the amount calculated based on the highest rates out of such tax rates

四 前項第二号の所得の金額が欠損の金額となる場合には、その行う主たる事業に係る収入金額（当該収入金額が第一号イ（1）又は（2）に掲げる金額である場合には、当該収入金額以外の収入金額）から所得が生じたとした場合にその所得に対して適用されるその本店所在地国の外国法人税の税率により判定するものとする。

(iv) Where the amount of income set forth in item (ii) of the preceding paragraph proves to be a loss, the amount of foreign corporation tax shall be determined based on the foreign corporation tax rate to be applied in the state of the head office to any income that arises from revenue pertaining to the affiliated foreign company's principal business (in the case where the said revenue falls under the category of the amount listed in 1. or 2. of item (i)(a), revenue other than the said revenue).

3 法第四十条の四第二項第一号に規定する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は、非居住者で、次に掲げるものとする。

(3) A nonresident who has a special relationship specified by a Cabinet Order with a resident or domestic corporation prescribed in Article 40-4(2)(i) of the Act shall be a nonresident listed as follows:

一 居住者の親族

(i) A relative of the resident

二 居住者と婚姻の届出をしていないが事実上婚姻関係と同様の事情にある者

(ii) A person in a relationship with the resident where a marital relationship is de facto, though a marriage has not been registered

三 居住者の使用人

(iii) An employee of the resident

四 前三号に掲げる者以外の者で居住者から受ける金銭その他の資産によつて生計を維持しているもの

(iv) A person other than those listed in the preceding three items who maintains a living by receiving money or any other assets from the resident

五 前三号に掲げる者と生計を一にするこれらの者の親族

(v) A relative of any of the persons listed in the preceding three items who depends on such person for his/her livelihood

六 内国法人の役員（法人税法第二条第十五号に規定する役員をいう。以下この号並びに第二十五条の二十一第九項及び第十一項において同じ。）及び当該役員に係る法人税法施行令第七十二条の三各号に掲げる者

(vi) An officer of the domestic corporation (meaning an officer prescribed in Article 2(xv) of the Corporation Tax Act; hereinafter the same shall apply in this item and Article 25-21(9) and (11)) and a person listed in the items of Article 72-3 of the Order for Enforcement of the Corporation Tax Act who is related to the said officer.

(特定外国子会社等の未処分所得の金額の計算)

(Calculation of Undistributed Income of Specified Foreign Subsidiary Companies, etc.)

第二十五条の二十 法第四十条の四第二項第二号に規定する政令で定める基準により計算した金額は、同条第一項に規定する特定外国子会社等（以下この条及び次条第一項から第四項までにおいて「特定外国子会社等」という。）の各事業年度の決算に基づく所得の金額に係る第三十九条の十五第一項第一号に掲げる金額及び同項第二号に掲げる金額の合計額から当該所得の金額に係る同項第三号に掲げる金額を控除した残額（当該所得の金額に係る同項第一号に掲げる金額が欠損の金額である場合には、当該所得の金額に係る同項第二号に掲げる金額から当該欠損の金額と当該所得の金額に係る同項第三号に掲げる金額との合計額を控除した残額）とする。

Article 25-20 (1) The amount of undistributed income calculated in accordance with the standards specified by a Cabinet Order prescribed in Article 40-4(2)(ii) of the Act shall be the remaining amount after deducting the amount listed in Article 39-15(1)(iii) pertaining to the income of a specified foreign subsidiary company, etc. prescribed in Article 40-4(1) of the Act (hereinafter referred to as a "specified foreign subsidiary company, etc." in this Article and paragraph (1) to paragraph (4) of the next Article) in its settlement of accounts for the relevant business year from the sum of the amount listed in Article 39-15(1)(i) and the amount listed in item (ii) of the said paragraph pertaining to the said income (where the amount listed in item (i) of the said paragraph pertaining to the said income is a loss, the said amount of undistributed income shall be the remaining amount after deducting the sum of the said amount of loss and the amount listed in item (iii) of the said paragraph pertaining to the said income from the amount listed in item (ii) of the said paragraph pertaining to the said income).

2 法第四十条の四第一項各号に掲げる居住者は、前項の規定にかかわらず、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、当該特定外国子会社等の本店所在地国の法人所得税（本店所在地国若しくは本店所在地国以外の国若しくは地域又はこれらの国若しくは地域の地方公共団体により法人の所得を課税標準として課される税（これらの国若しくは地域又はこれらの国若しくは地域の地方公共団体により課される法人税法施行令第四百一条第二項各号に掲げる税を含む。）及びこれに附帯して課される法人税法第二条第四十五号に規定する附帯税（利子税を除く。）に相当する税その他当該附帯税に相当する税に類する税をいう。以下この節において同じ。）に関する法令（当該法人所得税に関する法令が二以上ある場合には、そのうち主たる法人所得税に関する法令をいう。以下この項において「本店所在地国の法令」という。）の規定により計算した所得の金額（当該特定外国子会社等と当該特定外国子会社等に係る法第六十六条の六第一項各号に掲げる内国法人との間の取引につき法第六十六条の四第一項又は第六十八条の八十八第一項の規定の適用がある場合には、当該取引がこれらの規定に規定する独立企業間価格で行われたものとして本店所在地

国の法令の規定により計算した場合に算出される所得の金額) に当該所得の金額に係る第三十九条の十五第二項第一号から第十三号までに掲げる金額の合計額を加算した金額から当該所得の金額に係る同項第十四号から第十六号までに掲げる金額の合計額を控除した残額 (本店所在地国の法令の規定により計算した金額が欠損の金額となる場合には、当該計算した金額に係る同項第一号から第十三号までに掲げる金額の合計額から当該欠損の金額に当該計算した金額に係る同項第十四号から第十六号までに掲げる金額の合計額を加算した金額を控除した残額) をもつて法第四十条の四第二項第二号に規定する政令で定める基準により計算した金額とすることができる。

- (2) Notwithstanding the provisions of the preceding paragraph, a resident listed in the items of Article 40-4(1) of the Act may deem that the amount obtained by adding the amount of income calculated pursuant to the provisions of the laws and regulations concerning corporate income taxes in the state of the head office of a specified foreign subsidiary company, etc. (meaning taxes to be imposed based on the amount of the company's income in the state of the head office or in a state or territory other than the state of the head office or by local entities in such state or territory including the state of the head office (including taxes listed in the items of Article 141(2) of the Order for Enforcement of the Corporation Tax Act to be imposed in such state or territory or by local entities of such state or territory) and taxes equivalent to incidental taxes to be imposed incidentally as prescribed in Article 2(xlv) of the Corporation Tax Act (excluding interest tax) and other taxes similar to the tax equivalent to the said incidental taxes; hereinafter the same shall apply in this Section) (where there are two or more laws and regulations concerning the said corporate income taxes, pursuant to the provisions of the principal ones; hereinafter referred to as the "laws and regulations of the state of the head office" in this paragraph), with regard to the income of the said specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year (where the provisions of Article 66-4(1) or Article 68-88(1) of the Act are applied to a transaction between the said specified foreign subsidiary company, etc. and a domestic corporation listed in the items of Article 66-6(1) of the Act that relates to the said specified foreign subsidiary company, etc., the amount of income calculated pursuant to the provisions of the laws and regulations of the state of the head office by deeming that the transaction was carried out at the arm's length price prescribed in those provisions), and the sum of the amounts listed in Article 39-15(2)(i) to (xiii) pertaining to the said calculated amount of income and then deducting therefrom the sum of the amounts listed in item (xiv) to item (xvi) of the said paragraph pertaining to the said calculated amount of income (where the amount calculated pursuant to the provisions of the laws and regulations of the state of the head office proves to be a loss, the said amount shall be the remaining amount after deducting the sum of the said amount of loss and the amounts listed in item

(xiv) to item (xvi) of the said paragraph pertaining to the said calculated amount from the sum of the amounts listed in item (i) to item (xiii) of the said paragraph pertaining to the said calculated amount) shall be the amount calculated in accordance with the standards specified by a Cabinet Order prescribed in Article 40-4(2)(ii) of the Act.

3 法第四十条の四第一項各号に掲げる居住者に係る特定外国子会社等の各事業年度につき控除対象配当等の額（次の各号に掲げる場合の区分に応じ当該各号に定める金額に相当する金額をいう。以下この項において同じ。）がある場合には、同条第二項第二号に規定する政令で定める基準により計算した金額は、第一項又は前項の規定にかかわらず、これらの規定により計算した金額から当該控除対象配当等の額を控除した残額とする。

(3) Where there is any amount of a deductible dividend, etc. (meaning the amount equivalent to the amount specified respectively in the following items for the category of cases listed in the relevant items; hereinafter the same shall apply in this paragraph) for the relevant business year of a specified foreign subsidiary company, etc. related to a resident listed in the items of Article 40-4(1) of the Act, the amount calculated in accordance with the standards specified by a Cabinet Order prescribed in Article 40-4(2)(ii) of the Act shall be the remaining amount after deducting the said amount of a deductible dividend, etc. from the amount calculated pursuant to these provisions, notwithstanding the provisions of paragraph (1) or the preceding paragraph:

一 当該特定外国子会社等が当該各事業年度において当該居住者に係る他の特定外国子会社等（以下この号において「他の特定外国子会社等」という。）から受ける剰余金の配当等の額（法第四十条の五第一項第二号に定める金額を含む。以下この項において「配当等の額」という。）が当該他の特定外国子会社等の当該配当等の額の支払に係る基準日の属する事業年度（以下この項において「基準事業年度」という。）の配当可能金額のうち当該特定外国子会社等の出資対応配当可能金額を超えない場合であつて、当該基準事業年度が法第四十条の四第一項に規定する課税対象留保金額（以下この節において「課税対象留保金額」という。）の生ずる事業年度である場合 当該配当等の額

(i) Where the amount of a dividend of surplus, etc. that the said specified foreign subsidiary company, etc. receives from any other specified foreign subsidiary company, etc. related to the said resident (hereinafter referred to as the "other specified foreign subsidiary company, etc." in this item) in the relevant business year (such amount shall include the amount specified in Article 40-5(1)(ii) of the Act; hereinafter referred to as the "amount of a dividend, etc." in this paragraph) does not exceed the amount of a dividend payable corresponding to the capital contributions by the said specified foreign subsidiary company, etc. out of the total amount of dividends payable by the said other specified foreign subsidiary company, etc. in the business year including the base date for paying the said dividend, etc. (hereinafter

referred to as the "base business year" in this paragraph) and the said base business year is the business year during which the taxable retained income prescribed in Article 40-4(1) of the Act (hereinafter referred to as the "taxable retained income" in this Section) arises: The amount of the said dividend, etc.

二 当該特定外国子会社等が当該各事業年度において当該居住者に係る他の特定外国子会社等から受ける配当等の額が当該配当等の額に係る基準事業年度の出資対応配当可能金額を超える場合 当該他の特定外国子会社等の基準事業年度以前の各事業年度の出資対応配当可能金額をそれぞれ最も新しい事業年度のものから順次当該配当等の額に充てるものとして当該配当等の額を当該各事業年度の出資対応配当可能金額に応じそれぞれの事業年度ごとに区分した場合において、課税対象留保金額の生ずる事業年度の出資対応配当可能金額から充てるものとされた配当等の額の合計額

(ii) Where the amount of a dividend, etc. that the said specified foreign subsidiary company, etc. receives from any other specified foreign subsidiary company, etc. related to the said resident in the relevant business year exceeds the amount of a dividend payable corresponding to the capital contributions for the base business year pertaining to the said amount of a dividend, etc.: Where the amount of a dividend payable corresponding to the capital contributions for the relevant business year preceding the base business year of the said other specified foreign subsidiary company, etc. shall be appropriated to the said amount of a dividend, etc. in reverse chronological order and the said amount of a dividend, etc. has been categorized for the relevant business year in accordance with the said amount of a dividend payable corresponding to the capital contributions for the relevant business year, the sum of the amount of a dividend, etc. to be appropriated with the amount of a dividend payable corresponding to the capital contributions for the business year during which the taxable retained income arises.

4 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。

(4) In the preceding paragraph and this paragraph, the meanings of the terms listed respectively in the following items shall be as specified respectively in the relevant items:

一 配当可能金額 特定外国子会社等の各事業年度の法第四十条の四第二項第二号に規定する未処分所得の金額（前項に規定する控除対象配当等の額がある場合又は当該特定外国子会社等に係る法第六十六条の六第一項各号に掲げる内国法人との間の取引につき法第六十六条の四第一項若しくは第六十八条の八十八第一項の規定の適用があるときにおいて第一項若しくは第二項の規定による減額をされる所得の金額のうち当該内国法人に支払われない金額がある場合は、これらの金額を加算した金額）から次に掲げる金額の合計額を控除した残額（イに規定する還付を受けるこ

ととなる法人所得税の額がイに規定する納付をすることとなる法人所得税の額を超える場合には、当該未処分所得の金額にその超える部分の金額を加算した金額からロ及びハに掲げる金額の合計額を控除した残額)をいう。

- (i) The amount of a dividend payable: The remaining amount after deducting the sum of the amounts listed as follows from the amount of undistributed income prescribed in Article 40-4(2)(ii) of the Act for the relevant business year of a specified foreign subsidiary company, etc. (where there is any amount of deductible dividend, etc. prescribed in the preceding paragraph or where the provisions of Article 66-4(1) or Article 68-88(1) of the Act are applied to a transaction with a domestic corporation listed in the items of Article 66-6(1) of the Act related to the said specified foreign subsidiary company, etc. and the amount of income to be reduced pursuant to the provisions of paragraph (1) or paragraph (2) contains any amount that shall not be paid to the said domestic corporation, the amount obtained by adding together those amounts to such amount of undistributed income) (where the amount of corporate income tax to be refunded as prescribed in (a) exceeds the amount of corporate income tax payable as prescribed in (a), such remaining amount shall be the amount obtained by adding the said amount of undistributed income and the said excess amount and then deducting therefrom the sum of the amounts listed in (b) and (c)):

イ 当該各事業年度において納付をすることとなる法人所得税の額（当該各事業年度において還付を受けることとなる法人所得税の額がある場合には、当該還付を受けることとなる法人所得税の額を控除した残額）

- (a) The amount of corporate income tax payable in the relevant business year (where there is any amount of corporate income tax to be refunded in the relevant business year, the remaining amount after deducting the said amount of corporate income tax to be refunded)

ロ 当該各事業年度の剰余金の処分により支出される金額（法人所得税の額及び剰余金の配当等の額を除く。）

- (b) The amount payable due to the appropriation of surplus for the relevant business year (excluding the amount of corporate income tax and the amount of a dividend of surplus, etc.)

ハ 当該各事業年度の費用として支出された金額（法人所得税の額及び剰余金の配当等の額を除く。）のうち第一項若しくは第二項の規定により所得の金額の計算上損金の額に算入されなかつたため又は同項の規定により所得の金額に加算されたため当該各事業年度の法第四十条の四第二項第二号に規定する未処分所得の金額に含まれた金額

- (c) The amount paid as the expenses for the relevant business year (excluding the amount of corporate income tax and the amount of a dividend of surplus, etc.) which was included in the amount of undistributed income prescribed in Article 40-4(2)(ii) of the Act for the

relevant business year because the said amount was not included in deductible expenses for calculating the amount of income pursuant to the provisions of paragraph (1) or (2) or was included in the amount of income pursuant to the provisions of the said paragraph

二 出資対応配当可能金額 特定外国子会社等の配当可能金額に他の特定外国子会社等（以下この号において「他の特定外国子会社等」という。）の有する当該特定外国子会社等の株式等の数又は金額が当該特定外国子会社等の発行済株式等のうちに占める割合（当該特定外国子会社等が法第四十条の四第一項に規定する請求権（以下この号並びに次条第三項及び第八項において「請求権」という。）の内容が異なる株式等又は実質的に請求権の内容が異なると認められる株式等（次条第三項において「請求権の内容が異なる株式等」という。）を発行している場合には、当該他の特定外国子会社等が当該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がその総額のうちに占める割合）を乗じて計算した金額をいう。

(ii) The amount of a dividend payable corresponding to the capital contributions: The amount obtained by multiplying the amount of a dividend payable by a specified foreign subsidiary company, etc. by the ratio of the number or the amount of the shares, etc. of the said specified foreign subsidiary company, etc. that any other specified foreign subsidiary company, etc. (hereinafter referred to as the "other specified foreign subsidiary company, etc." in this item) holds out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. (where the said specified foreign subsidiary company, etc. has issued the shares, etc. in which claims prescribed in Article 40-4(1) of the Act (hereinafter referred to as "claims" in this item and paragraph (3) and paragraph (8) of the next Article) with different contents are vested or the shares, etc. in which claims with different contents are deemed to be substantially vested (referred to as the "shares, etc. in which different claims are vested" in paragraph (3) of the next Article), the ratio of the amount of a dividend of surplus, etc. that the said other specified foreign subsidiary company, etc. can receive based on the said claims out of the total amount of a dividend of surplus, etc.).

5 法第四十条の四第二項第二号に規定する欠損の金額に係る調整を加えた金額は、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、第一項若しくは第二項又は第三項の規定により算出される所得の金額（以下この項及び第七項において「調整所得金額」という。）から当該各事業年度開始の日前七年以内に開始した事業年度（昭和五十三年四月一日前に開始した事業年度及び特定外国子会社等（法第六十六条の六第一項又は第六十八条の九十第一項に規定する特定外国子会社等を含む。）に該当しなかつた事業年度を除く。）において生じた欠損金額（この項の規定により当該各事業年度前の事業年度において控除されたものを除く。）の合計額（当該合計額が当該各事業年度の調整所得金額を超える場合には、当該調整所得金額）に相当する金額を控除した金額とする。

(5) The amount obtained as a result of an adjustment for the amount of loss

prescribed in Article 40-4(2)(ii) of the Act shall be the amount obtained by calculating the amount of income pursuant to the provisions of paragraph (1), (2) or (3) with regard to the income of a specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year (hereinafter referred to as the "amount of adjusted income" in this paragraph and paragraph (7)) and then deducting therefrom the amount equivalent to the sum of the loss incurred in business years that commenced within seven years preceding the first day of the relevant business year (excluding a business year that commenced before April 1, 1978 and a business year during which the company did not fall under the category of a specified foreign subsidiary company, etc. (including a specified foreign subsidiary company, etc. prescribed in Article 66-6(1) or Article 68-90(1) of the Act)) (such loss shall exclude the amount deducted in the business years preceding the said relevant business year pursuant to the provisions of this paragraph) (where the said sum of the loss exceeds the amount of adjusted income for the relevant business year, the said amount of adjusted income).

6 前項に規定する欠損金額とは、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いて第一項若しくは第二項又は第三項の規定を適用した場合において計算される欠損の金額をいう。

(6) The loss prescribed in the preceding paragraph shall be the loss calculated where the provisions of paragraph (1), paragraph (2) or paragraph (3) are applied to the amount of income of a specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year.

7 第一項の規定により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係る第三十九条の十五第一項第一号に掲げる金額の計算をする場合において、同号の規定によりその例に準ずるものとされる法人税法第三十三条及び第四十二条から第五十三条までの規定並びに法第四十三条、第四十五条の二、第五十二条の二、第五十七条の五、第五十七条の六、第五十七条の八、第六十五条の七から第六十五条の九まで（法第六十五条の七第一項の表の第十九号に係る部分に限る。）、第六十七条の十二第二項及び第六十七条の十三第二項の規定により当該各事業年度において損金の額に算入されることとなる金額があるときは、確定申告書に、当該金額の損金算入に関する明細書の添付がある場合に限り、当該金額を当該各事業年度の調整所得金額の計算上、損金の額に算入する。ただし、税務署長は、確定申告書の提出がなかつた場合又は当該損金算入に関する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、その提出又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、当該明細書の提出があつた場合に限り、この項本文の規定を適用することができる。

(7) When calculating the amount listed in Article 39-15(1)(i) with regard to the income of a specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year pursuant to the provisions of paragraph (1), if there is any amount to be included in deductible expenses in the relevant business year, pursuant to the provisions of Article 33 and Article

42 to Article 53 of the Corporation Tax Act and the provisions of Article 43, Article 45-2, Article 52-2, Article 57-5, Article 57-6, Article 57-8, Article 65-7 to Article 65-9 (limited to the part pertaining to item (xix) of the table in Article 65-7(1) of the Act), Article 67-12(2) and Article 67-13(2) of the Act, whose provisions shall be applicable under the provisions of the said item, the said amount shall be included in deductible expenses for calculating the amount of adjusted income for the relevant business year, only when detailed statements concerning the inclusion of the said amount in deductible expenses are attached to a final return form; provided, however, that when a final return form has not been submitted or a final return form has been submitted without detailed statements concerning the inclusion of the said amount in deductible expenses, the district director shall, when he/she finds that there was any compelling reason therefor, apply the provisions of the main clause of this paragraph, only when the said detailed statements have been submitted.

8 その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の計算につき第一項の規定の適用を受けた居住者がその適用を受けた年分の翌年分以後の各年分において当該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の計算につき第二項の規定の適用を受けようとする場合又はその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の計算につき同項の規定の適用を受けた居住者がその適用を受けた年分の翌年分以後の各年分において当該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の計算につき第一項の規定の適用を受けようとする場合には、あらかじめ納税地の所轄税務署長の承認を受けなければならない。

(8) Where a resident, who was subject to the provisions of paragraph (1) for calculating the amount of income of the specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year, seeks the application of paragraph (2) for calculating the amount of income of the said specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year in years following the one to which the provisions of paragraph (1) have been applied, or where a resident, who was subject to the provisions of paragraph (2) for calculating the amount of income of the specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year, seeks the application of paragraph (1) for calculating the amount of income of the said specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year in years following the one to which the provisions of paragraph (2) have been applied, he/she shall receive approval from the competent district director having jurisdiction over his/her place for tax payment, in advance.

(居住者に係る特定外国子会社等の課税対象留保金額の計算等)

(Calculation, etc. of the Amount of Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. Related to Residents)

第二十五条の二十一 法第四十条の四第一項の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の額に関する調整を加えた金額は、特定外国子会社等の各事業年度の同条第二項第二号に規定する未処分所得の金額（以下この項において「未処分所得の金額」という。）から次に掲げる金額の合計額を控除した残額（第一号に規定する還付を受けることとなる法人所得税の額が同号に規定する納付をすることとなる法人所得税の額を超えることとなる場合には、未処分所得の金額にその超える部分の金額を加算した金額から第二号に掲げる金額を控除した残額）とする。この場合において、第一号及び第二号に掲げる金額の合計額が当該未処分所得の金額を超えるときは、まず第一号に掲げる金額の控除を行い、次に第二号に掲げる金額の控除を行うものとする。

Article 25-21 (1) The amount obtained as a result of an adjustment to the amount of undistributed income set forth in Article 40-4(1) of the Act for the amount of taxes and a dividend of surplus, etc. on the said undistributed income shall be the remaining amount after deducting the sum of the amounts listed as follows from the amount of undistributed income prescribed in Article 40-4(2)(ii) for the relevant business year of a specified foreign subsidiary company, etc. (hereinafter referred to as the "amount of undistributed income" in this paragraph) (where the amount of corporate income tax to be refunded as prescribed in item (i) exceeds the amount of corporate income tax payable as prescribed in the said item, the amount obtained by adding the amount of undistributed income and the said excess amount and then deducting therefrom the amount listed in item (ii)). In this case, when the sum of the amounts listed in item (i) and item (ii) exceeds the said amount of undistributed income, the amount listed in item (i) shall be deducted first and then the amount listed in item (ii) shall be deducted:

一 当該各事業年度において納付をすることとなる法人所得税の額（当該各事業年度において還付を受けることとなる法人所得税の額がある場合には、当該還付を受けることとなる法人所得税の額を控除した残額）

(i) The amount of corporate income tax payable in the relevant business year (where there is any amount of corporate income tax to be refunded in the relevant business year, the remaining amount after deducting the said amount of corporate income tax to be refunded)

二 当該各事業年度を基準事業年度（剰余金の配当等の支払に係る基準日の属する事業年度をいう。以下この号及び次項において同じ。）とする剰余金の配当等の額（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の十二月三十一日までに支払義務が確定したものに限り。以下この号において同じ。）の合計額（当該各事業年度を基準事業年度とする剰余金の配当等の額の全部又は一部が次に掲げる者に支払われた場合には、当該合計額は零とする。）

(ii) The sum of the amount of a dividend of surplus, etc. by deeming the relevant business year to be the base business year (meaning the business year including the base day for paying a dividend of surplus, etc.; hereinafter

the same shall apply in this item and the next paragraph) (such amount of a dividend of surplus, etc. shall be limited to that for which the payment obligation was fixed by December 31 of the year including the day on which two months have elapsed after the day following the final day of the relevant business year; hereinafter the same shall apply in this item) (where the whole or a part of the amount of a dividend of surplus, etc. by deeming the relevant business year to be the base business year has been paid to a person listed as follows, the said sum shall be deemed to be zero):

イ 当該居住者に係る外国関係会社（当該居住者に係る特定外国子会社等を除く。）でその受ける剰余金の配当等の額につきその本店所在地国におい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税の負担として財務省令で定める基準（以下この節において「軽課税基準」という。）以下のもの

(a) An affiliated foreign company related to the said resident (excluding a specified foreign subsidiary company, etc. related to the said resident) whose tax burden imposed in the state of the head office on the amount of the dividend of surplus, etc. that it receives is not more than the tax-burden base specified by an Ordinance of the Ministry of Finance as being extremely low compared with that imposed on corporate income in Japan (hereinafter referred to as the "low tax-burden base" in this Section)

ロ 当該居住者に係る他の特定外国子会社等

(b) Any other specified foreign subsidiary company, etc. related to the said resident.

2 法第四十条の四第一項に規定する政令で定めるところにより計算した金額は、同項各号に掲げる居住者に係る特定外国子会社等の各事業年度の同項に規定する適用対象留保金額から当該各事業年度の前条第四項第一号ロ及びハに掲げる金額の合計額を控除した残額（以下この項において「調整適用対象留保金額」という。）に、当該特定外国子会社等の当該各事業年度終了の時における発行済株式等のうちに当該各事業年度終了の時におけるその者の有する当該特定外国子会社等の請求権勘案保有株式等の占める割合を乗じて計算した金額（当該各事業年度を基準事業年度とする剰余金の配当等の額が当該適用対象留保金額の計算上控除されなかつたときは、当該計算した金額から次の各号に掲げる金額のうちいずれか少ない金額を控除した金額）とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article 40-4(1) of the Act shall be the amount obtained by deducting the sum of the amounts listed in paragraph (4)(i)(b) and (c) of the preceding Article for the relevant business year from the amount of eligible retained income prescribed in Article 40-4(1) of the Act for the relevant business year of a specified foreign subsidiary company, etc. related to a resident listed in the items of the said paragraph (hereinafter such remaining amount after deduction shall be referred to as the "eligible retained income for adjustment" in this paragraph) and then multiplying the said remaining amount by the ratio of the shares, etc.

for considering the claims held by the said person out of the total issued shares, etc. of the specified foreign subsidiary company, etc. at the end of the relevant business year of the specified foreign subsidiary company, etc. (where the amount of a dividend of surplus, etc. by deeming the relevant business year to be the base business year has not been deducted for calculating the amount of the said eligible retained income, the amount shall be that obtained by deducting either of the smaller amounts out of those listed in the next items from the said calculated amount):

一 当該剰余金の配当等の額に当該調整適用対象留保金額に係る事業年度終了の時に
おける当該特定外国子会社等の発行済株式等のうちに当該事業年度終了の時に
おける当該居住者の有する当該特定外国子会社等の請求権勘案保有株式等（当該居住者
に係る前項第二号イ及びロに掲げる者を通じて保有する請求権勘案間接保有株式等
を除く。）の占める割合を乗じて計算した金額

(i) The amount obtained by multiplying the amount of the said dividend of surplus, etc. by the ratio of the shares, etc. for considering the claims held by the said resident out of the total issued shares, etc. of the specified foreign subsidiary company, etc. at the end of the business year pertaining to the said eligible retained income for adjustment (excluding the shares, etc. for considering the claims indirectly held via a person listed in item (ii)(a) and (b) of the preceding paragraph related to the said resident)

二 当該調整適用対象留保金額に当該調整適用対象留保金額に係る事業年度終了の時
における当該特定外国子会社等の発行済株式等のうちに当該事業年度終了の時にお
ける当該居住者の有する当該特定外国子会社等の請求権勘案保有株式等（当該居住
者に係る前項第二号イ及びロに掲げる者を通じて保有する請求権勘案間接保有株式
等を除く。）の占める割合を乗じて計算した金額

(ii) The amount obtained by multiplying the amount of the said eligible retained income for adjustment by the ratio of the shares, etc. for considering the claims held by the said resident out of the total issued shares, etc. of the specified foreign subsidiary company, etc. at the end of the business year pertaining to the said eligible retained income for adjustment (excluding the shares, etc. for considering the claims indirectly held via a person listed in item (ii)(a) and (b) of the preceding paragraph related to the said resident).

3 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。

(3) In the preceding paragraph and this paragraph, the meanings of the terms listed respectively in the following items shall be as specified respectively in the relevant items:

一 請求権勘案保有株式等 居住者が直接に有する外国法人の株式等の数又は金額
（当該外国法人が請求権の内容が異なる株式等を発行している場合には、当該外国
法人の発行済株式等に、当該居住者が当該請求権に基づき受けることができる剰余
金の配当等の額がその総額のうちに占める割合を乗じて計算した数）及び請求権勘

案間接保有株式等を合計した数又は金額をいう。

(i) The shares, etc. for considering the claims held: The number or the amount adding together the number or the amount of the shares, etc. of a foreign corporation directly held by a resident (where the said foreign corporation has issued the shares, etc. in which different claims are vested, the number obtained by multiplying the issued shares, etc. of the said foreign corporation by the ratio of the amount of a dividend of surplus, etc. that the said resident can receive based on the said claims out of the total amount) and the shares, etc. for considering the claims indirectly held

二 請求権勘案間接保有株式等 外国法人の発行済株式等に、次に掲げる場合の区分に応じそれぞれ次に定める割合（次に掲げる場合のいずれにも該当する場合には、それぞれ次に定める割合の合計割合）を乗じて計算した株式等の数又は金額をいう。

(ii) The shares, etc. for considering the claims indirectly held: The number or the amount of the shares, etc. obtained by multiplying the issued shares, etc. of a foreign corporation by the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows):

イ 当該外国法人の株主等（法人税法第二条第十四号に規定する株主等をいう。以下この条において同じ。）である他の外国法人（イにおいて「他の外国法人」という。）の発行済株式等の全部又は一部が居住者により所有されている場合 当該居住者の当該他の外国法人に係る持株割合（その株主等の有する株式等の数又は金額が当該株式等の発行法人の発行済株式等のうちに占める割合（当該発行法人が請求権の内容が異なる株式等を発行している場合には、その株主等が当該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がその総額のうち占める割合）をいう。以下この号において同じ。）に当該他の外国法人の当該外国法人に係る持株割合を乗じて計算した割合（当該他の外国法人が二以上ある場合には、二以上の当該他の外国法人につきそれぞれ計算した割合の合計割合）

(a) Where a resident holds the whole or a part of the issued shares, etc. of other foreign corporations which are shareholders, etc. (meaning shareholders, etc. prescribed in Article 2(xiv) of the Corporation Tax Act; hereinafter the same shall apply in this Article) of the said foreign corporation (hereinafter such other foreign corporations shall be simply referred to as "other foreign corporations" in (a)): The ratio obtained by multiplying the said resident's ratio of shareholding (meaning the ratio of the number or the amount of the shares, etc. held by the shareholders, etc. out of the total issued shares, etc. of the corporation issuing the said shares, etc. (where the said issuing corporation has issued the shares, etc. in which different claims are vested, the ratio of the amount of a dividend of surplus, etc. that the said shareholder, etc. can receive based on the said claims out of the total amount)); hereinafter the same shall apply in this

item) pertaining to the said other foreign corporations by the said other foreign corporations' ratio of shareholding pertaining to the said foreign corporation (where there are two or more other foreign corporations, the sum of the ratios calculated for each of them)

- ロ 当該外国法人と他の外国法人（その発行済株式等の全部又は一部が居住者により所有されているものに限る。以下この項において「他の外国法人」という。）との間に一又は二以上の外国法人（以下この項において「出資関連外国法人」という。）が介在している場合であつて、当該居住者、当該他の外国法人、出資関連外国法人及び当該外国法人が株式等の所有を通じて連鎖関係にある場合 当該居住者の当該他の外国法人に係る持株割合、当該他の外国法人の出資関連外国法人に係る持株割合、出資関連外国法人の他の出資関連外国法人に係る持株割合及び出資関連外国法人の当該外国法人に係る持株割合を順次乗じて計算した割合（当該連鎖関係が二以上ある場合には、当該二以上の連鎖関係につきそれぞれ計算した割合の合計割合）

- (b) Where a single foreign corporation or two or more foreign corporations intervene(s) between the said foreign corporation and any other foreign corporation (limited to any other foreign corporation the whole or a part of whose issued shares, etc. are held by a resident; hereinafter referred to as the "other foreign corporation" in this paragraph) (hereinafter such intervening foreign corporation(s) shall be referred to as a "capital contribution-related foreign corporation(s)" in this paragraph) and the said resident, the said other foreign corporation, capital contribution-related foreign corporation(s) and the said foreign corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the said resident's ratio of shareholding pertaining to the said other foreign corporation sequentially by the said other foreign corporation's ratio of shareholding pertaining to the capital contribution-related foreign corporation(s), by the capital contribution-related foreign corporation's(s)' ratio of shareholding pertaining to other capital contribution-related foreign corporation(s), and by the capital contribution-related foreign corporation's(s)' ratio of shareholding pertaining to the said foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

- 4 法第四十条の四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必要経費に算入すべき金額は、居住者がその有する特定外国子会社等の株式等（当該居住者が当該特定外国子会社等に係る間接保有の株式等（同条第二項第三号に規定する間接に有するものとして政令で定める外国法人の株式の数又は出資の金額をいう。）を有する場合における当該間接保有の株式等に係る外国法人の株式等（当該居住者が有するものに限るものとし、当該居住者に係る特定外国子会社等の株式等に該当するものを除く。）を含む。以下この項において同じ。）を取得するために要した負債の利子でその年中に支払うものの額のうちそ

の年においてその者がその有する当該特定外国子会社等の株式等を有していた期間に対応する部分の金額の合計額（当該合計額が同条第一項の規定により当該雑所得に係る収入金額とみなされる金額を超える場合には、当該収入金額とみなされる金額の合計額に相当する金額）とする。

(4) The amount that shall be included in the necessary expenses for calculating the amount of miscellaneous income pertaining to the taxable retained income to be included in the gross revenue pursuant to the provisions of Article 40-4(1) of the Act shall be the sum of the interest on liabilities incurred by a resident in acquiring the shares, etc. of a specified foreign subsidiary company, etc. (including the shares, etc. of a foreign corporation pertaining to the shares, etc. indirectly held by the said resident in the case where he/she indirectly holds the shares, etc. pertaining to the said specified foreign subsidiary company, etc. (such shares, etc. indirectly held shall mean the number of shares or the amount of capital contributions of a foreign corporation specified by a Cabinet Order as those held indirectly as prescribed in Article 40-4(2)(iii) of the Act) (such shares, etc. of a specified foreign subsidiary company, etc. shall be limited to those held by the said resident and exclude those falling under the category of the shares, etc. of a specified foreign subsidiary company, etc. related to the said resident); hereinafter the same shall apply in this paragraph) which shall be paid for a period of the year during which the said resident held the said shares, etc. of the specified foreign subsidiary company, etc. (where the said sum exceeds the amount deemed to be revenue pertaining to the said miscellaneous income under the provisions of paragraph (1) of the said Article, such amount shall be that equivalent to the sum of the amounts deemed to be the said revenue).

5 前項の規定により課税対象留保金額に係る雑所得の金額の計算上必要経費に算入される同項に規定する負債の利子の額は、事業所得又は雑所得の金額の計算上必要経費に算入すべき金額及び所得税法第二十四条第二項の規定により配当所得の金額の計算上控除される同項に規定する負債の利子の額に含まれないものとする。

(5) The amount of interest on liabilities prescribed in the preceding paragraph which shall be included in the necessary expenses for calculating the amount of miscellaneous income pertaining to the taxable retained income pursuant to the provisions of the said paragraph shall not be included in the amount to be included in the necessary expenses for calculating the amount of business income or miscellaneous income and the amount of interest on liabilities prescribed in Article 24(2) of the Income Tax Act which shall be deducted for calculating the amount of dividend income pursuant to the provisions of the said paragraph.

6 法第四十条の四第二項第三号に規定する間接に有するものとして政令で定める外国法人の株式の数又は出資の金額は、外国法人の発行済株式等に、次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する

場合には、当該各号に定める割合の合計割合) を乗じて計算した株式等の数又は金額とする。

(6) The number of shares or the amount of capital contributions of a foreign corporation specified by a Cabinet Order as those held indirectly as prescribed in Article 40-4(2)(iii) of the Act shall be the number or the amount of the shares, etc. obtained by multiplying the issued shares, etc. of a foreign corporation by the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows):

一 当該外国法人の株主等である他の外国法人（以下この号において「他の外国法人」という。）の発行済株式等の全部又は一部が個人又は内国法人により所有されている場合 当該個人又は内国法人の当該他の外国法人に係る持株割合（その株主等の有する株式等の数又は金額が当該株式等の発行法人の発行済株式等のうちに占める割合をいう。以下この項において同じ。）に当該他の外国法人の当該外国法人に係る持株割合を乗じて計算した割合（当該他の外国法人が二以上ある場合には、二以上の当該他の外国法人につきそれぞれ計算した割合の合計割合）

(i) Where an individual or domestic corporation holds the whole or a part of the issued shares, etc. of other foreign corporations which are shareholders, etc. of the said foreign corporation (hereinafter referred to as "other foreign corporations" in this item): The ratio obtained by multiplying the ratio of shareholding (meaning the ratio of the number or the amount of the shares, etc. held by the shareholders, etc. out of the total issued shares, etc. of the corporation issuing the said shares, etc.; hereinafter the same shall apply in this paragraph) of the said individual or domestic corporation pertaining to the said other foreign corporations by the said other foreign corporations' ratio of shareholding pertaining to the said foreign corporation (where there are two or more other foreign corporations, the sum of the ratios calculated for each of them)

二 当該外国法人と他の外国法人（その発行済株式等の全部又は一部が個人又は内国法人により所有されているものに限る。以下この項において「他の外国法人」という。）との間に一又は二以上の外国法人（以下この項において「出資関連外国法人」という。）が介在している場合であつて、当該個人又は内国法人、当該他の外国法人、出資関連外国法人及び当該外国法人が株式等の所有を通じて連鎖関係にある場合 当該個人又は内国法人の当該他の外国法人に係る持株割合、当該他の外国法人の出資関連外国法人に係る持株割合、出資関連外国法人の他の出資関連外国法人に係る持株割合及び出資関連外国法人の当該外国法人に係る持株割合を順次乗じて計算した割合（当該連鎖関係が二以上ある場合には、当該二以上の連鎖関係につきそれぞれ計算した割合の合計割合）

(ii) Where a single foreign corporation or two or more foreign corporations intervene(s) between the said foreign corporation and any other foreign corporation (limited to any other foreign corporation the whole or a part of

whose issued shares, etc. are held by an individual or domestic corporation; hereinafter referred to as the "other foreign corporation" in this paragraph) (hereinafter such intervening foreign corporation(s) shall be referred to as a "capital contribution-related foreign corporation(s)" in this paragraph) and the said individual or domestic corporation, the said other foreign corporation, capital contribution-related foreign corporation(s) and the said foreign corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the ratio of shareholding of the said individual or domestic corporation pertaining to the said other foreign corporation sequentially by the said other foreign corporation's ratio of shareholding pertaining to the capital contribution-related foreign corporation(s), by the capital contribution-related foreign corporation's(s') ratio of shareholding pertaining to other capital contribution-related foreign corporation(s), and by the capital contribution-related foreign corporation's(s') ratio of shareholding pertaining to the said foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

- 7 法第四十条の四第二項第四号に規定する間接に有するものとして政令で定める外国法人の議決権の数は、外国法人の議決権（同条第一項第一号イに規定する議決権をいう。以下この項において同じ。）の総数に、次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）を乗じて計算した議決権の数とする。

(7) The number of voting rights of a foreign corporation specified by a Cabinet Order as being held indirectly as prescribed in Article 40-4(2)(iv) of the Act shall be the number of voting rights obtained by multiplying the total number of voting rights (meaning the voting rights prescribed in Article 40-4(1)(i)(a) of the Act; hereinafter the same shall apply in this paragraph) by the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows):

- 一 当該外国法人の株主等である他の外国法人（以下この号において「他の外国法人」という。）の議決権の全部又は一部が個人又は内国法人により所有されている場合 当該個人又は内国法人の当該他の外国法人に係る議決権割合（その株主等の有する議決権の数がその総数のうちに占める割合をいう。以下この項において同じ。）に当該他の外国法人の当該外国法人に係る議決権割合を乗じて計算した割合（当該他の外国法人が二以上ある場合には、二以上の当該他の外国法人につきそれぞれ計算した割合の合計割合）

(i) Where an individual or domestic corporation holds the whole or a part of the voting rights of other foreign corporations which are shareholders, etc. of the said foreign corporation (hereinafter referred to as "other foreign corporations" in this item): The ratio obtained by multiplying the ratio of voting rights (meaning the ratio of the number of voting rights held by the

shareholders, etc. out of the total number; hereinafter the same shall apply in this paragraph) of the said individual or domestic corporation pertaining to the said other foreign corporations by the said other foreign corporations' ratio of voting rights pertaining to the said foreign corporation (where there are two or more other foreign corporations, the sum of the ratios calculated for each of them)

二 当該外国法人と他の外国法人（その議決権の全部又は一部が個人又は内国法人により所有されているものに限る。以下この項において「他の外国法人」という。）との間に一又は二以上の外国法人（以下この項において「出資関連外国法人」という。）が介在している場合であつて、当該個人又は内国法人、当該他の外国法人、出資関連外国法人及び当該外国法人が議決権の所有を通じて連鎖関係にある場合当該個人又は内国法人の当該他の外国法人に係る議決権割合、当該他の外国法人の出資関連外国法人に係る議決権割合、出資関連外国法人の他の出資関連外国法人に係る議決権割合及び出資関連外国法人の当該外国法人に係る議決権割合を順次乗じて計算した割合（当該連鎖関係が二以上ある場合には、当該二以上の連鎖関係につきそれぞれ計算した割合の合計割合）

(ii) Where a single foreign corporation or two or more foreign corporations intervene(s) between the said foreign corporation and any other foreign corporation (limited to any other foreign corporation the whole or a part of whose voting rights are held by an individual or domestic corporation; hereinafter referred to as the "other foreign corporation" in this paragraph) (hereinafter such intervening foreign corporation(s) shall be referred to as a "capital contribution-related foreign corporation(s)" in this paragraph) and the said individual or domestic corporation, the other foreign corporation, capital contribution-related foreign corporation(s) and the said foreign corporation have a linkage through holding the voting rights: The ratio obtained by multiplying the ratio of voting rights of the said individual or domestic corporation pertaining to the said other foreign corporation sequentially by the said other foreign corporation's ratio of voting rights pertaining to the capital contribution-related foreign corporation(s), by the capital contribution-related foreign corporation's(s') ratio of voting rights pertaining to other capital contribution-related foreign corporation(s), and by the capital contribution-related foreign corporation's(s') ratio of voting rights pertaining to the said foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

8 法第四十条の四第二項第五号に規定する間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として政令で定めるものは、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に、次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）を乗じて計算した剰余金の配当等の額とする。

(8) The amount of a dividend of surplus, etc. specified by a Cabinet Order as being receivable based on the claims vested in the shares, etc. of a foreign corporation held indirectly as prescribed in Article 40-4(2)(v) of the Act shall be the amount of a dividend of surplus, etc. obtained by multiplying the total amount of a dividend of surplus, etc. receivable based on the claims vested in the shares, etc. of a foreign corporation by the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows):

一 当該外国法人の株主等である他の外国法人（以下この号において「他の外国法人」という。）の株式等の請求権の全部又は一部が個人又は内国法人により所有されている場合 当該個人又は内国法人の当該他の外国法人に係る請求権割合（その株主等の有する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がその総額のうちに占める割合をいう。以下この項において同じ。）に当該他の外国法人の当該外国法人に係る請求権割合を乗じて計算した割合（当該他の外国法人が二以上ある場合には、二以上の当該他の外国法人につきそれぞれ計算した割合の合計割合）

(i) Where an individual or domestic corporation holds the whole or a part of the claims vested in the shares, etc. of other foreign corporations which are shareholders, etc. of the said foreign corporation (hereinafter referred to as "other foreign corporations" in this item): The ratio obtained by multiplying the ratio of claims (meaning the ratio of the amount of a dividend of surplus, etc. receivable based on the claims vested in the shares, etc. held by the shareholders, etc. out of the total amount; hereinafter the same shall apply in this paragraph) of the said individual or domestic corporation pertaining to the said other foreign corporations by the said other foreign corporations' ratio of claims pertaining to the said foreign corporation (where there are two or more other foreign corporations, the sum of the ratios calculated for each of them)

二 当該外国法人と他の外国法人（その株式等の請求権の全部又は一部が個人又は内国法人により所有されているものに限る。以下この項において「他の外国法人」という。）との間に一又は二以上の外国法人（以下この項において「出資関連外国法人」という。）が介在している場合であつて、当該個人又は内国法人、当該他の外国法人、出資関連外国法人及び当該外国法人が株式等の請求権の所有を通じて連鎖関係にある場合 当該個人又は内国法人の当該他の外国法人に係る請求権割合、当該他の外国法人の出資関連外国法人に係る請求権割合、出資関連外国法人の他の出資関連外国法人に係る請求権割合及び出資関連外国法人の当該外国法人に係る請求権割合を順次乗じて計算した割合（当該連鎖関係が二以上ある場合には、当該二以上の連鎖関係につきそれぞれ計算した割合の合計割合）

(ii) Where a single foreign corporation or two or more foreign corporations intervene(s) between the said foreign corporation and any other foreign

corporation (limited to any other foreign corporation the whole or a part of whose claims vested in the shares, etc. are held by an individual or domestic corporation; hereinafter referred to as the "other foreign corporation" in this paragraph) (hereinafter such intervening foreign corporation(s) shall be referred to as a "capital contribution-related foreign corporation(s)" in this paragraph) and the said individual or domestic corporation, the said other foreign corporation, capital contribution-related foreign corporation(s) and the said foreign corporation have a linkage through holding the claims vested in the shares, etc.: The ratio obtained by multiplying the ratio of claims of the said individual or domestic corporation pertaining to the said other foreign corporation sequentially by the said other foreign corporation's ratio of claims pertaining to the capital contribution-related foreign corporation(s), by the capital contribution-related foreign corporation's(s') ratio of claims pertaining to other capital contribution-related foreign corporation(s), and by the capital contribution-related foreign corporation's(s') ratio of claims pertaining to the said foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

9 法第四十条の四第二項第六号に規定する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は、次に掲げる個人又は法人とする。

(9) A person who has a special relationship specified by a Cabinet Order with a resident or domestic corporation prescribed in Article 40-4(2)(vi) of the Act shall be an individual or corporation listed as follows:

一 次に掲げる個人

(i) An individual listed as follows:

イ 居住者の親族

(a) A relative of the resident

ロ 居住者と婚姻の届出をしていないが事実上婚姻関係と同様の事情にある者

(b) A person in a relationship with the resident where a marital relationship is de facto, though a marriage has not been registered

ハ 居住者の使用人

(c) An employee of the resident

ニ イからハマまでに掲げる者以外の者で居住者から受ける金銭その他の資産によつて生計を維持しているもの

(d) A person other than those listed in (a) to (c) who maintains his/her living by receiving money or any other assets from the resident

ホ ロからニまでに掲げる者と生計を一にするこれらの者の親族

(e) A relative of any of the persons listed in (b) to (d) who depends on such person for his/her livelihood

ヘ 内国法人の役員及び当該役員に係る法人税法施行令第七十二条の三各号に掲げる者

(f) An officer of the domestic corporation and a person listed in the items of

Article 72-3 of the Order for Enforcement of the Corporation Tax Act who is related to the said officer

二 次に掲げる法人

(ii) A corporation listed as follows:

イ 一の居住者（当該居住者と前号に規定する特殊の関係のある個人を含む。）又は内国法人（以下この項において「居住者等」という。）が他の法人を支配している場合における当該他の法人

(a) Where a resident (including an individual who has a special relationship prescribed in the preceding item with the said resident) or domestic corporation (hereinafter referred to as a "resident, etc." in this paragraph) governs any other corporation, the said other corporation

ロ 一の居住者等及び当該一の居住者等とイに規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(b) Where a resident, etc. or a corporation which has a special relationship prescribed in (a) with the said resident, etc. governs any other corporation, the said other corporation

ハ 一の居住者等及び当該一の居住者等とイ及びロに規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(c) Where a resident, etc. or a corporation which has a special relationship prescribed in (a) and (b) with the said resident, etc. governs any other corporation, the said other corporation

ニ 同一の者とイからハまでに規定する特殊の関係のある二以上の法人のいずれかの法人が一の居住者等である場合における当該一の居住者等以外の法人

(d) Where any of the two or more corporations which have a special relationship prescribed in (a) to (c) with the same person is a resident, etc., a corporation other than the one falling under the said resident, etc. out of those which have such special relationship with the same person

10 法人税法施行令第四条第三項の規定は、前項第二号イからハまでに掲げる他の法人を支配している場合について準用する。

(10) The provisions of Article 4(3) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis where governing any other corporation listed in (a) to (c) of item (ii) of the preceding paragraph.

11 法第四十条の四第三項の規定により読み替えて適用する同条第一項の政令で定める費用の額は、同条第三項に規定する特定外国子会社等の事業に従事する当該特定外国子会社等の役員及び使用人に係る人件費の額の合計額（当該特定外国子会社等の各事業年度において前条第一項又は第二項の規定により計算した場合に算出される所得の金額又は欠損の金額の計算上損金の額に算入されるものに限る。）とする。

(11) The amount of expenses specified by a Cabinet Order set forth in Article 40-4(1) of the Act which is applied by replacing the terms pursuant to the provisions of paragraph (3) of the said Article shall be the sum of personnel expenses for officers and employees of a specified foreign subsidiary company,

etc. engaged in the business of the said specified foreign subsidiary company, etc. prescribed in paragraph (3) of the said Article (limited to the amount to be included in deductible expenses for calculating the amount of income or loss pursuant to the provisions of paragraph (1) or (2) of the preceding Article for the relevant business year of the said specified foreign subsidiary company, etc.).

(特定外国子会社等の事業の判定等)

(Determination, etc. of Business of Specified Foreign Subsidiary Companies, etc.)

第二十五条の二十二 法第四十条の四第四項第一号に規定する政令で定める者は、次に掲げる者とする。

Article 25-22 (1) The person specified by a Cabinet Order prescribed in Article 40-4(4)(i) of the Act shall be any of the following:

一 法第四十条の四第四項第一号に掲げる事業を主として行う同項に規定する特定外国子会社等（以下この項において「特定外国子会社等」という。）に係る法第六十八条の九十第一項各号に掲げる連結法人との間に法人税法第二条第十二号の七の五に規定する連結完全支配関係がある他の連結法人（同条第十二号の七の四に規定する連結法人をいう。）

(i) Other consolidated corporations (meaning consolidated corporations prescribed in Article 2(xii)-7-4 of the Corporation Tax Act) which have the consolidated full controlling interest prescribed in item (xii)-7-5 of the said Article with a consolidated corporation listed in the items of Article 68-90(1) of the Act which pertains to a specified foreign subsidiary company, etc. prescribed in Article 40-4(4) of the Act (hereinafter referred to as a "specified foreign subsidiary company, etc." in this paragraph) mainly engaged in the business listed in item (i) of the said paragraph

二 法第四十条の四第四項第一号に掲げる事業を主として行う特定外国子会社等に係る法第六十六条の六第一項各号に掲げる内国法人の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前号に掲げる者に該当する者を除く。）

(ii) A person who holds over 50 percent of the total number or total amount of the issued shares, etc. of a domestic corporation listed in the items of Article 66-6(1) of the Act which pertains to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 40-4(4)(i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding item who is related to the said specified foreign subsidiary company, etc.)

三 法第四十条の四第四項第一号に掲げる事業を主として行う特定外国子会社等に係

る法第六十八条の九十第一項各号に掲げる連結法人（当該連結法人が法人税法第二条第十二号の七の三に規定する連結子法人である場合には、当該連結法人に係る同条第十二号の七の二に規定する連結親法人）の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前二号に掲げる者に該当する者を除く。）

(iii) A person who holds over 50 percent of the total number or total amount of the issued shares, etc. of a consolidated corporation listed in the items of Article 68-90(1) of the Act (where the said consolidated corporation is a consolidated subsidiary corporation prescribed in Article 2(xii)-7-3 of the Corporation Tax Act, a consolidated parent corporation prescribed in item (xii)-7-2 of the said Article which pertains to the said consolidated corporation) which pertains to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 40-4(4)(i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding two items who is related to the said specified foreign subsidiary company, etc.)

四 法第四十条の四第四項第一号に掲げる事業を主として行う特定外国子会社等に係る同条第一項各号、第六十六条の六第一項各号又は第六十八条の九十第一項各号に掲げる者が当該特定外国子会社等に係る間接保有の株式等（法第四十条の四第二項第三号に規定する間接に有するものとして政令で定める外国法人の株式の数又は出資の金額をいう。）を有する場合における当該間接保有の株式等に係る前条第六項第一号に規定する他の外国法人又は同項第二号に規定する他の外国法人及び出資関連外国法人

(iv) Where a person listed in the items of Article 40-4(1), items of Article 66-6(1) or items of Article 68-90(1) of the Act who is related to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 40-4(4)(i) of the Act holds the shares, etc. indirectly pertaining to the said specified foreign subsidiary company, etc. (such shares, etc. shall mean the number of shares or the amount of capital contributions of a foreign corporation specified by a Cabinet Order as being held through indirect ownership as prescribed in Article 40-4(2)(iii) of the Act), the other foreign corporation prescribed in paragraph (6)(i) of the preceding Article or the other foreign corporation and capital contribution-related foreign corporation(s) prescribed in item (ii) of the said paragraph which pertain to the said shares, etc. held indirectly

五 次に掲げる者と法第四十条の四第二項第六号に規定する政令で定める特殊の関係のある者（同条第四項第一号に掲げる事業を主として行う特定外国子会社等に係る同条第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前各号に掲げる者に該当する者を除く。）

(v) A person who has a special relationship specified by a Cabinet Order prescribed in Article 40-4(2)(vi) of the Act with any of the persons listed as follows (excluding a person falling under any of those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding items who is related to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 40-4(4)(i) of the Act):

イ 法第四十条の四第四項第一号に掲げる事業を主として行う特定外国子会社等

(a) A specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 40-4(4)(i) of the Act

ロ 法第四十条の四第四項第一号に掲げる事業を主として行う特定外国子会社等に係る同条第一項各号、第六十六条の六第一項各号又は第六十八条の九十第一項各号に掲げる者

(b) A person listed in the items of Article 40-4(1), items of Article 66-6(1) or items of Article 68-90(1) of the Act who is related to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 40-4(4)(i) of the Act

ハ 前各号に掲げる者

(c) A person listed in the preceding items.

2 法第四十条の四第四項第一号に規定する政令で定める場合は、同項に規定する特定外国子会社等の各事業年度において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とする。

(2) The case specified by a Cabinet Order prescribed in Article 40-4(4)(i) of the Act shall be any of the cases specified respectively in the following items, in accordance with the category of the principal business to be conducted for the relevant business year of a specified foreign subsidiary company, etc. prescribed in the said paragraph:

一 卸売業 当該各事業年度の棚卸資産（法人税法第二条第二十号に規定する棚卸資産をいう。以下この号において同じ。）の販売に係る収入金額（当該各事業年度において棚卸資産の売買の代理又は媒介に関し受け取る手数料がある場合には、その手数料を受け取る基因となつた売買の取引金額を含む。以下この号において「販売取扱金額」という。）の合計額のうちに関連者（当該特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前項各号に掲げる者をいう。以下この項及び次項において同じ。）以外の者との間の取引に係る販売取扱金額の合計額の占める割合が百分の五十を超える場合又は当該各事業年度において取得した棚卸資産の取得価額（当該各事業年度において棚卸資産の売買の代理又は媒介に関し受け取る手数料がある場合には、その手数料を受け取る基因となつた売買の取引金額を含む。以下この号において「仕入取扱金額」という。）の合計額のうちに関連者以外の者との間の取引に係る仕入取扱金額の合計額の占める割合が百分の五十を超える場合

(i) Wholesale business: Where, out of the total revenue from selling inventory

assets (meaning inventory assets prescribed in Article 2(xx) of the Corporation Tax Act; hereinafter the same shall apply in this item) for the relevant business year (where there are any commissions to be received for agent or intermediary services for the buying or selling inventory assets for the relevant business year, such revenues shall include the amount from the transactions for which the said commissions were generated; hereinafter referred to as the "amount of sales transactions" in this item), the ratio of the sum of the amount of sales transactions with a person other than affiliated persons (meaning those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding items who are related to the said specified foreign subsidiary company, etc.; hereinafter the same shall apply in this paragraph and the next paragraph) exceeds 50 percent, or out of the sum of the acquisition costs for acquiring inventory assets for the relevant business year (where there are any commissions to be received for agent or intermediary services for the buying or selling inventory assets for the relevant business year, such acquisition costs shall include the amount from the transactions for which the said commissions were generated; hereinafter referred to as the "amount of purchase transactions" in this item), the ratio of the sum of the amount of purchase transactions with a person other than affiliated persons exceeds 50 percent

二 銀行業 当該各事業年度の受入利息の合計額のうち当該受入利息で関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合又は当該各事業年度の支払利息の合計額のうち当該支払利息で関連者以外の者に対して支払うものの合計額が百分の五十を超える場合

(ii) Banking business: Where, out of the sum of the total interest received for the relevant business year, the ratio of the sum of the said interest to be received from a person other than affiliated persons exceeds 50 percent, or out of the sum of the total interest paid for the relevant business year, the ratio of the sum of the said interest to be paid to a person other than affiliated persons exceeds 50 percent

三 信託業 当該各事業年度の信託報酬の合計額のうち当該信託報酬で関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合

(iii) Trust business: Where, out of the sum of the total trust charge for the relevant business year, the ratio of the sum of the said trust charge to be received from a person other than affiliated persons exceeds 50 percent

四 証券業 当該各事業年度の受入手数料（有価証券の売買による利益を含む。）の合計額のうち当該受入手数料で関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合

(iv) Securities business: Where, out of the sum of the total commissions received (including profits from the buying and selling securities) for the relevant business year, the ratio of the sum of the said commissions to be

received from a person other than affiliated persons exceeds 50 percent

五 保険業 当該各事業年度の収入保険料の合計額のうち当該収入保険料で関連者以外の者から収入するもの（当該収入保険料が再保険に係るものである場合には、関連者以外の者が有する資産又は関連者以外の者が負う損害賠償責任を保険の目的とする保険に係る収入保険料に限る。）の合計額の占める割合が百分の五十を超える場合

(v) Insurance business: Where, out of the sum of the total premium income for the relevant business year, the ratio of the sum of the said premium income to be received from a person other than affiliated persons (where the said premium income pertains to reinsurance, limited to premium income from insurance for assets held by a person other than affiliated persons or damages incurred by a person other than affiliated persons) exceeds 50 percent

六 水運業又は航空運送業 当該各事業年度の船舶の運航及び貸付け又は航空機の運航及び貸付けによる収入金額の合計額のうち当該収入金額で関連者以外の者から収入するものの合計額の占める割合が百分の五十を超える場合

(vi) Water transportation business or air transportation business: Where, out of the total revenue from the operation or rental of vessels or operation or rental of aircraft for the relevant business year, the ratio of the sum of the said revenues to be received from a person other than affiliated persons exceeds 50 percent.

3 前項に規定する特定外国子会社等と当該特定外国子会社等に係る関連者との間の取引が、当該特定外国子会社等に係る関連者以外の者（以下この項において「非関連者」という。）を介在させて間接的に行われている場合には、当該非関連者を介在させることについて相当の理由があると認められる場合を除き、当該特定外国子会社等と当該非関連者との間の取引は、当該特定外国子会社等と当該関連者との間において直接行われたものとみなして、前項各号の規定を適用する。

(3) Where transactions prescribed in the preceding paragraph between a specified foreign subsidiary company, etc. and an affiliated person related to the said specified foreign subsidiary company, etc. are conducted indirectly via a person other than an affiliated person related to the said specified foreign subsidiary company, etc. (hereinafter referred to as a "non-affiliated person" in this paragraph), transactions between the said specified foreign subsidiary company, etc. and the said non-affiliated person shall be deemed to have been conducted directly between the said specified foreign subsidiary company, etc. and the said affiliated person and the provisions of the items of the preceding paragraph shall be applied, except in the case where there are justifiable grounds for having the said non-affiliated person intervene in such transactions.

4 法第四十条の四第四項第二号に規定する政令で定める水域は、同号に規定する国又は地域に係る内水及び領海並びに排他的経済水域又は大陸棚に相当する水域とする。

(4) The water areas specified by a Cabinet Order prescribed in Article 40-4(4)(ii) of the Act shall be inland water and territorial sea and exclusive economic zones or water areas equivalent to continental shelves related to a state or territory prescribed in the said item.

5 法第四十条の四第四項第二号に規定する政令で定める場合は、同項に規定する特定外国子会社等の各事業年度において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とする。

(5) The case specified by a Cabinet Order prescribed in Article 40-4(4)(ii) of the Act shall be any of the cases specified respectively in the following items, in accordance with the category of the principal business to be conducted for the relevant business year of a specified foreign subsidiary company, etc. prescribed in the said paragraph:

一 不動産業 主として本店所在地国にある不動産（不動産の上に存する権利を含む。以下この号において同じ。）の売買、貸付け（当該不動産を使用させる行為を含む。）、当該不動産の売買又は貸付けの代理又は媒介及び当該不動産の管理を行っている場合

(i) Real estate business: Where conducting a buying and selling or rental business of real estate (including acts to let others use the said real estate) (real estate shall include the rights thereon; hereinafter the same shall apply in this item) mainly located in the state of the head office, providing agent or intermediary services for the buying and selling or rental business of the said real estate, and managing the said real estate

二 物品賃貸業 主として本店所在地国において使用に供される物品の貸付けを行っている場合

(ii) Rental and leasing business: Where conducting a rental business for goods to be provided for use mainly in the state of the head office

三 第二項及び前二号に掲げる事業以外の事業 主として本店所在地国において行っている場合

(iii) Business other than those listed in paragraph (2) and the preceding two items: Where conducting a business mainly in the state of the head office.

(特定外国子会社等の課税済配当等の額の計算等)

(Calculation, etc. of Taxed Amount of Dividend, etc. of Specified Foreign Subsidiary Companies, etc.)

第二十五条の二十三 法第四十条の五第一項に規定する外国関係会社のうち政令で定めるものは、同項に規定する特定外国子会社等（以下この条及び次条第二項において「特定外国子会社等」という。）に係る控除未済課税済配当等の額を有する外国関係会社（同項の居住者に係る特定外国子会社等に該当するものを除く。）とする。

Article 25-23 (1) The affiliated foreign company prescribed in Article 40-5(1) of the Act which is specified by a Cabinet Order shall be one of the affiliated foreign companies which hold the taxed amount of a dividend, etc. before

deduction for a specified foreign subsidiary company, etc. prescribed in the said paragraph (hereinafter referred to as a "specified foreign subsidiary company, etc." in this Article and paragraph (2) of the next Article) (such affiliated foreign company shall exclude those falling under the category of a specified foreign subsidiary company, etc. related to a resident set forth in the said paragraph).

2 法第四十条の五第一項に規定する政令で定めるところにより計算した金額は、次の各号に掲げる場合の区分に応じ当該各号に定める金額とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article 40-5(1) of the Act shall be the amount specified respectively in the following items for the category of cases listed in the relevant items:

一 法第四十条の五第一項に規定する居住者に係る特定外国子会社等につき同項第一号に掲げる事実が生じた場合（当該事実が当該特定外国子会社等の同号に定める剰余金の配当等の支払に係る基準日の属する事業年度（以下この号及び次項において「基準事業年度」という。）終了の日の翌日から二月を経過する日の属する年（次項において「適用年」という。）の前年以前の年に生じた場合を除く。）において当該剰余金の配当等の額が当該特定外国子会社等の当該基準事業年度に係る法第四十条の四第一項に規定する適用対象留保金額の計算上控除される剰余金の配当等の額を超えることとなる時 当該超える部分の金額に、当該基準事業年度終了の時における当該特定外国子会社等の発行済株式等のうちに当該基準事業年度終了の時におけるその者の有する当該特定外国子会社等の第二十五条の二十一第三項第一号に規定する請求権勘案保有株式等（当該居住者に係る外国関係会社（当該居住者に係る特定外国子会社等を除く。以下この号及び次号において同じ。）でその受ける法第四十条の五第一項第一号に定める剰余金の配当等の額につきその本店所在地国において課される税の負担が軽課税基準以下のもの又は当該居住者に係る他の特定外国子会社等に支払われた場合における当該外国関係会社及び当該他の特定外国子会社等を通じて保有する請求権勘案間接保有株式等（第二十五条の二十一第三項第二号に規定する請求権勘案間接保有株式等をいう。次号及び第四項において同じ。）を除く。）の占める割合を乗じて計算した金額（法第四十条の五第一項第一号に定める剰余金の配当等の額につき当該特定外国子会社等の当該基準事業年度に係る第二十五条の二十一第二項の規定による課税対象留保金額の計算上控除される金額がある場合には、当該計算した金額から当該控除される金額を控除した残額）

(i) Where an event listed in Article 40-5(1)(i) of the Act has occurred with regard to a specified foreign subsidiary company, etc. related to a resident prescribed in Article 40-5(1) of the Act (excluding the case where the said event occurred in a year preceding the year including the day on which two months have elapsed after the day following the final day of the business year including the base date for paying a dividend of surplus, etc. specified in Article 40-5(1)(i) of the Act of the said specified foreign subsidiary company, etc. (hereinafter such business year shall be referred to as the "base business year" in this item and the next paragraph and such year including the day on

which two months have elapsed after the day following the final day of the base business year shall be referred to as the "applicable business year" in the next paragraph)) and when the said amount of dividend of surplus, etc. exceeds the amount of a dividend of surplus, etc. to be deducted for calculating the amount of eligible retained income prescribed in Article 40-4(1) for the said base business year of the said specified foreign subsidiary company, etc.: The amount obtained by multiplying the said excess amount by the ratio of the shares, etc. for considering the claims held by the said person of the said specified foreign subsidiary company, etc. prescribed in Article 25-21(3)(i) out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. at the end of the base business year (where a dividend of surplus, etc. has been paid to an affiliated foreign company related to the said resident (excluding a specified foreign subsidiary company, etc. related to the said resident; hereinafter the same shall apply in this item and the next item) whose tax burden imposed in the state of the head office on the amount of the dividend of surplus, etc. that it receives as specified in Article 40-5(1)(i) of the Act is below the low tax-burden base or to any other specified foreign subsidiary company, etc. related to the said resident, such shares, etc. for considering the claims held shall exclude the shares, etc. for considering the claims indirectly held (meaning the shares, etc. for considering the claims indirectly held prescribed in Article 25-21(3)(ii); the same shall apply in the next item and paragraph (4)) via the said affiliated foreign company and the said other specified foreign subsidiary company, etc.) (where there is any amount to be deducted, with regard to the amount of a dividend of surplus, etc. specified in Article 40-5(1)(i) of the Act, for calculating the amount of taxable retained income, pursuant to the provisions of Article 25-21(2), for the said base business year of the said specified foreign subsidiary company, etc., the remaining amount after deducting the said amount to be deducted from the said calculated amount)

二 法第四十条の五第一項に規定する居住者に係る特定外国子会社等につき同項第二号に掲げる事実が生じた場合 同号に定める金額に当該事実が生じた時における当該特定外国子会社等の発行済株式等のうちに当該事実が生じた時におけるその者の有する当該特定外国子会社等の第二十五条の二十一第三項第一号に規定する請求権勘案保有株式等（当該居住者に係る外国関係会社でその受ける法第四十条の五第一項第二号に定める金額につきその本店所在地国において課される税の負担が軽課税基準以下のもの又は当該居住者に係る他の特定外国子会社等に対して交付された場合における当該外国関係会社及び当該他の特定外国子会社等を通じて保有する請求権勘案間接保有株式等を除く。）の占める割合を乗じて計算した金額

(ii) Where an event listed in Article 40-5(1)(ii) has occurred with regard to a specified foreign subsidiary company, etc. related to a resident prescribed in Article 40-5(1) of the Act: The amount obtained by multiplying the amount

prescribed in the said item by the ratio of the shares, etc. for considering the claims held by the said person of the said specified foreign subsidiary company, etc. prescribed in Article 25-21(3)(i) out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. at the time when the said event occurred (where the money or any other assets have been delivered to an affiliated foreign company related to the said resident whose tax burden imposed in the state of the head office on the amount of the money that it receives as prescribed in Article 40-5(1)(ii) of the Act is below the low tax-burden base or to any other specified foreign subsidiary company, etc. related to the said resident, such shares, etc. for considering the claims held shall exclude the shares, etc. for considering the claims indirectly held via the said affiliated foreign company or the said other specified foreign subsidiary company, etc.)

三 法第四十条の五第一項に規定する居住者に係る同項に規定する外国関係会社につき同項第三号に掲げる事実が生じた場合 同号に定める金額のうち控除未済課税済配当等の額に達するまでの金額

(iii) Where an event listed in Article 40-5(1)(iii) has occurred with regard to an affiliated foreign company prescribed in Article 40-5(1) of the Act related to a resident prescribed in the said paragraph: The amount specified in the said item with the taxed amount of a dividend, etc. before deduction as the upper limit.

3 法第四十条の五第一項に規定する居住者に係る特定外国子会社等につき基準事業年度の期間内の日をその支払に係る基準日とする二以上の剰余金の配当等（当該二以上の剰余金の配当等が当該剰余金の配当等に係る基準事業年度に係る適用年の前年以前の年に支払われた剰余金の配当等（以下この項において「特定剰余金配当等」という。）である場合の当該二以上の剰余金の配当等を除く。）の支払があつた場合（特定剰余金配当等の支払があつた場合において、当該特定剰余金配当等に係る基準事業年度終了の日から六月を経過する日までに当該基準事業年度の期間内の日をその支払に係る基準日とする剰余金の配当等の支払がないときを含む。）における前項第一号の規定の適用については、同号に定める金額は、第一号に掲げる金額が第二号に掲げる金額を超えることとなる場合の当該超える部分の金額に同項第一号に規定する割合を乗じて計算した金額から第三号及び第四号に掲げる金額を控除した残額とする。

(3) With respect to the application of the provisions of item (i) of the preceding paragraph in the case where payment has been made for s of surplus, etc. whose base dates for payment are included in the base business year, with regard to a specified foreign subsidiary company, etc. related to a resident prescribed in Article 40-5(1) of the Act (where payment was made for the said two or more dividends of surplus, etc. in a year preceding the applicable business year pertaining to the base business year for the said dividends of surplus, etc. (hereinafter such paid dividend of surplus, etc. shall be referred to as a "specified dividend of surplus, etc." in this paragraph), excluding the said

two or more dividends of surplus) (including the cases where payment has been made for a specified dividend of surplus, etc. and payment has not been made for a dividend of surplus, etc. whose base date for payment is included in the said base business year up to the day on which six months have elapsed after the final day of the base business year for the said specified dividend of surplus, etc.), the amount specified in item (i) of the preceding paragraph shall be the amount obtained by multiplying the excess amount when the amount listed in item (i) exceeds the amount listed in item (ii) by the ratio prescribed in item (i) of the said paragraph and then deducting therefrom the amounts listed in item (iii) and item (iv):

一 法第四十条の五第一項第一号に掲げる事実が生じた日（特定剰余金配当等以外の剰余金の配当等の支払がない場合には、当該特定剰余金配当等に係る基準事業年度終了の日から六月を経過する日）の属する年の十二月三十一日までに当該特定外国子会社等が支払った剰余金の配当等（当該基準事業年度の期間内の日をその支払に係る基準日とするものに限る。）の額の合計額

(i) The sum of a dividend of surplus, etc. (limited to that whose base date for payment is included in the said base business year) that the said specified foreign subsidiary company, etc. has paid by December 31 of the year including the day on which an event listed in Article 40-5(1)(i) of the Act occurred (where no dividend of surplus, etc. other than a specified dividend of surplus, etc. was paid, the year including the day on which six months have elapsed after the final day of the base business year for the said specified dividend of surplus, etc.)

二 前号の剰余金の配当等の額の合計額につき当該特定外国子会社等の当該基準事業年度の法第四十条の四第一項に規定する適用対象留保金額の計算上控除される金額の合計額

(ii) The sum of the amounts to be deducted for calculating the amount of eligible retained income prescribed in Article 40-4(1) of the Act for the said base business year of the said specified foreign subsidiary company, etc., with regard to the sum of the dividends of surplus, etc. set forth in the preceding item

三 第一号の剰余金の配当等の額の合計額につき当該特定外国子会社等の当該基準事業年度の第二十五条の二十一第二項の規定による課税対象留保金額の計算上控除される金額の合計額

(iii) The sum of the amounts to be deducted for calculating the amount of taxable retained income under the provisions of Article 25-21(2) for the said base business year of the said specified foreign subsidiary company, etc., with regard to the sum of the dividends of surplus, etc. set forth in item (i)

四 第一号の剰余金の配当等の額の合計額につき法第四十条の五第一項の規定により当該居住者の同項第一号に掲げる事実が生じた日の属する年の前年以前の年分の配当所得の金額又は雑所得の金額の計算上控除された金額の合計額

(iv) The sum of the amounts deducted for calculating the amount of dividend income or miscellaneous income for a year preceding the relevant year including the day on which an event listed in Article 40-5(1)(i) of the Act occurred with regard to the said resident, pursuant to the provisions of the said paragraph, with regard to the sum of the dividends of surplus, etc. set forth in item (i)

4 第一項及び第二項に規定する控除未済課税済配当等の額とは、法第四十条の五第一項に規定する居住者に係る外国関係会社が同項第三号に掲げる事実が生じた日前二年以内の期間において当該居住者に係る特定外国子会社等から受けた剰余金の配当等の額（同項第二号に定める金額を含む。）で当該特定外国子会社等に係る第二十五条の二十一第二項の規定による課税対象留保金額の計算上控除されないもの（当該特定外国子会社等に係る第二項又は前項の規定により算定した法第四十条の五第一項に規定する課税済配当等の額に含まれないものを含む。）のうち、当該居住者の当該外国関係会社を通じて保有する当該特定外国子会社等の請求権勘案間接保有株式等に対応する部分の金額（既に法第四十条の五第一項の規定の適用に充てられた部分の金額を除く。）をいう。

(4) The taxed amount of a dividend, etc. before deduction prescribed in paragraph (1) and paragraph (2) shall be, out of the amount of a dividend of surplus, etc. which an affiliated foreign company related to a resident prescribed in Article 40-5(1) of the Act received from a specified foreign subsidiary company, etc. related to the said resident during the period of two years or less preceding the day on which an event listed in item (iii) of the said paragraph occurred (such amount of a dividend of surplus, etc. shall include the amount specified in item (ii) of the said paragraph) and which shall not be deducted for calculating the amount of taxable retained income under the provisions of Article 25-21(2) pertaining to the said specified foreign subsidiary company, etc. (including the amount which shall not be included in the taxed amount of a dividend, etc. prescribed in Article 40-5(1) of the Act that was calculated for the said specified foreign subsidiary company, etc. pursuant to the provisions of paragraph (2) or the preceding paragraph), the part which corresponds to the shares, etc. for considering the claims of the said specified foreign subsidiary company, etc. indirectly held by the said resident via the said affiliated foreign company (such part shall exclude the amount already appropriated for the application of the provisions of Article 40-5(1) of the Act).

5 法第四十条の五第一項の規定による課税済配当等の額（同項に規定する課税済配当等の額をいう。以下この条において同じ。）に相当する金額の控除については、次に定めるところによる。

(5) Deduction of the amount equivalent to the taxed amount of a dividend, etc. under the provisions of Article 40-5(1) of the Act (meaning the taxed amount of a dividend, etc. prescribed in the said paragraph; hereinafter the same shall apply in this Article) shall be made as specified as follows:

一 課税済配当等の額に相当する金額は、まずその年分の法第四十条の四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。

(i) The amount equivalent to the taxed amount of a dividend, etc. shall be deducted first for calculating the amount of miscellaneous income pertaining the taxable retained income to be included in gross revenue for the year pursuant to the provisions of Article 40-4(1) of the Act

二 前号の規定による控除をしてもなお控除しきれない課税済配当等の額に相当する金額は、その年分の特定外国子会社等又は法第四十条の五第一項に規定する外国関係会社から受ける配当等の額（同項に規定する配当等の額をいう。以下この条において同じ。）に係る配当所得の金額の計算上控除する。

(ii) The amount equivalent to the taxed amount of a dividend, etc. that still remains after making a deduction pursuant to the provision of the preceding paragraph shall be deducted for calculating the amount of dividend income from a dividend, etc. (meaning a dividend, etc. prescribed in Article 40-5(1) of the Act; hereinafter the same shall apply in this Article) to be received from a specified foreign subsidiary company, etc. or an affiliated foreign company prescribed in the said paragraph for the year.

6 法第四十条の五第二項の規定による控除未済配当等の額（同項に規定する控除未済配当等の額をいう。以下この項において同じ。）の控除については、次に定めるところによる。

(6) The deduction of the amount equivalent to the remaining amount of a dividend, etc. after deduction under the provisions of Article 40-5(2) of the Act (meaning the remaining amount of a dividend, etc. after deduction prescribed in the said paragraph; hereinafter the same shall apply in this paragraph) shall be made as specified as follows:

一 控除する控除未済配当等の額が前年以前三年内の二以上の年において法第四十条の五第一項の規定による控除をしてもなお控除しきれなかつた課税済配当等の額に係るものである場合には、これらの年のうち最も古い年において当該控除をしきれなかつた当該課税済配当等の額に係る控除未済配当等の額から順次控除する。

(i) Where the remaining amount of a dividend, etc. after deduction to be deducted pertains to the taxed amount of a dividend, etc. that still remains after making a deduction pursuant to the provision of Article 40-5(1) of the Act in the two years or more during the three years preceding the relevant year, the remaining amount of a dividend, etc. after deduction that pertains to the said taxed amount of a dividend, etc. that still remains after making the deduction shall be deducted, starting from that for the oldest year in chronological order

二 前年以前三年内の一の年において法第四十条の五第一項の規定による控除をしてもなお控除しきれなかつた課税済配当等の額に係る控除未済配当等の額の控除については、次に定めるところによる。

(ii) Deduction of the remaining amount of a dividend, etc. after deduction that pertains to the taxed amount of a dividend, etc. that still remains after making the deduction pursuant to the provision of Article 40-5(1) of the Act in a year during the three years preceding the relevant year shall be made as specified as follows:

イ 当該控除未済配当等の額は、まずその年分の法第四十条の四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（前項第一号の規定による控除が行われる場合には、当該控除後の金額）の計算上控除する。

(a) The said remaining amount of a dividend, etc. after deduction shall be deducted first for calculating the amount of miscellaneous income pertaining the taxable retained income to be included in gross revenue for the year pursuant to the provisions of Article 40-4(1) of the Act (where a deduction under the provision of item (i) of the preceding paragraph is made, for calculating the amount after the said deduction)

ロ イの規定による控除をしてもなお控除しきれない当該控除未済配当等の額は、その年分の特定外国子会社等又は法第四十条の五第二項に規定する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（前項第二号の規定による控除が行われる場合には、当該控除後の金額）の計算上控除する。

(b) The said remaining amount of a dividend, etc. after deduction that still remains after making a deduction pursuant to the provision of (a) shall be deducted for calculating the amount of dividend income from a dividend, etc. to be received from a specified foreign subsidiary company, etc. or an affiliated foreign company prescribed in Article 40-5(2) for the year (where a deduction under the provision of item (ii) of the preceding paragraph is made, for calculating the amount after the said deduction).

(外国関係会社の判定等)

(Determination, etc. of Affiliated Foreign Companies)

第二十五条の二十四 法第四十条の四第一項の場合において、外国法人が外国関係会社に該当するかどうかの判定は、当該外国法人の各事業年度終了の時の現況によるものとし、その者が同項各号に掲げる居住者に該当するかどうかの判定は、これらの居住者に係る外国関係会社の各事業年度終了の時の現況による。

Article 25-24 (1) In the case referred to in Article 40-4(1) of the Act, whether or not a foreign company falls under the category of an affiliated foreign company shall be determined according to its status at the end of the relevant business year of the said foreign corporation and whether or not the person falls under the category of a resident listed in the items of the said paragraph shall be determined according to its status at the end of the relevant business year of an affiliated foreign company related to such resident.

2 法第四十条の四第一項又は法第四十条の五第一項若しくは第二項の規定の適用を受

ける居住者の所得税法第九十五条第一項に規定する控除限度額を計算する場合における所得税法施行令第二百二十二条の規定の適用については、法第四十条の四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は同令第二百二十二条第三項に規定する国内源泉所得に含まれるものとし、法第四十条の五第一項又は第二項の規定の適用を受ける特定外国子会社等又は外国関係会社から受ける同条第一項に規定する配当等の額に係る配当所得の金額はこれらの規定を適用しないで計算した当該配当所得の金額によるものとする。

(2) With respect to the application of the provisions of Article 222 of the Order for Enforcement of the Income Tax Act when calculating the maximum amount of deduction prescribed in Article 95(1) of the Income Tax Act for a resident subject to the provisions of Article 40-4(1) of the Act or Article 40-5(1) or (2) of the Act, the amount of miscellaneous income pertaining to the taxable retained income to be included in the gross revenue pursuant to the provisions of Article 40-4(1) of the Act shall be included in the domestic source income prescribed in Article 222(3) of the said Order, and the amount of dividend income from a dividend, etc. prescribed in Article 40-5(1) to be received from a specified foreign subsidiary company, etc. or an affiliated foreign company subject to the provisions of Article 40-5(1) or (2) of the Act shall be the amount of the said dividend income calculated without applying these provisions.

3 法人税法施行令第十四条の十第一項から第五項まで及び第七項から第十一項までの規定は、法第四十条の四第七項の規定を同条（第三項、第四項及び第六項を除く。）から法第四十条の六までの規定並びに第二十五条の十九から第二十五条の二十一（第十一項を除く。）まで、第二十五条の二十三及びこの条の規定において適用する場合について準用する。

(3) The provisions of Article 14-10(1) to (5) and (7) to (11) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis where the provisions of Article 40-4(7) of the Act shall apply under the provisions of Article 40-4 (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 40-6 of the Act and Article 25-19 to Article 25-21 (excluding paragraph (11)), Article 25-23 and this Article.

4 前項に定めるもののほか、法人税法第四条の七に規定する受託法人又は法人課税信託の受益者についての法第四十条の四（第三項、第四項及び第六項を除く。）から第四十条の六までの規定又は第二十五条の十九から第二十五条の二十一（第十一項を除く。）まで、第二十五条の二十三若しくはこの条の規定の適用に関し必要な事項は、財務省令で定める。

(4) With regard to a trust corporation or a beneficiary of a trust subject to corporation taxation prescribed in Article 4-7 of the Corporation Tax Act, in addition to what is specified in the preceding paragraph, other necessary matters concerning the application of the provisions of Article 40-4 (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 40-6 of the Act, or Article 25-19 to Article 25-21 (excluding paragraph (11)), Article 25-23 or this

Article shall be specified by an Ordinance of the Ministry of Finance.

(特殊関係株主等の範囲等)

(Scope, etc. of Specially-related Shareholders, etc.)

第二十五条の三十 法第四十条の十第一項に規定する政令で定める特殊の関係のある個人は、次に掲げる個人とする。

Article 25-30 (1) An individual who has a special relationship specified by a Cabinet Order prescribed in Article 40-10(1) of the Act shall be any of the following:

一 特定株主等（法第四十条の十第二項第一号に規定する特定株主等をいう。以下この項及び次項において同じ。）に該当する個人と法人税法施行令第四条第一項に規定する特殊の関係のある個人

(i) An individual who has a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with an individual falling under the category of a specially-related shareholder, etc. (meaning a specially-related shareholder, etc. prescribed in Article 40-10(2)(i) of the Act; hereinafter the same shall apply in this paragraph and the next paragraph)

二 特定株主等に該当する法人の役員（法人税法第二条第十五号に規定する役員をいう。以下この節において同じ。）

(ii) An officer (meaning an officer prescribed in Article 2(xv) of the Corporation Tax Act; hereinafter the same shall apply in this Section) of a corporation falling under the category of a specially-related shareholder, etc.

三 特殊関係内国法人（法第四十条の十第二項第二号に規定する特殊関係内国法人をいう。以下この節において同じ。）の役員

(iii) An officer of a specially-related domestic corporation (meaning a specially-related domestic corporation prescribed in Article 40-10(2)(ii) of the Act; hereinafter the same shall apply in this Section)

四 前二号に掲げる役員に係る法人税法施行令第七十二条の三各号に掲げる者

(iv) A person listed in the items of Article 72-3 of the Order for Enforcement of the Corporation Tax Act related to an officer listed in the preceding two items.

2 法第四十条の十第一項に規定する政令で定める特殊の関係のある法人は、次に掲げる法人とする。

(2) A corporation which has a special relationship specified by a Cabinet Order prescribed in Article 40-10(1) of the Act shall be any of the following:

一 特定株主等の一人（個人である特定株主等については、その一人及びこれと前項第一号に規定する特殊の関係のある個人。以下この項において同じ。）が他の法人を支配している場合における当該他の法人

(i) Where one of the specially-related shareholders, etc. (regarding a specially-related shareholder, etc. who is an individual, the said specially-related shareholder, etc. and an individual who has a special relationship with

him/her as prescribed in item (i) of the preceding paragraph; hereinafter the same shall apply in this paragraph) governs any other corporation, the said other corporation

二 特定株主等の一人及びこれと前号に規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(ii) Where one of the specially-related shareholders, etc. and a corporation which has a special relationship with him/her as prescribed in the preceding item govern any other corporation, the said other corporation

三 特定株主等の一人及びこれと前二号に規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(iii) Where one of the specially-related shareholders, etc. and a corporation which has a special relationship with him/her as prescribed in the preceding two items govern any other corporation, the said other corporation.

3 法人税法施行令第四条第三項及び第四項の規定は、前項の規定を適用する場合について準用する。

(3) The provisions of Article 4(3) and (4) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis where the provisions of the preceding paragraph shall apply.

4 法第四十条の十第一項に規定する政令で定める関係は、同項に規定する特殊関係株主等（以下この節において「特殊関係株主等」という。）と特殊関係内国法人との間に特殊関係株主等の特殊関係内国法人に係る間接保有株式等保有割合（次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）をいう。）が百分の八十以上である関係がある場合における当該関係とする。

(4) A relationship specified by a Cabinet Order prescribed in Article 40-10(1) of the Act shall be the relevant relationship in the case where a specially-related shareholder, etc. prescribed in the said paragraph (hereinafter referred to as a "specially-related shareholder, etc." in this Section) and a specially-related domestic corporation have a relationship where the ratio of the shares, etc. indirectly held by the specially-related shareholder, etc. pertaining to the specially-related domestic corporation (meaning the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows)) is 80 percent or more:

一 特殊関係内国法人の株主等（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。以下この節において同じ。）である外国法人（特殊関係株主等に該当するものを除く。以下この号において同じ。）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。）の総数又は総額（以下この節において「発行済株式等」という。）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。以下この節において同じ。）が特殊関係株主等によつて所有されている場合 当該株主等である外国法人の有する特殊関係内国法人の株式等の数又は金額が当該特殊関

係内国法人の発行済株式等のうちに占める割合（当該株主等である外国法人が二以上ある場合には、当該二以上の株主等である外国法人につきそれぞれ計算した割合の合計割合）

- (i) Where out of the total number or total amount of shares or capital contributions issued by a foreign corporation (excluding that falling under the category of a specially-related shareholder, etc.; hereinafter the same shall apply in this item) which is a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2(1)(viii)-2 of the Income Tax Act; hereinafter the same shall apply in this Section) of a specially-related domestic corporation (such issued shares or capital contributions shall exclude those held on their own by the said foreign corporation and the total number or total amount of such issued shares or capital contributions shall be referred to as the "issued shares, etc." in this Section), a specially-related shareholder, etc. holds 80 percent or more of the number or the amount of such shares, etc. (meaning shares or capital contributions; hereinafter the same shall apply in this Section): The ratio of the number or the amount of the shares, etc. of the specially-related domestic corporation held by the said foreign corporation which is a shareholder, etc. out of the total issued shares, etc. of the said specially-related domestic corporation (where there are two or more such foreign corporations which are shareholders, etc., the sum of the ratios calculated for each of them)

二 特殊関係内国法人の株主等である法人（前号に掲げる場合に該当する同号の株主等である外国法人及び特殊関係株主等に該当する法人を除く。）と特殊関係株主等との間にこれらの者と株式等の所有を通じて連鎖関係にある一又は二以上の法人（当該株主等である法人が内国法人であり、かつ、当該一又は二以上の法人のすべてが内国法人である場合の当該一又は二以上の内国法人及び特殊関係株主等に該当する法人を除く。以下この号において「出資関連法人」という。）が介在している場合（出資関連法人及び当該株主等である法人がそれぞれその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特殊関係株主等又は出資関連法人（その発行済株式等の百分の八十以上の数又は金額の株式等が特殊関係株主等又は他の出資関連法人によつて所有されているものに限る。）によつて所有されている場合に限る。） 当該株主等である法人の有する特殊関係内国法人の株式等の数又は金額が当該特殊関係内国法人の発行済株式等のうちに占める割合（当該株主等である法人が二以上ある場合には、当該二以上の株主等である法人につきそれぞれ計算した割合の合計割合）

- (ii) Where a single corporation or two or more corporations intervene(s) between a corporation which is a shareholder, etc. of a specially-related domestic corporation (excluding a foreign corporation which is a shareholder, etc. set forth in the preceding item falling under the case listed in the said item and a corporation falling under the category of a specially-related shareholder, etc.) and a specially-related shareholder, etc. and has(have) a

linkage with them through holding the shares, etc. (where the said corporation which is a shareholder, etc. is a domestic corporation and the said intervening corporation(s) is a (are all) domestic corporation(s), excluding the said domestic corporation(s) and a corporation falling under the category of a specially-related shareholder, etc.; hereinafter referred to as a "capital contribution-related corporation(s)" in this item) (limited to the case where 80 percent or more of the number or the amount of the issued shares, etc. of each of a capital contribution-related corporation(s) and the said corporation which is a shareholder, etc. are held by a specially-related shareholder, etc. or a capital contribution-related corporation(s) (such specially-related shareholder, etc. or capital contribution-related foreign corporation(s) shall be limited to those 80 percent or more of the number or the amount of whose issued shares, etc. are held by a specially-related shareholder, etc. or other capital contribution-related corporation(s)): The ratio of the number or the amount of the shares, etc. of the specially-related domestic corporation held by the said corporation which is a shareholder, etc. out of the total issued shares, etc. of the said specially-related domestic corporation (where there are two or more such corporations which are shareholders, etc., the sum of the ratios calculated for each of them).

5 法第四十条の十第一項に規定する政令で定める外国法人は、次に掲げる外国法人とする。

(5) A foreign corporation specified by a Cabinet Order prescribed in Article 40-10(1) of the Act shall be any of the following:

一 前項に規定する間接保有株式等保有割合が百分の八十以上である場合における同項第一号に規定する株主等である外国法人に該当する外国法人

(i) A foreign corporation falling under the category of a foreign corporation which is a shareholder, etc. prescribed in item (i) of the preceding paragraph, where the ratio of the shares, etc. held indirectly as prescribed in the said paragraph is 80 percent or more

二 前項に規定する間接保有株式等保有割合が百分の八十以上である場合における同項第二号に規定する株主等である法人に該当する外国法人及び同号に規定する出資関連法人に該当する外国法人

(ii) A foreign corporation falling under the category of a foreign corporation which is a shareholder, etc. prescribed in item (ii) of the preceding paragraph where the ratio of the shares, etc. held indirectly as prescribed in the preceding paragraph is 80 percent or more and a foreign corporation falling under the category of a capital contribution-related corporation prescribed in the said item

三 前二号に掲げる外国法人がその発行済株式等の百分の五十を超える数又は金額の株式等を直接又は間接に保有する外国法人（前二号に掲げる外国法人に該当するもの及び特殊関係株主等に該当するものを除く。）

(iii) A foreign corporation, over 50 percent of the number or the amount of whose issued shares, etc. are held directly or indirectly by a foreign corporation listed in the preceding two items (excluding a foreign corporation falling under the category of a foreign corporation listed in the preceding two items and a foreign corporation falling under the category of a specially-related shareholder, etc.).

6 前項第三号において発行済株式等の百分の五十を超える数又は金額の株式等を直接又は間接に保有するかどうかの判定は、同項第一号及び第二号に掲げる外国法人の他の外国法人（同項第一号又は第二号に掲げる外国法人に該当するもの及び特殊関係株主等に該当するものを除く。以下この項において同じ。）に係る直接保有株式等保有割合（前項第一号及び第二号に掲げる外国法人の有する他の外国法人の株式等の数又は金額が当該他の外国法人の発行済株式等のうちに占める割合をいう。）と同項第一号及び第二号に掲げる外国法人の当該他の外国法人に係る間接保有株式等保有割合（次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）をいう。）とを合計した割合により行うものとする。

(6) In item (iii) of the preceding paragraph, whether or not a foreign corporation directly or indirectly holds over 50 percent of the issued shares, etc. shall be determined based on the sum of the ratio of the shares, etc. held directly by a foreign corporation listed in item (i) and item (ii) of the said paragraph pertaining to any other foreign corporation (excluding a foreign corporation falling under the category of a foreign corporation listed in item (i) or item (ii) of the said paragraph and a foreign corporation falling under the category of a specially-related shareholder, etc.; hereinafter the same shall apply in this paragraph) (such ratio of the shares, etc. held directly shall mean the ratio of the number or the amount of the shares, etc. of any other foreign corporation held by a foreign corporation listed in item (i) and item (ii) of the preceding paragraph out of the total issued shares, etc. of the said other foreign corporation) and the ratio of the shares, etc. held indirectly by a foreign corporation listed in item (i) and item (ii) of the said paragraph pertaining to the said other foreign corporation (such ratio of the shares, etc. held indirectly shall mean the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows):

一 当該他の外国法人の株主等である外国法人の発行済株式等の百分の五十を超える数又は金額の株式等が前項第一号及び第二号に掲げる外国法人によつて所有されている場合 当該株主等である外国法人の有する当該他の外国法人の株式等の数又は金額が当該他の外国法人の発行済株式等のうちに占める割合（当該株主等である外国法人が二以上ある場合には、当該二以上の株主等である外国法人につきそれぞれ計算した割合の合計割合）

(i) Where a foreign corporation listed in item (i) and item (ii) of the preceding

paragraph holds over 50 percent of the number or the amount of the issued shares, etc. of a foreign corporation which is a shareholder, etc. of the said other foreign corporation: The ratio of the number or the amount of the shares, etc. of the said other foreign corporation held by the said foreign corporation which is a shareholder, etc. out of the total issued shares, etc. of the said other foreign corporation (where there are two or more such foreign corporations which are shareholders, etc., the sum of the ratios calculated for each of them)

二 当該他の外国法人の株主等である外国法人（前号に掲げる場合に該当する同号の株主等である外国法人を除く。）と前項第一号及び第二号に掲げる外国法人との間にこれらの者と株式等の所有を通じて連鎖関係にある一又は二以上の外国法人（以下この号において「出資関連外国法人」という。）が介在している場合（出資関連外国法人及び当該株主等である外国法人がそれぞれその発行済株式等の百分の五十を超える数又は金額の株式等を同項第一号及び第二号に掲げる外国法人又は出資関連外国法人（その発行済株式等の百分の五十を超える数又は金額の株式等が同項第一号及び第二号に掲げる外国法人又は他の出資関連外国法人によつて所有されているものに限る。）によつて所有されている場合に限る。） 当該株主等である外国法人の有する当該他の外国法人の株式等の数又は金額が当該他の外国法人の発行済株式等のうちに占める割合（当該株主等である外国法人が二以上ある場合には、当該二以上の株主等である外国法人につきそれぞれ計算した割合の合計割合）

(ii) Where a single foreign corporation or two or more foreign corporations intervene(s) between a foreign corporation which is a shareholder, etc. of the said other foreign corporation (excluding a foreign corporation which is a shareholder, etc. set forth in the preceding item falling under the case listed in the said item) and a foreign corporation listed in item (i) and item (ii) of the preceding paragraph and has(have) a linkage with them through holding the shares, etc. (hereinafter referred to as a "capital contribution-related foreign corporation(s)" in this item) (limited to the case where over 50 percent of the number or the amount of the issued shares, etc. of each of a capital contribution-related foreign corporation(s) and the said foreign corporation which is a shareholder, etc. are held by a foreign corporation listed in item (i) and item (ii) of the said paragraph or a capital contribution-related foreign corporation(s) (such foreign corporation or capital contribution-related foreign corporation(s) shall be limited to those over 50 percent of the number or the amount of whose issued shares, etc. are held by a foreign corporation listed in item (i) and item (ii) of the said paragraph or other capital contribution-related corporation(s)): The ratio of the number or the amount of the shares, etc. of the said other foreign corporation held by the said foreign corporation which is a shareholder, etc. out of the total issued shares, etc. of the said other foreign corporation (where there are two or more such foreign corporations which are shareholders, etc., the sum of

the ratios calculated for each of them).

7 法第四十条の十第一項に規定する政令で定める外国関係法人は、次に掲げるものとする。

(7) An affiliated foreign corporation specified by a Cabinet Order prescribed in Article 40-10(1) of the Act shall be any of the following:

一 法人の所得に対して課される税が存在しない国又は地域に本店又は主たる事務所を有する外国関係法人（法第四十条の十第一項に規定する外国関係法人をいう。以下この節において同じ。）

(i) An affiliated foreign corporation (meaning an affiliated foreign corporation prescribed in Article 40-10(1) of the Act; hereinafter the same shall apply in this Section) which has its head office or principal office in a state or territory where there are no taxes imposed on corporate income

二 その各事業年度（法第二条第二項第十九号に規定する事業年度をいう。以下この節において同じ。）の所得に対して課される租税の額が当該所得の金額の百分の二十五以下である外国関係法人

(ii) An affiliated foreign corporation where the tax imposed on its income for the relevant business year (meaning a business year prescribed in Article 2(2)(xix) of the Act; hereinafter the same shall apply in this Section) is 25 percent or less of the said income.

8 第二十五条の十九第二項の規定は、外国関係法人が前項第二号の外国関係法人に該当するかどうかの判定について準用する。

(8) The provisions of Article 25-19(2) shall apply mutatis mutandis to the determination as to whether or not an affiliated foreign corporation falls under the category of an affiliated foreign corporation set forth in item (ii) of the preceding paragraph.

9 法第四十条の十第二項第一号に規定する政令で定める特殊の関係のある個人は、内国法人の株主等と法人税法施行令第四条第一項に規定する特殊の関係のある個人とする

(9) An individual who has the special relationship specified by a Cabinet Order prescribed in Article 40-10(2)(i) of the Act shall be an individual who has a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with a shareholder, etc. of a domestic corporation.

10 法第四十条の十第二項第一号に規定する政令で定める特殊の関係のある法人は、次に掲げる法人とする。

(10) A corporation which has a special relationship specified by a Cabinet Order prescribed in Article 40-10(2)(i) of the Act shall be any of the following:

一 内国法人の株主等（当該内国法人が自己の株式等を有する場合の当該内国法人を除く。以下この項において「判定株主等」という。）の一人（個人である判定株主等については、その一人及びこれと前項に規定する特殊の関係のある個人。以下この項において同じ。）が他の法人を支配している場合における当該他の法人

(i) Where one of the shareholders, etc. of a domestic corporation (where the

said domestic corporation holds its own shares, etc., excluding the said domestic corporation; hereinafter referred to as a "determined shareholder, etc." in this paragraph) (regarding a determined shareholder, etc. who is an individual, the said determined shareholder, etc. and an individual who has a special relationship with him/her as prescribed in the preceding paragraph; hereinafter the same shall apply in this paragraph) governs any other corporation, the said other corporation

二 判定株主等の一人及びこれと前号に規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(ii) Where one of the determined shareholders, etc. and a corporation which has a special relationship with him/her as prescribed in the preceding item govern any other corporation, the said other corporation

三 判定株主等の一人及びこれと前二号に規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(iii) Where one of the determined shareholders, etc. and a corporation which has a special relationship with him/her as prescribed in the preceding two items govern any other corporation, the said other corporation.

1 1 法人税法施行令第四条第三項及び第四項の規定は、前項の規定を適用する場合について準用する。

(11) The provisions of Article 4(3) and (4) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis where the provisions of the preceding paragraph shall apply.

1 2 法第四十条の十第二項第二号に規定する政令で定める内国法人は、合併、分割、事業の譲渡その他の事由（以下この項において「特定事由」という。）により、同号に規定する特定内国法人の当該特定事由の直前の資産及び負債のおおむね全部の移転を受けた内国法人とする。

(12) A domestic corporation specified by a Cabinet Order prescribed in Article 40-10(2)(ii) of the Act shall be a domestic corporation which has received the transfer of almost all the assets and liabilities of a specified domestic corporation prescribed in the said item immediately prior to a merger, split, transfer of business or for other reasons (hereinafter referred to as "specified reasons" in this paragraph) due to the said specified reasons.

（特定外国法人の未処分所得の金額の計算）

(Calculation of Undistributed Income of Specified Foreign Corporations)

第二十五条の三十一 法第四十条の十第二項第三号に規定する政令で定める基準により計算した金額は、同条第一項に規定する特定外国法人（以下この条並びに次条第一項及び第二項において「特定外国法人」という。）の各事業年度の決算に基づく所得の金額につき、第二十五条の二十第一項若しくは第二項又は同条第三項の規定の例により計算した金額とする。

Article 25-31 (1) The amount of undistributed income calculated in accordance

with the standards specified by a Cabinet Order prescribed in Article 40-10(2)(iii) of the Act shall be the amount calculated, pursuant to the provisions of Article 25-20(1) or (2) or paragraph (3) of the said Article, with regard to the income of a specified foreign corporation prescribed in Article 40-10(1) of the Act (hereinafter referred to as a "specified foreign corporation" in this Article and paragraph (1) and paragraph (2) of the next Article) in its settlement of accounts for the relevant business year.

2 法第四十条の十第二項第三号に規定する欠損の金額に係る調整を加えた金額は、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、前項の規定により計算した金額（以下この項において「調整所得金額」という。）から当該各事業年度開始の日前七年以内に開始した事業年度（平成十九年十月一日前に開始した事業年度及び特定外国法人（法第六十六条の九の六第一項又は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を含む。）に該当しなかつた事業年度を除く。）において生じた欠損金額（この項の規定により当該各事業年度前の事業年度において控除されたものを除く。）の合計額（当該合計額が当該各事業年度の調整所得金額を超える場合には、当該調整所得金額）に相当する金額を控除した金額とする。

(2) The amount obtained as a result of an adjustment for the amount of a loss prescribed in Article 40-10(2)(iii) of the Act shall be the amount obtained by calculating the amount of income pursuant to the provisions of the preceding paragraph with regard to the income of a specified foreign corporation in its settlement of accounts for the relevant business year (hereinafter referred to as the "amount of adjusted income" in this paragraph) and then deducting therefrom the amount equivalent to the sum of the loss incurred in business years that commenced within seven years preceding the first day of the relevant business year (excluding a business year that commenced before October 1, 2007 and a business year during which the corporation did not fall under the category of a specified foreign corporation (including a specified foreign corporation prescribed in Article 66-9-6(1) or Article 68-93-6(1) of the Act)) (such loss shall exclude the amount deducted in business years preceding the said relevant business year pursuant to the provisions of this paragraph) (where the said sum of the loss exceeds the amount of adjusted income for the relevant business year, the said amount of adjusted income).

3 前項に規定する欠損金額とは、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いて、第一項の規定により計算した場合に算出される欠損の金額をいう。

(3) A loss prescribed in the preceding paragraph shall be a loss calculated with regard to the amount of income of a specified foreign corporation in its settlement of accounts for the relevant business year, where the calculation has been made pursuant to the provisions of paragraph (1).

4 第二十五条の二十第七項及び第八項の規定は、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、同条第一項又は第二項の規定の例により計算する場合について準用する。

(4) The provisions of Article 25-20(7) and (8) shall apply mutatis mutandis where the amount of income of a specified foreign corporation in its settlement of accounts for the relevant business year is calculated pursuant to the provisions of paragraph (1) or (2) of the said Article.

(特定外国法人の課税対象留保金額の計算等)

(Calculation, etc. of the Amount of Taxable Retained Income of Specified Foreign Corporations)

第二十五条の三十二 法第四十条の十第一項の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の額に関する調整を加えた金額は、特定外国法人の各事業年度の同条第二項第三号に規定する未処分所得の金額につき、第二十五条の二十一第一項の規定の例により計算した金額とする。

Article 25-32 (1) The amount obtained as a result of an adjustment to the amount of undistributed income set forth in Article 40-10(1) of the Act for the amount of taxes and a dividend of surplus, etc. on the said undistributed income shall be the amount calculated with regard to the amount of undistributed income prescribed in Article 40-10(2)(iii) of the Act for the relevant business year of a specified foreign corporation, pursuant to the provisions of Article 25-21(1).

2 法第四十条の十第一項に規定する政令で定めるところにより計算した金額は、特殊関係株主等である居住者に係る特定外国法人の各事業年度の適用対象留保金額（同項に規定する適用対象留保金額をいう。以下この節において同じ。）につき、第二十五条の二十一第二項及び第三項の規定の例により計算した金額とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article 40-10(1) of the Act shall be the amount calculated with regard to the eligible retained income (meaning the eligible retained income prescribed in the said paragraph; hereinafter the same shall apply in this Section) for the relevant business year of a specified foreign corporation related to a resident who is a specially-related shareholder, etc., pursuant to the provisions of Article 25-21(2) and (3).

3 第二十五条の二十一第四項及び第五項の規定は、法第四十条の十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同項に規定する課税対象留保金額に係る雑所得の金額の計算上必要経費に算入すべき金額を計算する場合について準用する。

(3) The provisions of Article 25-21(4) and (5) shall apply mutatis mutandis to the case of calculating the amount to be included in the necessary expenses for calculating the amount of miscellaneous income pertaining to taxable retained income prescribed in Article 40-10(1) of the Act which shall be included in the gross revenue pursuant to the provisions of the said paragraph.

4 第二十五条の二十一第六項の規定は、法第四十条の十第二項第四号に規定する間接に有するものとして政令で定める外国法人の株式の数又は出資の金額について準用する。この場合において、第二十五条の二十一第六項中「個人」とあるのは、「居住

者」と読み替えるものとする。

(4) The provisions of Article 25-21(6) shall apply mutatis mutandis to the number of shares or the amount of capital contributions of a foreign corporation specified by a Cabinet Order as being held indirectly as prescribed in Article 40-10(2)(iv) of the Act. In this case, the term "an individual" in Article 25-21(6) shall be deemed to be replaced with "a resident."

5 法第四十条の十第三項の規定により読み替えて適用する同条第一項の政令で定める費用の額は、同条第三項に規定する特定外国法人の事業に従事する当該特定外国法人の役員及び使用人に係る人件費の額の合計額につき、第二十五条の二十一第十一項の規定の例により計算した金額とする。

(5) The amount of expenses specified by a Cabinet Order set forth in Article 40-10(1) of the Act which is applied by replacing the terms pursuant to the provisions of paragraph (3) of the said Article shall be the amount calculated with regard to the sum of personnel expenses for officers and employees of a specified foreign corporation engaged in the business of the said specified foreign corporation prescribed in paragraph (3) of the said Article, pursuant to the provisions of Article 25-21(11).

(特定外国法人の事業の判定等)

(Determination, etc. of Business of Specified Foreign Corporations)

第二十五条の三十三 法第四十条の十第四項第一号に規定する政令で定める者は、次に掲げる者とする。

Article 25-33 (1) The person specified by a Cabinet Order prescribed in Article 40-10(4)(i) of the Act shall be any of the following:

一 法第四十条の十第四項第一号に掲げる事業を主として行う同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。）に係る特殊関係株主等に該当する連結法人（法人税法第二条第十二号の七の四に規定する連結法人をいう。以下この号及び第三号において同じ。）との間に法人税法第二条第十二号の七の五に規定する連結完全支配関係がある他の連結法人（当該特定外国法人に係る特殊関係株主等に該当する者を除く。）

(i) Other consolidated corporations (meaning consolidated corporations prescribed in Article 2(xii)-7-4 of the Corporation Tax Act; hereinafter the same shall apply in this item and item (iii)) which have the consolidated full controlling interest prescribed in Article 2(xii)-7-5 of the Corporation Tax Act with a consolidated corporation falling under the category of a specially-related shareholder, etc. which pertains to a specified foreign corporation prescribed in Article 40-10(4) of the Act (hereinafter referred to as a "specified foreign corporation" in this paragraph) mainly engaged in the business listed in item (i) of the said paragraph (hereinafter such specified foreign corporation shall be referred to as a "specified foreign corporation" in this paragraph) (such other consolidated corporations shall exclude those

- falling under the category of specially-related shareholders, etc. pertaining to the said specified foreign corporation)
- 二 法第四十条の十第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に該当する法人の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国法人に係る特殊関係株主等に該当する者及び前号に掲げる者に該当する者を除く。）
- (ii) A person who holds over 50 percent of the number or the amount of the total issued shares, etc. of a corporation falling under the category of a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Article 40-10(4)(i) of the Act (excluding a person falling under the category of a specially-related shareholder, etc. pertaining to the said specified foreign corporation and a person falling under the category of persons listed in the preceding item)
- 三 法第四十条の十第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に該当する連結法人（当該連結法人が法人税法第二条第十二号の七の三に規定する連結子法人である場合には、当該連結法人に係る同条第十二号の七の二に規定する連結親法人）の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国法人に係る特殊関係株主等に該当する者及び前二号に掲げる者に該当する者を除く。）
- (iii) A person who holds over 50 percent of the number or the amount of the total issued shares, etc. of a consolidated corporation falling under the category of a specially-related shareholder, etc. (where the said consolidated corporation is a consolidated subsidiary corporation prescribed in Article 2(xii)-7-3 of the Corporation Tax Act, a consolidated parent corporation prescribed in item (xii)-7-2 of the said Article related to the said consolidated corporation) which pertains to a specified foreign corporation mainly engaged in the business listed in Article 40-10(4)(i) of the Act (excluding a person falling under the category of a specially-related shareholder, etc. pertaining to the said specified foreign corporation and a person falling under the category of persons listed in the preceding two items)
- 四 法第四十条の十第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に係る外国関係法人
- (iv) An affiliated foreign corporation related to a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Article 40-10(4)(i) of the Act
- 五 法第四十条の十第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等と特殊関係内国法人との間に介在する第二十五条の三十第四項第二号に規定する株主等である法人又は出資関連法人（第一号又は前号に掲げる者に該当する者を除く。）
- (v) A corporation which is a shareholder, etc. prescribed in Article 25-30(4)(ii) or a capital contribution-related corporation(s) which intervene(s) between a

pecially-related domestic corporation and a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Article 40-10(4)(i) of the Act (excluding a person falling under the category of persons listed in item (i) or the preceding item)

六 次に掲げる者と法第四十条の十第二項第一号に規定する政令で定める特殊の関係のある者（同条第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係内国法人に該当する者及び特殊関係株主等に該当する者並びに前各号に掲げる者に該当する者を除く。）

(vi) A person who has a special relationship specified by a Cabinet Order prescribed in Article 40-10(2)(i) of the Act with those listed as follows (excluding a person falling under the category of a specially-related domestic corporation pertaining to a specified foreign corporation mainly engaged in the business listed in Article 40-10(4)(i) of the Act, a person falling under the category of a specially-related shareholder, etc. and a person falling under the category of persons listed in the preceding items):

イ 法第四十条の十第四項第一号に掲げる事業を主として行う特定外国法人

(a) A specified foreign corporation mainly engaged in the business listed in Article 40-10(4)(i) of the Act

ロ 法第四十条の十第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係内国法人

(b) A specially-related domestic corporation pertaining to a specified foreign corporation mainly engaged in the business listed in Article 40-10(4)(i) of the Act

ハ 法第四十条の十第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に該当する個人又は法人

(c) An individual or corporation falling under the category of a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Article 40-10(4)(i) of the Act

ニ 前各号に掲げる者

(d) Those listed in the preceding items.

2 第二十五条の二十二第二項及び第三項の規定は、法第四十条の十第四項第一号に規定する政令で定める場合について準用する。この場合において、第二十五条の二十二第二項第一号中「法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前項各号」とあるのは、「法第四十条の十第二項第二号に規定する特殊関係内国法人、同条第一項に規定する特殊関係株主等及び第二十五条の三十三第一項各号」と読み替えるものとする。

(2) The provisions of Article 25-22(2) and (3) shall apply mutatis mutandis to the case specified by a Cabinet Order prescribed in Article 40-10(4)(i) of the Act. In this case, the term "those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding items" in Article 25-22(2)(i) shall be deemed to be replaced with "a specially-related domestic

corporation prescribed in Article 40-10(2)(ii) of the Act, specially-related shareholder, etc. prescribed in paragraph (1) of the said Article and those listed in the items of Article 25-33(1)."

3 第二十五条の二十二第五項の規定は、法第四十条の十第四項第二号に規定する政令で定める場合について準用する。

(3) The provisions of Article 25-22(5) shall apply mutatis mutandis to the case specified by a Cabinet Order prescribed in Article 40-10(4)(ii) of the Act.

(特定外国法人の課税済配当等の額の計算等)

(Calculation, etc. of Taxed Amount of Dividend, etc. of Specified Foreign Corporations)

第二十五条の三十四 法第四十条の十一第一項に規定する外国関係法人のうち政令で定めるものは、同項に規定する特定外国法人（以下この項及び次項において「特定外国法人」という。）に係る控除未済課税済配当等の額（次項の規定により特殊関係株主等である居住者に係る特定外国法人又は当該居住者に係る外国関係法人につき同条第一項各号に掲げる事実が生じた場合における同項各号に定める金額につき第二十五条の二十三第二項から第四項までの規定の例により計算するときの同項に規定する控除未済課税済配当等の額をいう。）を有する外国関係法人（法第四十条の十一第一項の居住者に係る特定外国法人に該当するものを除く。）とする。

Article 25-34 (1) The affiliated foreign corporation prescribed in Article 40-11(1) of the Act which is specified by a Cabinet Order shall be one of the affiliated foreign corporations which hold the taxed amount of a dividend, etc. before deduction pertaining to a specified foreign corporation prescribed in Article 40-11(1) of the Act (hereinafter referred to as a "specified foreign corporation" in this paragraph and the next paragraph) (such taxed amount of a dividend, etc. before deduction shall mean the taxed amount of a dividend, etc. before deduction prescribed in Article 25-23(2) to (4) obtained by calculating the amount prescribed in items of Article 40-11(1) of the Act, pursuant to the provisions of Article 25-23(2) to (4), where an event listed in the items of Article 40-11(1) of the Act has occurred with regard to a specified foreign corporation related to a resident who is a specially-related shareholder, etc. or an affiliated foreign corporation related to the said resident, pursuant to the provisions of the next paragraph) (such affiliated foreign corporation shall exclude those falling under the category of a specified foreign corporation related to a resident set forth in Article 40-11(1) of the Act).

2 法第四十条の十一第一項に規定する政令で定めるところにより計算した金額は、同項に規定する特殊関係株主等である居住者に係る特定外国法人又は当該居住者に係る外国関係法人につき同項各号に掲げる事実が生じた場合における同項各号に定める金額につき、第二十五条の二十三第二項から第四項までの規定の例により計算した金額とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article

40-11(1) of the Act shall be the amount obtained by calculating the amount specified in the items of the said paragraph, where an event listed in the items of the said paragraph has occurred with regard to a specified foreign corporation related to a resident who is a specially-related shareholder, etc. or an affiliated foreign corporation related to the said resident as prescribed in the said paragraph, pursuant to the provisions of Article 25-23(2) to (4).

3 第二十五条の二十三第五項及び第六項の規定は、法第四十条の十一第一項の規定による同項に規定する課税済配当等の額に相当する金額の控除及び同条第二項の規定による同項に規定する控除未済配当等の額の控除について準用する。

(3) The provisions of Article 25-23(5) and (6) shall apply mutatis mutandis to a deduction under the provisions of Article 40-11(1) of the Act of the amount equivalent to the taxed amount of a dividend, etc. prescribed in the said paragraph and a deduction under paragraph (2) of the said Article of the remaining amount of dividend, etc. after deduction prescribed in the said paragraph.

(特定関係の判定等)

(Determination, etc. of Specified Relationship)

第二十五条の三十五 法第四十条の十第一項の規定を適用する場合において、内国法人が同条第二項第一号に規定する特定内国法人に該当するかどうかの判定については同条第一項に規定する特定関係の発生の基因となる事実が生ずる直前の現況によるものとし、その後に特殊関係株主等と特殊関係内国法人との間に当該特定関係があるかどうかの判定及び外国法人が外国関係法人に該当するかどうかの判定については当該特殊関係内国法人の各事業年度終了の時の現況による。

Article 25-35 (1) Where the provisions of Article 40-10(1) of the Act shall apply, whether or not a domestic corporation falls under the category of a specified domestic corporation prescribed in Article 40-10(2)(i) of the Act shall be determined according to its status immediately before an event causing a specified relationship prescribed in paragraph (1) of the said Article occurred, and whether or not the said specified relationship actually exists afterwards between a specially-related shareholder, etc. and a specially-related domestic corporation and whether or not a foreign corporation falls under the category of an affiliated foreign corporation shall be determined according to its status at the end of the relevant business year of the said specially-related domestic corporation.

2 前項の規定により、特殊関係内国法人の各事業年度終了の時ににおいて、外国法人が外国関係法人に該当するものと判定された場合には、当該外国関係法人（法第四十条の十第一項に規定する特定外国法人に該当するものに限る。）のその判定された日を含む各事業年度の適用対象留保金額につき、同条の規定を適用する。

(2) Where a foreign corporation has been determined as falling under the category of an affiliated foreign corporation at the end of the relevant business

year of a specially-related domestic corporation, pursuant to the provision of preceding paragraph, the provisions of Article 40-10 of the Act shall apply to the eligible retained income for the relevant business year including the day on which the said affiliated foreign corporation (limited to that falling under the category of a specified foreign corporation prescribed in Article 40-10(1) of the Act) was determined as falling under such category.

3 第二十五条の二十四第二項の規定は、法第四十条の十第一項又は法第四十条の十一第一項若しくは第二項の規定の適用を受ける居住者の所得税法第九十五条第一項に規定する控除限度額を計算する場合における所得税法施行令第二百二十二条の規定の適用について準用する。

(3) The provisions of Article 25-24(2) shall apply mutatis mutandis to the application of the provisions of Article 222 of the Order for Enforcement of the Income Tax Act in the case of calculating the maximum amount of deduction prescribed in Article 95(1) of the Income Tax Act for a resident subject to the provisions of Article 40-10(1) of the Act or Article 40-11(1) or (2) of the Act.

4 法人税法施行令第十四条の十第一項から第五項まで及び第七項から第十一項までの規定は、法第四十条の十第八項の規定を同条（第三項、第四項及び第六項を除く。）から法第四十条の十二までの規定並びに第二十五条の三十から第二十五条の三十二（第五項を除く。）まで、第二十五条の三十四及びこの条の規定において適用する場合について準用する。

(4) The provisions of Article 14-10(1) to (5) and (7) to (11) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis where the provisions of Article 40-10(8) of the Act shall apply under the provisions of Article 40-10 (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 40-12 of the Act, Article 25-30 to Article 25-32 (excluding paragraph (5)), Article 25-34 and this Article.

5 前項に定めるもののほか、法人税法第四条の七に規定する受託法人又は法人課税信託の受益者についての法第四十条の十（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又は第二十五条の三十から第二十五条の三十二（第五項を除く。）まで、第二十五条の三十四若しくはこの条の規定の適用に関し必要な事項は、財務省令で定める。

(5) With regard to a trust corporation or the beneficiary of a trust subject to corporation taxation prescribed in Article 4-7 of the Corporation Tax Act, in addition to what is specified in the preceding paragraph, other necessary matters concerning the application of the provisions of Article 40-10 (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 40-12 of the Act, Article 25-30 to Article 25-32 (excluding paragraph (5)), Article 25-34 or this Article shall be specified by an Ordinance of the Ministry of Finance.

(償還差益に対する所得税の納付等)

(Payment, etc. of Income Tax on Profit from Redemption)

第二十六条の十 法第四十一条の十二第七項に規定する割引債（以下第二十六条の十三までにおいて「割引債」という。）の発行者は、法第四十一条の十二第三項の規定により徴収した所得税を納付する場合には、その納付の際、国税通則法第三十四条第一項に規定する納付書に財務省令で定める計算書を添付しなければならない。

Article 26-10 (1) The issuer of discount bonds prescribed in Article 41-12(7) of the Act (hereinafter referred to as "discount bonds" through to Article 26-13) shall, when he/she pays income tax collected pursuant to the provisions of Article 41-12(3) of the Act, attach a financial statement specified by an Ordinance of the Ministry of Finance to a payment statement prescribed in Article 34(1) of the Act on General Rules for National Taxes at the time of the payment.

2 法第四十一条の十二第三項の規定により徴収して納付すべき所得税の納税地は、同項の割引債の発行者の本店又は主たる事務所の所在地（当該割引債が国債（同条第七項第一号に掲げるものを除く。）である場合には、日本銀行の本店の所在地）とする。

(2) The place for paying income tax to be collected and paid pursuant to the provisions of Article 41-12(3) of the Act shall be at the location of the head office or principal office of an issuer of discount bonds set forth in the said paragraph (where the said discount bonds are national government bonds (excluding those listed in Article 41-12(7)(i) of the Act), at the location of the head office of the Bank of Japan).

3 法第四十一条の十二第四項の規定により同項に規定する償還を受ける時に徴収される所得税とみなされる額は、当該償還を受ける者が当該償還の時に所有している同項の割引債につき同条第三項の規定によりその発行の際徴収されるものとした場合の所得税の額とする。

(3) The amount deemed to be income tax to be collected when receiving the redemption prescribed in Article 41-12(4) of the Act pursuant to the provisions of the said paragraph shall be the amount of income tax that shall be collected from a person who receives the said redemption, with regard to discount bonds that he/she holds at the time of the said redemption, at the time of issue of the discount bonds pursuant to the provisions of paragraph (3) of the said Article.

（償還差益に対する所得税額の法人税額からの控除）

(Deduction of the Amount of Income Tax on Profit from Redemption from Corporation Tax)

第二十六条の十一 法第四十一条の十二第四項の規定により同項に規定する償還を受ける時に徴収される所得税とみなされたもののうち法人税の額から控除する所得税の額は、当該所得税の額（当該所得税の額が明らかでないときは、その割引債の券面金額から当該割引債に係る発行価額（当該割引債が同条第九項第一号から第八号までに掲げる国債で同項に規定する短期公社債に該当するものその他財務省令で定める国債（以下この項において「短期国債等」という。）でその発行価額が明らかでないもの以外の割引債であるときは当該割引債に係る最終発行日における発行価額とし、当該

割引債が当該短期国債等であるときは当該割引債に係る当該発行価額に準ずるものとして財務省令で定める価額とする。第二十六条の十三第一項第一号及び第五項第二号において「最終発行日における発行価額等」という。)を控除した残額に、当該割引債の発行の際に法第四十一条の十二第三項の規定により当該割引債に係る償還差益について徴収された所得税の税率を乗じて計算した金額とし、その割引債が償還期限を繰り上げて償還をされたもの又は当該期限前に買入消却をされたものであるときは、その所得税の額から次条第一項の規定により計算した還付する金額を控除した残額とする。)について、法人税法施行令第百四十条の二の規定により計算した金額とする。この場合において、同条第一項第一号中「の利子」とあるのは「の償還差益」と、同条第二項中「月数のうち」とあるのは「月数(当該利子配当等が短期公社債(租税特別措置法第四十一条の十二第九項に規定する短期公社債をいう。次項において同じ。)に係る償還差益であるときは、日数。以下この項において同じ。)のうち」と、同条第三項中「所得税の額を前項」とあるのは「所得税の額(短期公社債の償還差益に対する所得税の額を除く。)を前項」とする。

Article 26-11 (1) The amount of income tax to be deducted from corporation tax out of the amount deemed to be income tax to be collected when receiving the redemption prescribed in Article 41-12(4) of the Act pursuant to the provisions of the said paragraph shall be the amount calculated, pursuant to the provisions of Article 140-2 of the Order for Enforcement of the Corporation Tax Act, with regard to the amount of the said income tax (where the amount of the said income tax is not clear, with regard to the amount obtained by deducting the issue price for the discount bonds (where the said discount bonds are national government bonds listed in Article 41-12(9)(i) to (viii) of the Act which are those falling under the category of short-term government or company bonds prescribed in the said paragraph or other national government bonds specified by an Ordinance of the Ministry of Finance (hereinafter referred to as "short-term national government bonds, etc." in this paragraph) and are discount bonds other than those whose issue price is not clear, such issue price shall be the issue price on the final issue date for the said discount bonds, and where the said discount bonds are the said short-term national government bonds, etc., such issue price shall be the price specified by an Ordinance of the Ministry of Finance as equivalent to the said issue price for the said discount bonds; such issue price shall be referred to as the "issue price, etc. on the final issue date" in Article 26-13(1)(i) and (5)(ii)) from the face value of the said discount bonds and then multiplying the remaining amount after deduction by the rate of income tax on profit from redemption for the said discount bonds collected at the time of issue pursuant to the provisions of Article 41-12(3) of the Act, and where the discount bonds have been redeemed by bringing the redemption date forward or retired by purchase prior to the redemption date, with regard to the remaining amount after deducting the amount to be refunded that was calculated pursuant to the provisions of paragraph (1) of the

next Article from the amount of the income tax). In this case, the term "interest" in Article 140-2(1)(i) of the Order for Enforcement of the Corporation Tax Act shall be deemed to be replaced with "profit from redemption"; the term "out of the number of months" in paragraph (2) of the said Article shall be deemed to be replaced with "out of the number of months (the number of days, where the said dividend of interest, etc. is profit from redemption for short-term government or company bonds (meaning short-term government or company bonds prescribed in Article 41-12(9) of the Act on Special Measures Concerning Taxation; the same shall apply in the next paragraph); hereinafter the same shall apply in this paragraph);" and the term "the amount of income prescribed in paragraph (1)(i)" in paragraph (3) of the said Article shall be deemed to be replaced with "the amount of income (excluding the amount of income tax on profit from redemption of short-term government or company bonds) prescribed in paragraph (1)(i)."

2 法人が割引債を発行の際に取得した場合における法第四十一条の十二第三項の規定により徴収された所得税の額は、当該割引債の取得価額に含めるものとし、同条第四項の規定により償還を受ける時に徴収される所得税とみなされた金額は、その償還を受ける時を含む事業年度の所得の金額（その事業年度が法人税法第十五条の二に規定する連結事業年度である場合には、当該連結事業年度の同法第二条第十八号の四に規定する連結所得の金額。以下この項において同じ。）の計算上、損金の額に算入しないものとし、同法第六十八条（同法第四百四十四条において準用する場合を含む。）又は第八十一条の十四の規定により法人税の額から控除される所得税の額は、その控除しようとする事業年度の所得の金額の計算上、益金の額に算入するものとする。

(2) The amount of income tax collected pursuant to the provisions of Article 41-12(3) of the Act, where a corporation acquired discount bonds at the time of issue, shall be included in the acquisition costs of the said discount bonds; the amount deemed to be income tax to be collected when receiving the redemption pursuant to the provisions of paragraph (4) of the said Article shall not be included in deductible expenses for calculating the amount of income for a business year including the time of receiving the redemption (where the business year is a consolidated business year prescribed in Article 15-2 of the Corporation Tax Act, for calculating the amount of consolidated income prescribed in Article 2(xviii)-4 of the said Act for the said consolidated business year; hereinafter the same shall apply in this paragraph); and the amount of income tax to be deducted from corporation tax pursuant to the provisions of Article 68 (including the cases where it is applied mutatis mutandis pursuant to Article 144 of the said Act) or Article 81-14 of the said Act shall be included in gross profits for calculating the amount of income that is to be deducted for that business year.

（繰上償還等の場合の所得税の還付）

(Refund of Income Tax in the Case of Advanced Redemption, etc.)

第二十六条の十二 法第四十一条の十二第五項の規定により還付する所得税の額は、同項の割引債の券面金額から償還金額（買入消却が行なわれる場合には、その買入金額）を控除した金額に、当該割引債の発行の際に同条第三項の規定により当該割引債に係る償還差益について徴収された所得税の税率を乗じて計算した金額とする。

Article 26-12 (1) The amount of income tax to be refunded pursuant to the provisions of Article 41-12(5) of the Act shall be the amount obtained by deducting the redemption price (where retirement by purchase is performed, the purchase price) from the face value of the discount bonds set forth in the said paragraph and then multiplying the remaining amount after deduction by the rate of income tax on profit from redemption for the said discount bonds collected at the time of issue, pursuant to the provisions of paragraph (3) of the said Article.

2 法第四十一条の十二第五項の規定による還付は、同項に規定する償還の際、還付する。この場合において、当該還付をする金額は、同条第三項又は所得税法第百八十一条若しくは第二百十二条の規定により納付すべき金額から控除する。

(2) A refund under the provisions of Article 41-12(5) of the Act shall be made at the time of redemption prescribed in the said paragraph. In this case, the said amount to be refunded shall be deducted from the amount payable pursuant to the provisions of paragraph (3) of the said Article or Article 181 or 212 of the Income Tax Act.

(非課税法人等に対する所得税の還付)

(Refund of Income Tax for Non-taxable Corporations, etc.)

第二十六条の十三 法第四十一条の十二第六項の割引債につき、同項の規定により還付する所得税の額は、次の各号に掲げる場合の区分に応じ当該各号に定める金額とする。

Article 26-13 (1) The amount of income tax to be refunded pursuant to the provisions of Article 41-12(6) of the Act with regard to discount bonds set forth in the said paragraph shall be the amount specified respectively in the following items for the category of cases listed in the relevant items:

一 その償還期限後において償還する場合 当該割引債につき法第四十一条の十二第三項の規定により徴収された所得税の額（当該所得税の額が明らかでないときは、当該割引債の券面金額から当該割引債に係る最終発行日における発行価額等を控除した残額に、当該割引債の発行の際に同項の規定により当該割引債に係る償還差益について徴収された所得税の税率を乗じて計算した金額。以下この条において同じ。）のうち、法第四十一条の十二第六項に規定する法人又は受託者（以下この条において「非課税法人等」という。）が当該割引債を所有していた期間に対応する部分の金額

(i) Where redemption is made after the redemption date: Out of the income tax collected on the said discount bonds pursuant to the provisions of Article 41-12(3) of the Act (where the amount of the said income tax is not clear, the

amount obtained by deducting the issue price, etc. on the final issue date for the said discount bonds from the face value of the said discount bonds and then multiplying the remaining amount after deduction by the rate of income tax on profit from redemption for the said discount bonds collected at the time of issue pursuant to the provisions of the said paragraph; hereinafter the same shall apply in this Article), the amount corresponding to the period during which a corporation or trustee prescribed in Article 41-12(6) of the Act (hereinafter referred to as a "non-taxable corporation, etc." in this Article) held the said discount bonds

二 その償還期限を繰り上げて償還する場合又は当該期限前に買入消却をする場合当該割引債につき法第四十一条の十二第三項の規定により徴収された所得税の額から同条第五項の規定により還付される金額を控除した残額のうち、非課税法人等が当該割引債を所有していた期間に対応する部分の金額

(ii) Where redemption is made by bringing the redemption date forward or retirement by purchase is performed prior to the redemption date: Out of the remaining amount after deducting the amount to be refunded pursuant to the provisions of Article 41-12(5) of the Act from the income tax collected on the said discount bonds pursuant to the provisions of paragraph (3) of the said Article, the amount corresponding to the period during which a non-taxable corporation, etc. held the said discount bonds.

2 前項各号に規定する非課税法人等が当該割引債を所有していた期間に対応する部分の金額は、当該各号に規定する所得税の額又は残額に、当該割引債の発行の日（その日が明らかでないときは、当該割引債に係る最終発行日）から償還（買入消却を含む。以下この条において同じ。）の日までの期間の月数（当該割引債が法第四十一条の十二第九項に規定する短期公社債である場合には、日数。以下この項及び第五項第三号において同じ。）のうちに当該非課税法人等が当該割引債を所有していた期間のうちその償還の日までの期間の月数の占める割合を乗じて計算した金額とする。

(2) The amount corresponding to the period during which a non-taxable corporation, etc. held the said discount bonds as prescribed in items of the preceding paragraph shall be the amount obtained by multiplying the amount of income tax or remaining amount prescribed in the said items by the ratio of the number of months (where the said discount bonds are short-term government or company bonds prescribed in Article 41-12(9) of the Act, the number of days; hereinafter the same shall apply in this paragraph and paragraph (5)(iii)) up to the redemption date during which the said non-taxable corporation, etc. held the said discount bonds out of the number of months from the issue date (where the date is not clear, the final issue date for the said discount bonds) to the redemption date (including a date for retirement by purchase; hereinafter the same shall apply in this Article) of the said discount bonds.

3 前項の月数は、暦に従つて計算し、一月に満たない端数を生じたときは、所有して

いた期間にあつてはこれを一月とし、発行の日から償還の日までの期間にあつてはこれを切り捨てたところによるものとし、同項の割合が一をこえるときは、これを一とする。

(3) The number of months set forth in the preceding paragraph shall be calculated by calendar month, and when there are any fractions less than one month, those fractions shall be deemed to be one month for counting the period during which a non-taxable corporation, etc. held the said discount bonds and shall be rounded off for calculating the period from the issue date to the redemption date of the said discount bonds, and when the ratio set forth in the said paragraph exceeds one, the ratio shall be deemed to be one.

4 法第四十一条の十二第六項の規定による還付は、非課税法人等からの請求に基づき、同項に規定する償還差益の支払をする際、還付する。この場合においては、前条第二項後段の規定を準用する。

(4) A refund pursuant to the provisions of Article 41-12(6) shall be made at the time of paying the profit from redemption prescribed in the said paragraph upon request from a non-taxable corporation, etc. In this case, the provisions of the second sentence of Article 26-12(2) shall apply mutatis mutandis.

5 法第四十一条の十二第六項の規定による還付を受けようとする非課税法人等は、同項の割引債につき同項に規定する償還差益の支払を受ける日までに、次に掲げる事項を記載した還付請求書に当該割引債の取得年月日を証する書類を添付して、これを当該割引債の発行者に提出しなければならない。

(5) A non-taxable corporation, etc. intending to receive a refund pursuant to the provisions of Article 41-12(6) of the Act shall submit a written request for a refund containing the following matters, along with a document certifying the date of acquisition of the discount bonds, to the issuer of the said discount bonds by the day on which he/she receives the payment of the profit from redemption prescribed in the said paragraph for the said discount bonds set forth in the said paragraph:

一 請求者の名称及びその本店又は主たる事務所の所在地

(i) The name of the requester and the location of the requester's head office or principal office

二 償還を受ける割引債の券面金額の合計額及び発行価額（当該発行価額が明らかでないときは、当該割引債に係る最終発行日における発行価額等）の合計額並びに当該割引債につき法第四十一条の十二第三項の規定により徴収された所得税の額

(ii) The sum of the face value and the sum of the issue price of the discount bonds for which the requester intends to receive redemption (where the said issue price is not clear, the issue price, etc. on the final issue date for the said discount bonds) and the amount of income tax on the said discount bonds collected pursuant to the provisions of Article 41-12(3) of the Act

三 償還を受ける割引債の取得年月日及び当該割引債を所有していた期間のうちその償還の日までの期間の月数

(iii) The date of acquisition of the discount bonds for which the requester intends to receive redemption and the number of months up to the redemption date out of the period during which the requester held the said discount bonds

四 第二号に掲げる所得税の額のうち、法第四十一条の十二第六項の規定による還付を受けようとする金額

(iv) The amount by which the requester intends to be refunded pursuant to the provisions of Article 41-12(6) of the Act out of the amount of income tax listed in item (ii)

五 その他参考となるべき事項

(v) Other matters of reference.

(割引債の発行者が還付する金額を納付すべき金額から控除できなかつた場合の処理)

(Treatment where an Issuer of Discount Bonds Could not Deduct the Amount to Refund from the Amount Payable)

第二十六条の十四 第二十六条の十二第二項又は前条第四項の規定を適用する場合において、法第四十一条の十二第五項又は第六項に規定する発行者（以下この条において「発行者」という。）が、法第四十一条の十二第五項又は第六項の規定による還付をすべきこととなつた日の属する月の翌月において第二十六条の十二第二項後段（前条第四項において準用する場合を含む。）の規定により控除することができない金額があるときは、法第四十一条の十二第五項又は第六項に規定する割引債の償還差益に係る所得税の第二十六条の十第二項に規定する納税地の所轄税務署長は、当該控除することができない金額を、当該発行者に還付する。

Article 26-14 (1) Where the provisions of Article 26-12(2) or paragraph (4) of the preceding Article shall apply, when there is any amount that an issuer prescribed in Article 41-12(5) or (6) of the Act (hereinafter referred to as an "issuer" in this Article) cannot deduct as prescribed in the second sentence of Article 26-12(2) (including the cases where it is applied mutatis mutandis pursuant to paragraph (4) of the preceding Article) in the month following the month including the day on which he/she shall make a refund pursuant to the provisions of Article 41-12(5) or (6) of the Act, the competent district director having jurisdiction over the place for tax payment prescribed in Article 26-10(2) for income tax pertaining to the profit from redemption for discount bonds prescribed in Article 41-12(5) or (6) of the Act shall refund the said amount that cannot be deducted to the said issuer.

2 前項の規定の適用を受けようとする発行者は、その旨を記載した書面に、法第四十一条の十二第五項又は第六項の規定による還付をすべき金額及び当該金額のうち前項に規定する控除することができない金額並びに当該還付が同条第五項又は第六項の規定のいずれに基づくものであるかその他の必要な事項を記載した明細書を添付して、これを前項の税務署長に提出しなければならない。

(2) An issuer who seeks the application of the provisions of the preceding paragraph shall submit a document containing that fact to the competent district director set forth in the preceding paragraph, along with a detailed statement containing the amount that he/she shall refund pursuant to the provisions of Article 41-12(5) or (6) of the Act, the amount that he/she cannot deduct as prescribed in the preceding paragraph out of the said amount, which of the provisions of paragraph (5) or paragraph (6) of the said Article the said refund is based on, and other necessary matters.

3 第一項の規定による還付金について国税通則法第五十八条第一項に規定する還付加算金を計算する場合には、その計算の基礎となる同項の期間は、前項の書面が提出された日の翌日以後一月を経過した日からその還付のための支払決定をする日又はその還付金につき充当する日（同日前に充当をするのに適することとなつた日がある場合には、その適することとなつた日）までの期間とする。

(3) Where the interest on a refund prescribed in Article 58(1) of the Act on General Rules for National Taxes is to be calculated with regard to a refund under the provisions of paragraph (1), the period set forth in Article 58(1) of the said Act to be used as the basis for the calculation shall be the period from the day on which one month has elapsed from the next day of submitting the documents set forth in the preceding paragraph up to the day on which the payment for the refund is determined or the day on which an appropriation is made for the refund (where there has been any day suitable for an appropriation before such day, up to the day which proved to be suitable).

(償還差益の分離課税等に係る割引債の範囲)

(Scope of Discount Bonds Pertaining to Separate Taxation, etc. on Profit from Redemption)

第二十六条の十五 法第四十一条の十二第七項に規定する政令で定める公社債は、割引の方法により発行される公社債で次に掲げるものとする。

Article 26-15 (1) The government or company bonds specified by a Cabinet Order prescribed in Article 41-12(7) of the Act shall be the government or company bonds listed as follows which are issued by means of a discount:

一 国債及び地方債

(i) National government bonds and local government bonds

二 内国法人が発行する社債（会社以外の内国法人が特別の法律により発行する債券を含む。）

(ii) Company bonds issued by a domestic corporation (including bonds issued by a domestic corporation other than a company under special acts)

三 外国法人が国内において発行する債券

(iii) Bonds issued by a foreign corporation in Japan.

2 法第四十一条の十二第七項第二号に規定する政令で定めるものは、独立行政法人住宅金融支援機構、沖縄振興開発金融公庫又は独立行政法人都市再生機構が、独立行政

法人住宅金融支援機構法附則第八条、沖縄振興開発金融公庫法（昭和四十七年法律第三十一号）第二十七条第四項又は独立行政法人都市再生機構法附則第十五条第一項の規定により発行する債券とする。

- (2) The bonds specified by a Cabinet Order prescribed in Article 41-12(7)(ii) of the Act shall be the bonds issued by the Japan Housing Finance Agency, the Okinawa Development Finance Corporation, or the Urban Renaissance Agency pursuant to the provisions of Article 8 of the Supplementary Provisions of the Japan Housing Finance Agency Act, Article 27(4) of the Okinawa Development Finance Corporation Act (Act No. 31 of 1972) or Article 15(1) of the Supplementary Provisions of the Urban Renaissance Agency Act.

（特定振替記載等の範囲）

(Scope of Specified Entries or Records under the Book-entry Transfer System)

第二十六条の十六 法第四十一条の十二第九項に規定する政令で定める振替記載等は、次の各号に掲げる短期公社債の区分に応じ当該各号に定める振替記載等とする。

Article 26-16 The entries or records under the book-entry transfer system specified by a Cabinet Order prescribed in Article 41-12(9) of the Act shall be the entries or records under the book-entry transfer system specified respectively in the following items for the category of short-term government or company bonds listed in the relevant items:

一 短期公社債（法第四十一条の十二第九項に規定する短期公社債をいう。次号において同じ。）で同項第一号から第八号までに掲げるもの 法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外の外国仲介業者（法第四十一条の十二第十二項に規定する外国仲介業者をいう。以下第二十六条の二十までにおいて同じ。）により開設された口座において振替記載等（法第四十一条の十二第九項に規定する振替記載等をいう。以下第二十六条の二十までにおいて同じ。）が行われない場合における振替記載等

(i) Short-term government or company bonds (meaning short-term government or company bonds prescribed in Article 41-12(9) of the Act; the same shall apply in the next item) listed in item (i) to item (viii) of the said paragraph: Entries or records under the book-entry transfer system (meaning entries or records under the book-entry transfer system prescribed in Article 41-12(9) of the Act; hereinafter the same shall apply through to Article 26-20) where entries or records under the book-entry transfer system are not made in an account established by a foreign intermediary (meaning a foreign intermediary prescribed in Article 41-12(12) of the Act; hereinafter the same shall apply through to Article 26-20) other than a qualified foreign intermediary prescribed in Article 5-2(5)(iv) of the Act

二 前号に掲げる短期公社債以外の短期公社債 外国仲介業者により開設された口座において振替記載等が行われない場合における振替記載等

(ii) Short-term government or company bonds other than short-term

government or company bonds listed in the preceding item: Entries or records under the book-entry transfer system where entries or records under the book-entry transfer system are not made in an account established by a foreign intermediary.

(非課税とされない特定短期公社債の譲渡による所得)

(Income from Transfer of Specified Short-term Government or Company Bonds Not Excluded from Taxation)

第二十六条の十七 法第四十一条の第十二項に規定する政令で定める所得は、居住者又は国内に恒久的施設を有する非居住者が、同項に規定する特定短期公社債の譲渡をした場合における当該特定短期公社債の譲渡による所得とする。

Article 26-17 The income specified by a Cabinet Order prescribed in Article 41-12(10) of the Act shall be the income from a transfer of specified short-term government or company bonds prescribed in the said paragraph that was carried out by a resident or a non-resident who maintains a permanent establishment in Japan.

(特定振替国債等の振替記載等を受ける者の告知書の提出等)

(Submission, etc. of a Written Notice by a Person Who Makes Entries or Records under the Book-entry Transfer System for Specified Book-entry Transfer National Government Bonds, etc.)

第二十六条の十八 法第四十一条の第十二十二項に規定する政令で定めるものは、国及び次に掲げる者とする。

Article 26-18 (1) The person specified by a Cabinet Order prescribed in Article 41-12(12) of the Act shall be the national government or any of the following:

一 法人税法別表第一に掲げる法人

(i) A corporation listed in appended table 1 of the Corporation Tax Act

二 特別の法律により設立された法人（当該特別の法律において、その法人の名称が定められ、かつ、当該名称として用いられた文字を他の者の名称の文字として用いてはならない旨の定めのあるものに限る。）

(ii) A corporation established under special acts (limited to a corporation whose name was determined under the said special acts and where it is determined thereunder that letters used in the said name shall not be used for any other persons' names)

三 法第四十一条の第十二十二項に規定する特定振替機関等（以下この条及び第二十六条の二十第二項において「特定振替機関等」という。）及び外国仲介業者

(iii) A specified book-entry transfer institution, etc. prescribed in Article 41-12(12) of the Act (hereinafter referred to as a "specified book-entry transfer institution, etc." in this Article and Article 26-20(2)) and a foreign intermediary

四 外国政府、外国の地方公共団体、外国の中央銀行及び我が国が加盟している国際

機関

(iv) A foreign government, foreign local public entity, foreign central bank, and an international organization that Japan has joined.

2 法第四十一条の十二第十二項に規定する政令で定める書類は、次の各号に掲げる者の区分に応じ当該各号に掲げるいずれかの書類とする。

(2) The documents specified by a Cabinet Order prescribed in Article 41-12(12) of the Act shall be the documents listed respectively in the following items for the category of persons listed in the relevant items:

一 個人 当該個人の住民票の写し、住民票の記載事項証明書、健康保険の被保険者証、運転免許証、外国人登録証明書その他の財務省令で定める書類

(i) An individual: A copy of the certificate of residence, certificate of items entered in the certificate of residence, health insurance card, driver's license and certificate of alien registration of the said individual and other documents specified by an Ordinance of the Ministry of Finance

二 法人（法人税法第二条第八号に規定する人格のない社団等を含む。以下この号において同じ。） 当該法人の設立の登記に係る登記事項証明書、国税又は地方税の領収証書、納税証明書その他の財務省令で定める書類

(ii) A corporation (including an association or foundation without juridical personality prescribed in Article 2(viii) of the Corporation Tax Act; hereinafter the same shall apply in this item): A certificate of registered matters concerning registration for establishment, receipt of national or local tax and certificate of tax payment of the said corporation and other documents specified by an Ordinance of the Ministry of Finance.

3 法第四十一条の十二第十二項の規定による同項に規定する確認書類（以下第二十六条の二十までにおいて「確認書類」という。）の提示は、同項の告知書の提出をする際にしなければならない。

(3) The identification documents prescribed in Article 41-12(12) of the Act (hereinafter referred to as the "identification documents" through to Article 26-20) shall be presented pursuant to the provisions of Article 41-12(12) of the Act when submitting a written notice set forth in the said paragraph.

4 法第四十一条の十二第十二項の告知書の提出をした者が、当該告知書の提出をした後、氏名若しくは名称又は住所（国内に住所を有しない者にあつては、同項に規定する財務省令で定める場所。以下第二十六条の二十までにおいて同じ。）の変更をした場合には、その者は、速やかに、当該告知書の提出をした特定振替機関等の営業所等（同項に規定する営業所等をいう。以下この条において同じ。）の長に（当該告知書を同項の規定により外国仲介業者を経由してその特定振替国債等（同項に規定する特定振替国債等をいう。以下第二十六条の二十までにおいて同じ。）の振替記載等をする特定振替機関等の営業所等の長に提出した場合には、法第四十一条の十二第十二項前段の規定に準じて当該外国仲介業者を経由して当該特定振替機関等の営業所等の長に）その変更をした後のその者の氏名又は名称及び住所を記載した書類の提出をしなければならない。当該書類を提出した後、再び氏名若しくは名称又は住所の変更をし

た場合についても、同様とする。

(4) When a person who had submitted a written notice set forth in Article 41-12(12) of the Act has changed the person's name or 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 through to Article 26-20), the person shall promptly submit a document containing the person's name and address after the change to the head of the business office, etc. (meaning a business office, etc. prescribed in Article 41-12(12) of the Act; hereinafter the same shall apply in this Article) of the specified book-entry transfer institution, etc. to which the person had submitted the written notice (where the person had submitted the said written notice, pursuant to the provisions of the said paragraph, via a foreign intermediary to the head of the business office, etc. of the specified book-entry transfer institution, etc. where he/she makes entries or records under the book-entry transfer system for the specified book-entry transfer national government bonds, etc. (meaning specified book-entry transfer national government bonds, etc. prescribed in the said paragraph; hereinafter the same shall apply through to Article 26-20), the person shall promptly submit such document via the said foreign intermediary to the head of the business office, etc. of the said specified book-entry transfer institution, etc., according to the provisions of the first sentence of Article 41-12(12) of the Act). The same shall apply where the person has changed the name or address again after submitting the said document.

5 前項に規定する書類の提出をする者は、当該書類の提出をする際、当該書類の提出（外国仲介業者を経由して提出する場合を除く。次項において同じ。）をする特定振替機関等の営業所等の長又は前項に規定する告知書の提出の際に法第四十一条の第十二項の経由をした同項の外国仲介業者の国外営業所等（同項に規定する国外営業所等をいう。）の長（次項及び第八項において「外国仲介業者の国外営業所等の長」という。）に確認書類を提示しなければならない。

(5) A person who submits the document prescribed in the preceding paragraph shall, when submitting the said document, present the identification documents to the head of the business office, etc. of the specified book-entry transfer institution, etc. to which he/she submits the said document (excluding the case where he/she submits the said document via a foreign intermediary; the same shall apply in the next paragraph) or to the head of the overseas business office, etc. (meaning the overseas business office, etc. prescribed in Article 41-12(12) of the Act) of the foreign intermediary set forth in the said paragraph via which he/she had submitted a written notice prescribed in the preceding paragraph as prescribed in Article 41-12(12) of the Act (referred to as the "head of the overseas business office, etc. of the foreign intermediary" in the next paragraph and paragraph (8)).

6 特定振替機関等の営業所等の長又は外国仲介業者の国外営業所等の長は、法第四十一条の十二第十二項に規定する告知書又は第四項に規定する書類の提出があつた場合には、当該告知書又は書類に記載された氏名又は名称及び住所が、当該告知書又は書類の提出の際に同条第十二項又は前項の規定により提示を受けた確認書類に記載された氏名又は名称及び住所と同じであるかどうかを確認しなければならない。

(6) The head of the business office, etc. of the specified book-entry transfer institution, etc. or the head of the overseas business office, etc. of the foreign intermediary shall, when a written notice prescribed in Article 41-12(12) of the Act or the document prescribed in paragraph (4) has been submitted, confirm whether or not the name and address entered in the said written notice or the document are consistent with the name and address entered in the identification documents which were presented pursuant to the provisions of Article 41-12(12) of the Act or the preceding paragraph at the time of the submission of the said written notice or the document.

7 前項の規定による確認をした同項の外国仲介業者は、法第四十一条の十二第十二項の振替記載等を受ける者の各人別に、同条第十四項に規定する書類を、当該確認に係る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（同条第十二項に規定する外国再間接口座管理機関をいう。）である場合には、当該特定振替国債等に係る同条第十四項に規定す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。

(7) The foreign intermediary set forth in the preceding paragraph that has provided a confirmation pursuant to the provisions of the said paragraph shall submit the documents prescribed in Article 41-12(14) of the Act for each person who makes entries or records under the book-entry transfer system set forth in paragraph (12) of the said Article to the head of the business office, etc. of the specified book-entry transfer institution, etc. where the foreign intermediary makes entries or records under the book-entry transfer system for specified book-entry transfer national government bonds, etc. pertaining to the said confirmation (where the said foreign intermediary is a foreign further indirect account management institution (meaning a foreign further indirect account management institution prescribed in the said paragraph), to the head of the business office, etc. of the specified book-entry transfer institution, etc. where the foreign further indirect account management institution prescribed in paragraph (14) of the said Article pertaining to the said specified book-entry transfer national government bonds, etc. makes entries or records under the book-entry transfer system for the said specified book-entry transfer national government bonds, etc. via the said foreign further indirect account management institution).

8 特定振替機関等の営業所等の長又は外国仲介業者の国外営業所等の長は、第六項の規定による確認をした場合には、財務省令で定めるところにより、当該確認に関する

帳簿（これに類する帳簿又は書類を含む。）に、当該確認をした旨を明らかにし、かつ、当該帳簿を保存しなければならないものとし、法第四十一条の十二第十二項に規定する告知書若しくは第四項に規定する書類又は前項に規定する書類の提出を受けた特定振替機関等の営業所等の長は、財務省令で定めるところにより、これらの告知書及び書類を保存しなければならない。

(8) The head of the business office, etc. of the specified book-entry transfer institution, etc. or the head of the overseas business office, etc. of the foreign intermediary shall, when having provided a confirmation pursuant to the provisions of paragraph (6), clearly record that he/she has provided the said confirmation in the books concerning the said confirmation (including the books or documents equivalent thereto), pursuant to the provisions of an Ordinance of the Ministry of Finance, and preserve the said books; and the head of the business office, etc. of the specified book-entry transfer institution, etc. who has received the submission of a written notice prescribed in Article 41-12(12) of the Act, the document prescribed in paragraph (4) or the documents prescribed in the preceding paragraph shall preserve such written notice and documents, pursuant to the provisions of an Ordinance of the Ministry of Finance.

9 非居住者又は外国法人（第一項第一号、第三号又は第四号に掲げる者を除く。以下この項において同じ。）が、法第五条の二第九項（同条第十二項において準用する場合を含む。以下この項において同じ。）の規定によりされた確認（以下この項において「振替国債等に係る確認」という。）に係る振替記載等に係る口座において平成十一年四月一日以後最初に短期国債等（法第四十一条の十二第九項第一号から第八号までに掲げる国債で同項に規定する特定短期公社債に該当するもの並びに同条第十二項に規定する分離元本振替国債及び分離利息振替国債をいう。）の振替記載等を受ける場合には、当該振替記載等については、当該振替国債等に係る確認に係る法第五条の二第一項第一号イの規定による同号イの振替国債非課税適用申告書の提出（同条第十項の規定による同項の申告書の提出を含む。）又は同条第一項第二号イの規定による同号イの振替地方債非課税適用申告書の提出（同条第十一項の規定による同項の申告書の提出を含む。）をもつて法第四十一条の十二第十二項の規定による同項の告知書の提出（第四項の規定による同項の書類の提出を含む。）があつたものと、当該振替国債等に係る確認に係る法第五条の二第九項の規定による同項の政令で定める書類の提示をもつて法第四十一条の十二第十二項の規定（第五項の規定を含む。）による確認書類の提示があつたものと、当該振替国債等に係る確認をもつて第六項の規定による確認（第七項の規定による同項の書類の提出を含む。）があつたものと、それぞれみなす。ただし、同条第十二項の告知書又は第四項の書類に記載すべき氏名又は名称及び住所が当該振替国債等に係る確認がされた当該非居住者又は外国法人の氏名又は名称及び住所と異なるときは、この限りでない。

(9) Where a nonresident or foreign corporation (excluding those listed in paragraph (1)(i), (iii), or (iv); hereinafter the same shall apply in this paragraph) makes entries or records under the book-entry transfer system for

short-term national government bonds, etc. (meaning national government bonds listed in Article 41-12(9)(i) to (viii) of the Act which fall under the category of specified short-term government or company bonds and principal-only book-entry transfer national government bonds and coupon-only book-entry transfer national government bonds prescribed in paragraph (12) of the said Article) for the first time on or after April 1, 1999 in the account pertaining to entries or records under the book-entry transfer system that has gone through the confirmation pursuant to the provision of Article 5-2(9) of the Act (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the said Article; hereinafter the same shall apply in this paragraph) (hereinafter such confirmation shall be referred to as a "confirmation pertaining to book-entry transfer national government bonds, etc." in this paragraph), with regard to the said entries or records under the book-entry transfer system, it shall be deemed that the submission of a written notice set forth in Article 41-12(12) of the Act under the provisions of the said paragraph (including the submission of the document set forth in paragraph (4) under the provisions of the said paragraph) has been made by the submission of a written application for tax exemption of book-entry transfer national government bonds set forth in Article 5-2(1)(i)(a) of the Act under the provisions of (a) of the said item (including the submission of a written application set forth in paragraph (10) of the said Article under the provisions of the said paragraph) or the submission of a written application for tax exemption of book-entry transfer local government bonds set forth in Article 5(1)(ii)(a) of the Act under the provisions of (a) of the said item (including the submission of a written application set forth in paragraph (11) of the said Article under the provisions of the said paragraph) for the said confirmation pertaining to book-entry transfer national government bonds, etc., that the presentation of the identification documents under the provisions of Article 41-12(12) of the Act (including the provisions of paragraph (5)) has been made by the presentation of the documents specified by a Cabinet Order set forth in Article 5-2(9) of the Act under the provisions of the said paragraph for the said confirmation pertaining to book-entry transfer national government bonds, etc., and that the confirmation under the provisions of paragraph (6) (including the submission of the documents set forth in paragraph (7) under the provisions of the said paragraph) has been provided by the said confirmation pertaining to book-entry transfer national government bonds, etc.; provided, however, that this shall not apply when the name and address to be entered in a written notice set forth in Article 41-12(12) of the Act or the document set forth in paragraph (4) are inconsistent with the name and address of the said nonresident or foreign corporation for which the said confirmation pertaining to book-entry transfer national government bonds, etc. has been provided.

1 0 法第四十一条の十二第十二項の告知書の様式は、財務省令で定める。

(10) The form of a written notice set forth in Article 41-12(12) of the Act shall be specified by an Ordinance of the Ministry of Finance.

1 1 法第四十一条の十二第十四項に規定する政令で定める書類は、同項に規定する確認をした旨を証する書類及び確認書類又は当該確認書類の写しとする。

(11) The documents specified by a Cabinet Order prescribed in Article 41-12(14) of the Act shall be a document certifying that the confirmation prescribed in the said paragraph has been provided, the identification documents and a copy of the said identification documents.

(外国仲介業者による帳簿の記載等)

(Entries or Records in the Books by a Foreign Intermediary)

第二十六条の十八の二 法第四十一条の十二第十五項に規定する振替記載等を受ける者（以下この条において「顧客」という。）が外国仲介業者から特定振替国債等の振替記載等を受けたときは、当該外国仲介業者は、その都度、当該顧客の各人別に、同項に規定する事項を同項に規定する帳簿に記載し、又は記録し、かつ、当該帳簿を財務省令で定めるところにより保存しなければならない。

Article 26-18-2 (1) When persons intending to make entries or records under the book-entry transfer system prescribed in Article 41-12(15) of the Act (hereinafter referred to as "customers" in this Article) have made entries or records under the book-entry transfer system for specified book-entry transfer national government bonds, etc. via a foreign intermediary, the said foreign intermediary shall enter or record the matters prescribed in the said paragraph in the books prescribed in the said paragraph, for each of the said customers each time, and preserve the said books pursuant to the provisions of an Ordinance of the Ministry of Finance.

2 顧客が外国仲介業者から特定振替国債等の振替記載等を受けたときは、当該外国仲介業者は、当該顧客の各人別に、法第四十一条の十二第十六項に規定する事項を当該特定振替国債等に係る当該外国仲介業者の同項に規定する特定振替機関等に対し書面による方法又は次項に規定する方法により通知しなければならない。

(2) When customers have made entries or records under the book-entry transfer system for specified book-entry transfer national government bonds, etc. via a foreign intermediary, the said foreign intermediary shall provide information about the matters prescribed in Article 41-12(16) of the Act for each of the said customers to the specified book-entry transfer institution, etc. prescribed in the said paragraph of the said foreign intermediary pertaining to the said specified book-entry transfer national government bonds, etc. by way of a document or any other means prescribed in the next paragraph.

3 法第四十一条の十二第十六項に規定する政令で定める方法は、電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて財務省令で定めるものとする。

(3) The means specified by a Cabinet Order prescribed in Article 41-12(16) of the Act shall be a means of using an electronic data processing system or another means of using information and communications technology that is specified by an Ordinance of the Ministry of Finance.

4 第二項に規定する特定振替機関等は、同項の通知を受けた場合には、当該通知を受けた事項を、その通知を受けた都度、顧客の各人別に、法第四十一条の十二第十六項に規定する帳簿に記載し、又は記録し、かつ、当該帳簿を財務省令で定めるところにより保存しなければならない。

(4) The specified book-entry transfer institution, etc. prescribed in paragraph (2) shall, when having received a notification set forth in the said paragraph, enter or record the said matters notified, for each of the customers each time, in the books prescribed in Article 41-12(16) of the Act and preserve the said books pursuant to the provisions of an Ordinance of the Ministry of Finance.

(特定振替国債等の譲渡の対価の受領者の告知等)

(Notification, etc. of a Recipient of a Consideration for the Transfer of Specified Book-entry Transfer National Government Bonds, etc.)

第二十六条の十九 法第四十一条の十二第十七項に規定する政令で定めるものは、国並びに第二十六条の十八第一項第一号、第二号及び第四号に掲げる者（次条第一項において「公共法人等」という。）とする。

Article 26-19 (1) Those specified by a Cabinet Order prescribed in Article 41-12(17) of the Act shall be the national government and those listed in Article 26-18(1)(i), (ii) and (iv) (referred to as "public corporations, etc." in paragraph (1) of the next Article).

2 法第四十一条の十二第十七項の規定による告知は、同項に規定する特定振替国債等の譲渡の対価の支払を受ける都度、しなければならない。

(2) A notification under the provisions of Article 41-12(17) of the Act shall be made each time, on receipt of the payment of a consideration for the transfer of specified book-entry transfer national government bonds, etc. prescribed in the said paragraph.

3 法第四十一条の十二第十七項の規定による確認書類の提示は、同項の告知をする際にしなければならない。

(3) The identification documents shall be presented pursuant to the provisions of Article 41-12(17) of the Act when making a notification set forth in the same paragraph.

4 法第四十一条の十二第十七項の規定による告知をする者が同項の規定により提示しなければならないものとされる同項の確認書類の範囲に関し必要な事項は、財務省令で定める。

(4) Necessary matters concerning the scope of the identification documents that a person intending to make a notification under the provisions of Article 41-12(17) of the Act shall present pursuant to the provisions of the said paragraph

shall be specified by an Ordinance of the Ministry of Finance.

5 法第四十一条の十二第十七項に規定する支払者（次項において「支払者」という。）は、同条第十七項の規定による告知があつた場合には、当該告知があつた氏名又は名称及び住所が、当該告知の際に同項の規定により提示を受けた確認書類に記載された氏名又は名称及び住所と同じであるかどうかを確認しなければならない。

(5) A payer prescribed in Article 41-12(17) of the Act (referred to as a "payer" in the next paragraph) shall, when having received a notification under the provisions of paragraph (17) of the said Article, confirm whether or not the name and address notified are consistent with the name and address entered in the identification documents that were presented to him/her at the time of the said notification pursuant to the provisions of the said paragraph.

6 支払者は、前項の規定による確認をした場合には、財務省令で定めるところにより、当該確認に関する帳簿（これに類する帳簿又は書類を含む。）に、当該確認をした旨を明らかにし、かつ、当該帳簿を保存しなければならない。

(6) A payer shall, when having provided a confirmation under the provisions of the preceding paragraph, clearly record that he/she has provided the said confirmation in the books concerning the said confirmation (including the books or documents equivalent thereto), pursuant to the provisions of an Ordinance of the Ministry of Finance, and preserve the said books.

（特定振替国債等の償還金等の受領者の告知書の提出等）

(Submission, etc. of a Written Notice by a Recipient of Redemption Money, etc. of Specified Book-entry Transfer National Government Bonds, etc.)

第二十六条の二十 法第四十一条の十二第十八項に規定する政令で定めるものは、公共法人等とする。

Article 26-20 (1) Those specified by a Cabinet Order prescribed in Article 41-12(18) of the Act shall be public corporations, etc.

2 特定振替機関等及び外国仲介業者が、特定振替国債等の償還（法第四十一条の十二第十八項に規定する償還をいう。第七項において同じ。）又は利息（同条第十八項に規定する利息をいう。以下この条において同じ。）の支払によりその償還金（同項に規定する償還金をいう。以下この条において同じ。）又は利息の支払を受ける場合には、当該償還金又は利息の支払の受領については、同項の規定による同項の告知書の提出は、要しない。

(2) Where a specified book-entry transfer institution, etc. and a foreign intermediary receive redemption money (meaning redemption money prescribed in Article 41-12(18) of the Act; hereinafter the same shall apply in this Article) or payment of interest (meaning interest prescribed in Article 41-12(18) of the Act; hereinafter the same shall apply in this Article) pertaining to specified book-entry transfer national government bonds, etc., due to the redemption (meaning the redemption prescribed in Article 41-12(18) of the Act; the same shall apply in paragraph (7)) or payment of interest, a written notice

set forth in Article 41-12(18) of the Act under the provisions of the said paragraph shall not be required to be submitted for the receipt of the said redemption or payment of interest.

3 法第四十一条の十二第十八項の規定による確認書類の提示は、同項の告知書の提出をする際にしなければならない。

(3) The identification documents shall be presented pursuant to the provisions of Article 41-12(18) of the Act when submitting a written notice set forth in the said paragraph.

4 法第四十一条の十二第十八項に規定する告知書の提出をする者が同項の規定により提示しなければならないものとされる同項の確認書類の範囲に関し必要な事項は、財務省令で定める。

(4) Necessary matters concerning the scope of the identification documents that a person intending to submit a written notice under the provisions of Article 41-12(18) of the Act shall present pursuant to the provisions of the said paragraph shall be specified by an Ordinance of the Ministry of Finance.

5 特定振替国債等の償還金又は利息の支払の取扱者は、法第四十一条の十二第十八項に規定する告知書の提出があつた場合には、当該告知書に記載された氏名又は名称及び住所が、当該告知書の提出の際に同項の規定により提示を受けた確認書類に記載された氏名又は名称及び住所と同じであるかどうかを確認しなければならない。

(5) A person in charge of handling payment of redemption money or interest pertaining to specified book-entry transfer national government bonds, etc. shall, when a written notice prescribed in Article 41-12(18) of the Act has been submitted, confirm whether or not the name and address entered in the said written notice are consistent with the name and address entered in the identification documents that were presented to him/her at the time of the submission of the said written notice pursuant to the provisions of the said paragraph.

6 特定振替国債等の償還金又は利息の支払の取扱者は、前項の規定による確認をした場合には、財務省令で定めるところにより、当該確認に関する帳簿（これに類する帳簿又は書類を含む。）に、当該確認をした旨を明らかにし、かつ、当該帳簿及び法第四十一条の十二第十八項に規定する告知書を保存しなければならない。

(6) A person in charge of handling payment of redemption money or interest pertaining to specified book-entry transfer national government bonds, etc. shall, when having provided a confirmation under the provisions of the preceding paragraph, clearly record that he/she has provided the said confirmation in the books concerning the said confirmation (including the books or documents equivalent thereto), pursuant to the provisions of an Ordinance of the Ministry of Finance, and preserve the said books and the written notice prescribed in Article 41-12(18) of the Act.

7 法第四十一条の十二第十八項に規定する支払を受ける者が、第二十六条の十八第六項の規定によりされた確認（以下この項において「振替記載等に係る確認」とい

う。)に係る特定振替国債等の償還又は利息の支払によりその償還金又は利息の支払を受ける場合には、当該償還金又は利息の支払の受領については、当該振替記載等に係る確認に係る法第四十一条の十二第十二項の規定による同項の告知書の提出(第二十六条の十八第四項の規定による同項の書類の提出を含む。)をもつて法第四十一条の十二第十八項の規定による同項の告知書の提出があつたものと、当該振替記載等に係る確認に係る同条第十二項の規定(第二十六条の十八第五項の規定を含む。)による確認書類の提示をもつて法第四十一条の十二第十八項の規定による確認書類の提示があつたものと、当該振替記載等に係る確認をもつて同項の規定による確認(同条第十九項において準用する同条第十四項の規定による同項の書類の提出を含む。)があつたものと、それぞれみなす。ただし、同条第十八項の告知書に記載すべき氏名又は名称及び住所が当該振替記載等に係る確認がされたその者の氏名又は名称及び住所と異なるときは、この限りでない。

(7) Where a person who receives a payment prescribed in Article 41-12(18) of the Act receives redemption money or payment of interest pertaining to specified book-entry transfer national government bonds, etc., due to the redemption or payment of interest, pertaining to a confirmation provided pursuant to the provisions of Article 26-18(6) (hereinafter referred to as a "confirmation pertaining to entries or records under the book-entry transfer system" in this paragraph), with regard to the receipt of the said redemption money or payment of interest, it shall be deemed that the submission of a written notice set forth in Article 41-12(18) of the Act under the provisions of the said paragraph has been made by the submission of a written notice set forth in Article 41-12(12) of the Act under the provisions of the said paragraph (including the submission of the document set forth in Article 26-18(4) under the provisions of the said paragraph) for the said confirmation pertaining to entries or records under the book-entry transfer system, that the presentation of the identification documents under the provisions of Article 41-12(18) of the Act has been made by the presentation of the identification documents under the provisions of Article 41-12(12) of the Act (including the provisions of Article 26-18(5)) for the said confirmation pertaining to entries or records under the book-entry transfer system, and that the confirmation under the provisions of Article 41-12(18) of the Act (including the submission of the documents set forth in paragraph (14) of the said Article under the provisions of the said paragraph which is applied mutatis mutandis pursuant to paragraph (19) of the said Article) has been provided by the said confirmation pertaining to entries or records under the book-entry transfer system; provided, however, that this shall not apply when the name and address to be entered in a written notice set forth in Article 41-12(18) of the Act are inconsistent with the name and address of the person for which the said confirmation pertaining to entries or records under the book-entry transfer system has been provided.

8 法第四十一条の十二第十八項の告知書の様式は、財務省令で定める。

(8) The form of a written notice set forth in Article 41-12(18) of the Act shall be specified by an Ordinance of the Ministry of Finance.

(特定振替国債等の譲渡の対価又は償還金等の支払調書の提出)

(Submission of Report of Payment of a Consideration for the Transfer or Redemption Money of Specified Book-entry Transfer National Government Bonds, etc.)

第二十六条の二十一 法第四十一条の十二第二十一項に規定する政令で定めるものは、国及び第二十六条の十八第一項各号に掲げる者とする。

Article 26-21 (1) Those specified by a Cabinet Order prescribed in Article 41-12(21) of the Act shall be the national government and those listed in the items of Article 26-18(1).

2 法第四十一条の十二第二十一項の承認を受けようとする同項に規定する支払者は、その名称及び所在地、当該承認を受けようとする旨その他の財務省令で定める事項を記載した申請書を同項に規定する所轄税務署長に提出しなければならない。

(2) A payer prescribed in Article 41-12(21) of the Act who intends to obtain the approval set forth in the said paragraph shall submit a written application containing his/her name and location, intention to obtain the said approval, and any other matters specified by an Ordinance of the Ministry of Finance to the competent district director prescribed in the said paragraph.

3 前項の所轄税務署長は、同項の申請書の提出があつた場合において、その申請につき承認をし、又は承認をしないこととしたときは、その申請をした者に対し、その旨を書面により通知するものとする。

(3) Where a written application set forth in the preceding paragraph has been submitted, when the competent district director set forth in the said paragraph has granted approval or has decided not to grant approval, he/she shall notify to that effect to the applicant in writing.

4 法第四十一条の十二第二十二項の承認を受けようとする同項に規定する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は、その名称及び所在地、当該承認を受けようとする旨その他の財務省令で定める事項を記載した申請書を同項に規定する所轄税務署長に提出しなければならない。

(4) A person in charge of handling payment of redemption money or interest pertaining to specified book-entry transfer national government bonds, etc. prescribed in Article 41-12(22) of the Act who intends to obtain the approval set forth in the said paragraph shall submit a written application containing his/her name and location, intention to obtain the said approval, and any other matters specified by an Ordinance of the Ministry of Finance to the competent district director prescribed in the said paragraph.

5 前項の所轄税務署長は、同項の申請書の提出があつた場合において、その申請につき承認をし、又は承認をしないこととしたときは、その申請をした者に対し、その旨を書面により通知するものとする。

(5) Where a written application set forth in the preceding paragraph has been submitted, when the competent district director set forth in the said paragraph has granted approval or has decided not to grant approval, he/she shall notify to that effect to the applicant in writing.

6 法第四十一条の十二第二十三項の承認を受けようとする同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は、その名称及び所在地、その提出しようとする同項に規定する光ディスク等の種類その他の財務省令で定める事項を記載した申請書を当該所在地の所轄税務署長に提出しなければならない。

(6) A person who pays a consideration for the transfer of specified book-entry transfer national government bonds, etc. or who is in charge of handling payment of redemption money or interest pertaining to specified book-entry transfer national government bonds, etc. prescribed in Article 41-12(23) of the Act, who intends to obtain the approval set forth in the said paragraph, shall submit a written application containing his/her name and location, the type of optical disk prescribed in the said paragraph which he/she intends to submit, and any other matters specified by an Ordinance of the Ministry of Finance to the competent district director having jurisdiction over the said location.

7 前項の税務署長は、同項の申請書の提出があつた場合において、その申請につき承認をし、又は承認をしないこととしたときは、その申請をした者に対し、その旨を書面により通知するものとする。

(7) Where a written application set forth in the preceding paragraph has been submitted, when the competent district director set forth in the said paragraph has granted approval or has decided not to grant approval, he/she shall notify to that effect to the applicant in writing.

8 法第四十一条の十二第二十一項に規定する特定振替国債等の譲渡対価の支払調書及び同条第二十二項に規定する特定振替国債等の償還金等の支払調書の様式は、財務省令で定める。

(8) The form of a report of payment of a consideration for the transfer of specified book-entry transfer national government bonds, etc. prescribed in Article 41-12(21) of the Act or a report of payment of redemption money, etc. of specified book-entry transfer national government bonds, etc. prescribed in paragraph (22) of the said Article shall be specified by an Ordinance of the Ministry of Finance.

(民間国外債の発行差金で非課税の特例の適用がないもの)

(Discount on Bonds Regarding Foreign-issued Company Bonds to Which Special Provisions for Tax Exemption are not Applied)

第二十六条の二十二 法第四十一条の十三に規定する政令で定める発行差金は、次に掲げる発行差金とする。

Article 26-22 The discount on bonds specified by a Cabinet Order prescribed in

Article 41-13 of the Act shall be the discount on bonds listed as follows:

一 所得税法第百六十四条第一項第一号に掲げる非居住者が支払を受ける発行差金のうちその者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

(i) The discount on bonds to be received by a nonresident listed in Article 164(1)(i) of the Income Tax Act which is attributed to a business conducted by the said nonresident in Japan at any fixed place prescribed in the said item

二 所得税法第百六十四条第一項第二号又は第三号に掲げる非居住者が支払を受ける発行差金のうち、その者のこれらの号に規定する事業に帰せられるもの

(ii) The discount on bonds to be received by a nonresident listed in Article 164(1)(ii) or (iii) of the Income Tax Act which is attributed to a business conducted by the said nonresident prescribed in these items.

(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)

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

第二十七条 法第四十二条第一項に規定する芸能人等の役務提供報酬の支払をする同項に規定する免税芸能法人等（第三項において「免税芸能法人等」という。）のその支払につき同条第一項の規定により徴収をすべき所得税の納税地については、所得税法施行令第五十五条中「場所とする」とあるのは、「場所（租税特別措置法（昭和三十二年法律第二十六号）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）に規定する免税芸能法人等（以下この条において「免税芸能法人等」という。）が国外において同項に規定する芸能人等の役務提供に係る対価（以下この条において「芸能人等の役務提供に係る対価」という。）のうちから同項各号に掲げる者に支払う同項に規定する芸能人等の役務提供報酬については、当該免税芸能法人等に対し当該芸能人等の役務提供に係る対価の支払をする者（その者が免税芸能法人等に該当する場合には、その者に対して芸能人等の役務提供に係る対価の支払をする者）の国内にある事務所、事業所その他これらに準ずるものの所在地（これらが二以上ある場合には、主たるものの所在地）とする」とする。

Article 27 (1) With respect to the place for tax payment of income tax to be collected, pursuant to the provisions of Article 42(1) of the Act, for the payment of the remuneration paid by a tax-exempt entertainment corporation, etc. prescribed in Article 42(1) of the Act (referred to as a "tax-exempt entertainment corporation, etc." in paragraph (3)) to entertainers, etc. for their provision of services, the term "shall be the place prescribed in the said items" in Article 55 of the Order for Enforcement of the Income Tax Act shall be deemed to be replaced with "shall be the place prescribed in the said items (with respect to the remuneration paid by a tax-exempt entertainment corporation, etc. prescribed in Article 42(1) (Special Provisions for Withholding

at Source of Remuneration, etc. Paid by Tax-Exempt Entertainment Corporations, etc. to Entertainers for Their Provision of Services) of the Act on Special Measures Concerning Taxation (Act No. 26 of 1957) (hereinafter referred to as a "tax-exempt entertainment corporation, etc." in this Article), outside Japan, to entertainers, etc. listed in the items of the said paragraph for their provision of services out of consideration for the provision of the services of entertainers, etc. prescribed in the said paragraph (hereinafter referred to as the "consideration for the provision of the services of entertainers, etc." in this Article), the location of an office, business office or any other place equivalent thereto located in Japan of a person who pays the consideration for the provision of the services of entertainers, etc. of the said entertainers, etc. to the said tax-exempt entertainment corporation, etc. (where such person falls under the category of a tax-exempt entertainment corporation, etc., a person who pays the consideration for the provision of the services of entertainers, etc. to the said person) (where there are two or more locations, the principal location))."

2 法第四十二条第一項の規定の適用がある場合における所得税法施行令第二百六十四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）」とする。

(2) With respect to the application of the provisions of Article 264 of the Order for Enforcement of the Income Tax Act where the provisions of Article 42(1) of the Act are applied, the term "Article 212(1) (Withholding Liability for Income of Nonresidents or Corporations) of the Act" in the said Article shall be deemed to be replaced with "Article 212(1) (Withholding Liability for Income of Nonresidents or Corporations) of the Act or Article 42(1) (Special Provisions for Withholding at Source of Remuneration, etc. Paid by Tax-Exempt Entertainment Corporations, etc. to Entertainers for Their Provision of Services) of the Act on Special Measures Concerning Taxation."

3 免税芸能法人等がその支払を受ける法第四十二条第一項に規定する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につき法第四十二条第三項の規定により読み替えられた所得税法第百七十九条及び第二百十三条第一項の規定の適用を受けようとする場合には、当該免税芸能法人等は、当該対価の支払を受ける際、財務省令で定める事項を記載した書類を、当該対価の支払をする者を経由して、当該支払をする者が当該対価につき同法第二百十二条の規定により徴収して納付すべき所得税の納税地の所轄税務署長に提出しなければならない。

(3) Where a tax-exempt entertainment corporation, etc. seeks the application of the provisions of Article 179 and Article 213(1) of the Income Tax Act whose terms were replaced under the provisions of Article 42(3) of the Act with respect to the consideration listed in Article 161(ii) of the Income Tax Act, which they shall receive for the provision of the services of entertainers, etc.

prescribed in Article 42(1) of the Act, the said tax-exempt entertainment corporation, etc. shall, when receiving payment of the said consideration, submit a document containing the matters specified by an Ordinance of the Ministry of Finance, via a person who pays the said consideration, to the competent district director having jurisdiction over the place for tax payment of the income tax to be collected and paid for the said consideration by the said payer pursuant to the provisions of Article 212 of the Income Tax Act.

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

第二十七条の二 法第四十二条の二第一項に規定する政令で定める債券の買戻又は売戻条件付売買取引は、債券をあらかじめ約定した期日にあらかじめ約定した価格で（あらかじめ期日及び価格を約定することに代えて、その開始以後期日及び価格の約定をすることができる場合にあつては、その開始以後約定した期日に約定した価格で）買い戻し、又は売り戻すことを約定して譲渡し、又は購入し、かつ、当該約定に基づき当該債券を買い戻し、又は売り戻す取引とする。

Article 27-2 (1) The bond transaction with a repurchase or resale agreement specified by a Cabinet Order prescribed in Article 42-2(1) of the Act shall be a bond transaction where the bonds are transferred or purchased under an agreement to repurchase or resell at the agreed prices on the agreed date (or where it is agreed that the date and prices shall be determined after the commencement of the transaction instead of determining the date and prices in advance, at the said prices on the said date agreed after the commencement of the transaction) and are repurchased or resold based on the said agreement.

2 法第四十二条の二第一項に規定する政令で定める要件は、次に掲げる要件（同項に規定する特定金融機関等（以下この条において「特定金融機関等」という。）が日本銀行である場合にあつては、第一号及び第三号に掲げる要件）とする。

(2) The requirements specified by a Cabinet Order prescribed in Article 42-2(1) of the Act shall be as follows (where a specified financial institution, etc. prescribed in the said paragraph (hereinafter referred to as a "specified financial institution, etc." in this Article) is the Bank of Japan, the requirements listed in item (i) and item (iii)):

一 前項に規定する取引において債券の譲渡の日又は購入の日からその債券の買戻しの日又は売戻しの日までの期間が六月を超えないこと。

(i) In the transaction prescribed in the preceding paragraph, the period between the date of the transfer or purchase of the bonds and the date of the repurchase or resale of the said bonds shall not exceed six months

二 前項に規定する取引に関し、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）第三条に規定する一括清算の約定をしていること。

(ii) With respect to the transaction prescribed in the preceding paragraph, an agreement has been made on collective clearing prescribed in Article 3 of the Act on Collective Clearing of Specified Financial Transactions Conducted by Financial Institutions, etc. (Act No. 108 of 1998)

三 前項に規定する取引に係る債券の当該取引の約定をした日における価額が当該取引につき約定をした価格以上であること。

(iii) The value of the bonds pertaining to the transaction prescribed in the preceding paragraph on the day on which the agreement was made with regard to the said transaction shall be not less than the value agreed for the said transaction.

3 法第四十二条の二第一項に規定する政令で定める利子は、同項に規定する外国金融機関等が支払を受ける利子で、法第七条の規定により所得税を課さないこととされるものとする。

(3) The interest specified by a Cabinet Order prescribed in Article 42-2(1) of the Act shall be the interest to be received by a foreign financial institution, etc. prescribed in the said paragraph on which no income tax shall be imposed pursuant to the provisions of Article 7 of the Act.

4 法第四十二条の二第一項第三号に規定する政令で定める債券は、次に掲げる債券とする。

(4) The bonds specified by a Cabinet Order prescribed in Article 42-2(1) of the Act shall be any of the bonds listed as follows:

一 次に掲げる外国法人が発行し、又は保証する債券

(i) Bonds issued or guaranteed by a foreign corporation listed as follows:

イ その出資金額又は拠出をされた金額の合計額の二分の一以上が外国の政府により出資又は拠出をされている外国法人

(a) A foreign corporation 50 percent or more of whose capital contributions or obligations were made by a foreign government

ロ 外国の特別の法令の規定に基づき設立された外国法人で、その業務が当該外国の政府の管理の下に運営されているもの

(b) A foreign corporation established based on the provisions of the special laws and regulations in a foreign state whose business is conducted under the management of the government of the said foreign state

二 国際間の取極に基づき設立された国際機関が発行し、又は保証する債券

(ii) Bonds issued or guaranteed by an international organization established based on an international agreement between governments

三 経済協力開発機構の我が国以外の加盟国の法令の規定に基づき設立され、かつ、当該国において当該国の法令の規定に基づき銀行業を営む法人が発行する債券

(iii) Bonds issued by a corporation which was established based on the laws and regulations of a member state of the OECD other than Japan and which is engaged in a banking business in the said state based on the laws and regulations of the said state.

5 外国金融機関等（法第四十二条の二第四項第一号に規定する外国金融機関等をいう。以下この条において同じ。）のうち同号イに掲げる外国法人が法第四十二条の二第二項各号に掲げる外国法人に該当するかどうかの判定は、当該外国金融機関等が非課税適用申告書（同条第五項に規定する非課税適用申告書をいう。以下この条において同じ。）の提出をしようとする日及び当該非課税適用申告書の提出後特定利子（法第四十二条の二第一項に規定する特定利子をいう。以下この条において同じ。）の支払を受けるべき日の前日の属する事業年度の直前の事業年度終了の時の現況により行うものとする。

(5) Whether or not a foreign corporation listed in Article 42-2(4)(i)(a) of the Act out of foreign financial institutions, etc. (meaning foreign financial institutions, etc. prescribed in the said item; hereinafter the same shall apply in this Article) falls under the category of a foreign corporation listed in the items of Article 42-2(2) of the Act shall be determined according to its status at the end of the business year immediately prior to the business year including the day on which the said foreign financial institution, etc. intends to submit a written application for tax exemption (meaning a written application for tax exemption prescribed in Article 42-2(5) of the Act; hereinafter the same shall apply in this Article) and the day preceding the day on which the said foreign financial institution, etc. is to receive payment of specified interest (meaning specified interest prescribed in Article 42-2(1) of the Act; hereinafter the same shall apply in this Article) after submitting the said written application for tax exemption.

6 法第四十二条の二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、特定金融機関等から最初に特定利子の支払を受けようとする際、非課税適用申告書を、当該特定利子の支払事務を取り扱う当該特定金融機関等の事務所、事業所その他これらに準ずるもの（以下この項及び第十項において「事務所等」という。）を通じて（当該特定利子の支払事務が当該特定金融機関等が有する二以上の事務所等により取り扱われる場合には、当該二以上の事務所等のそれぞれにより最初に取り扱われる際、それぞれの事務所等を通じて）当該特定利子の支払を受けるべき日の前日までに同条第五項に規定する税務署長に提出しなければならない。

(6) A foreign financial institution, etc. which seeks the application of the provisions of Article 42-2(1) of the Act shall, when it intends to receive payment of specified interest from a specified financial institution, etc. for the first time, submit a written application for tax exemption to the district director prescribed in Article 42-2(5) of the Act, via an office, business office, or any other establishment equivalent thereto (hereinafter referred to as "offices, etc." in this paragraph and paragraph (10)) of the said specified financial institution, etc. in charge of handling payment of the said specified interest (where payment of the said specified interest is handled at two or more offices, etc. held by the said specified financial institution, etc., via respective offices at the time when payment is handled for the first time respectively) by the day

preceding the day on which the said foreign financial institution, etc. is to receive the said specified interest.

7 法第四十二条の二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、当該外国金融機関等に対し特定利子の支払をする特定金融機関等の同条第十項に規定する帳簿に各人別に記載又は記録を受けていないときは、同条第五項の規定により非課税適用申告書を同項に規定する税務署長に提出しなければならない。

(7) A foreign financial institution, etc. which seeks the application of the provisions of Article 42-2(1) of the Act shall, when it has not been entered or recorded separately in the books prescribed in Article 42-2(10) of the Act of a specified financial institution, etc. which pays specified interest to the said foreign financial institution, etc., submit a written application for tax exemption to the district director prescribed in Article 42-2(5) of the Act pursuant to the provisions of the said paragraph.

8 法第四十二条の二第一項の規定の適用を受けていた外国金融機関等が同条第二項の規定に基づき同条第一項の規定の適用を受けることができなくなった日後、再び同項の規定の適用を受けようとする場合には、非課税適用申告書を、同項の規定の適用を受けようとする特定利子の支払を受けるべき日の前日までに同条第五項に規定する税務署長に提出しなければならない。

(8) Where a foreign financial institution, etc. which had previously received the application of the provisions of Article 42-2(1) of the Act has become unable to receive the application of the said provisions based on the provisions of paragraph (2) of the said Article and subsequently seeks the application of the provisions of Article 42-2(1) of the Act again, the said foreign financial institution, etc. shall submit a written application for tax exemption to the district director prescribed in Article 42-2(5) of the Act, by the day preceding the day on which it is to receive the specified interest, in respect of which it seeks the application of the provisions of the said paragraph.

9 法第四十二条の二第七項に規定する政令で定める書類は、外国法人の法人の登記事項証明書、国税又は地方税の領収証書、納税証明書その他の財務省令で定める書類のいずれかの書類とする。

(9) The documents specified by a Cabinet Order prescribed in Article 42-2(7) of the Act shall be any of the foreign corporation's certificate of registered matters of the corporation, receipt for national tax or local tax, certificate of tax payment or any other document specified by an Ordinance of the Ministry of Finance.

10 特定金融機関等は、その事務所等において非課税適用申告書又は法第四十二条の二第八項に規定する申告書を受理したときは、その受理した日の属する月の翌月末日までに、これらの申告書を同条第五項に規定する税務署長に提出しなければならないものとし、かつ、財務省令で定めるところにより、これらの申告書の写し（これに準ずるものを含む。）を作成し、これを保存しなければならないものとする。

(10) A specified financial institution, etc. shall, when it has received a written

application for tax exemption or a written application prescribed in Article 42-2(8) of the Act at its offices, etc., submit such written applications to the district director prescribed in Article 42-2(5) of the Act, by the final day of the month following the month involving the date of the receipt, and create copies of such written applications (including those equivalent thereto) and preserve them pursuant to the provisions of an Ordinance of the Ministry of Finance.

1 1 法第四十二条の二第八項の場合において、同項に規定する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。

(11) In the case referred to in Article 42-2(8) of the Act, when a written application prescribed in the said paragraph has been submitted to the district director prescribed in the said paragraph, it shall be deemed that the submission has been made at the time when the person who pays specified interest set forth in the said paragraph received the written application.

1 2 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で法第四十二条の二第一項に規定する債券現先取引に係る契約が締結されたとき又は当該非課税適用申告書の提出をした者から同条第八項に規定する申告書の提出があつたときは、その都度、各人別に、同条第十項に規定する事項を帳簿に記載し、又は記録し、かつ、当該帳簿を財務省令で定めるところにより保存しなければならない。

(12) A specified financial institution, etc. shall, when the contract for a bond transaction with a repurchase/resale agreement prescribed in Article 42-2(1) of the Act has been concluded with a foreign financial institution, etc. which had submitted a written application for tax exemption, or when a written application prescribed in paragraph (8) of the said Article has been submitted by a person who had submitted the said written application for tax exemption, enter or record the matters prescribed in paragraph (10) of the said Article in the books for each person each time, and preserve the said books pursuant to the provisions of an Ordinance of the Ministry of Finance.

(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申請手続等)

(Application Procedures, etc. for Grace of Tax Payment Pertaining to Special Provisions for Taxation on Transactions with Foreign Affiliated Persons)

第三十九条の十二の二 法第六十六条の四の二第一項に規定する法人税の額及び当該法人税の額に係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は、次に掲げる金額の合計額とする。

Article 39-12-2 (1) The amount calculated as specified by a Cabinet Order as the

amount of corporation tax and additional tax for the said corporation tax prescribed in Article 66-4-2(1) of the Act shall be the sum of the amounts listed as follows:

一 法第六十六条の四の二第一項に規定する申立てに係る更正決定（法第六十六条の四第十六項第一号に掲げる更正決定をいう。以下この号及び第三項第二号において同じ。）により納付すべき法人税の額（次号において「更正決定に係る法人税の額」という。）から、当該更正決定のうち法第六十六条の四の二第一項に規定する法人税の額に係る部分がなかつたものとして計算した場合に納付すべきものとされる法人税の額（次号において「猶予対象以外の法人税の額」という。）を控除した金額

(i) The amount obtained by deducting the amount of corporation tax payable where the calculation has been made by deeming that the reassessment or determination for the objection prescribed in Article 66-4-2(1) of the Act (meaning the reassessment or determination listed in Article 66-4(16)(i) of the Act; hereinafter the same shall apply in this item and paragraph (3)(ii)) does not cover the part pertaining to the corporation tax prescribed in Article 66-4-2(1) of the Act (referred to as the "amount of corporation tax not under grace" in the next item) from the amount of corporation tax payable based on the said reassessment or determination (referred to as the "amount of corporation tax based on the reassessment or determination" in the next item)

二 更正決定に係る法人税の額を基礎として課することとされる加算税（国税通則法第六十九条に規定する加算税をいう。以下この号において同じ。）の額から、猶予対象以外の法人税の額を基礎として課することとされる加算税の額を控除した金額

(ii) The amount obtained by deducting the amount of additional tax (meaning the additional tax prescribed in Article 69 of the Act on General Rules for National Taxes; hereinafter the same shall apply in this item) to be imposed based on the amount of corporation tax not under grace from the amount of additional tax to be imposed based on the amount of corporation tax based on the reassessment or determination.

2 法第六十六条の四の二第一項に規定する合意がない場合その他の政令で定める場合は次の各号に掲げる場合とし、同項に規定する政令で定める日は国税庁長官が当該各号に掲げる場合に該当する旨を通知した日とする。

(2) The case where there is no agreement prescribed in Article 66-4-2(1) of the Act or any other case specified by a Cabinet Order shall be the case listed respectively in the following items and the date specified by a Cabinet Order prescribed in the said paragraph shall be the date on which the Commissioner of the National Tax Agency notified the fact that the case falls under any of those listed in the relevant items:

一 法第六十六条の四の二第一項に規定する協議（以下この項において「相互協議」という。）を継続した場合であつても同条第一項の合意（次号及び第三号において

「合意」という。)に至らないと国税庁長官が認める場合(同条第五項各号に掲げる場合を除く。)において、国税庁長官が当該相互協議に係る条約相手国(第一条の三第一項第二号に規定する租税条約の我が国以外の締約国をいう。次号において同じ。)の権限ある当局に当該相互協議の終了の申入れをし、当該権限ある当局の同意を得たとき。

(i) Where the Commissioner of the National Tax Agency finds that an agreement set forth in Article 66-4-2(1) of the Act (referred to an "agreement" in the next item and item (iii)) cannot be reached even if the consultation prescribed in the said paragraph (hereinafter referred to as a "mutual consultation" in this paragraph) is continued (excluding the case listed in the items of Article 66-4-2(5) of the Act), when he/she has made a request for the termination of the said mutual consultation to the competent authority of the other contracting state pertaining to the said mutual consultation (meaning a contracting state other than Japan of a tax convention prescribed in Article 1-3(1)(ii); the same shall apply in the next item) and has obtained consent from the said competent authority

二 相互協議を継続した場合であつても合意に至らないと当該相互協議に係る条約相手国の権限ある当局が認める場合において、国税庁長官が当該権限ある当局から当該相互協議の終了の申入れを受け、国税庁長官が同意をしたとき。

(ii) Where the competent authority of the other contracting state pertaining to a mutual consultation finds that an agreement cannot be reached even if the said mutual consultation were continued, when the Commissioner of the National Tax Agency has received a request for the termination of the said mutual consultation from the said competent authority and has given his/her consent

三 法第六十六条の四の二第一項に規定する法人税の額に関し合意が行われた場合において、当該合意の内容が当該法人税の額を変更するものでないとき。

(iii) Where an agreement has been reached on the amount of corporation tax prescribed in Article 66-4-2(1) of the Act, when the said agreement is not to change the said amount of corporation tax.

3 法第六十六条の四の二第一項の規定による納税の猶予を受けようとする者は、次に掲げる事項を記載した申請書に、同項の申立てをしたことを証する書類その他の財務省令で定めるものを添付し、これを国税通則法第四十六条第一項に規定する税務署長等に提出しなければならない。

(3) A person intending to receive a grace of tax payment under the provisions of Article 66-4-2(1) of the Act shall submit a written application containing the matters listed as follows along with a document certifying that he/she has filed an objection set forth in the said paragraph and other documents specified by an Ordinance of the Ministry of Finance to the district director, etc. prescribed in Article 46(1) of the Act on General Rules for National Taxes:

一 当該猶予を受けようとする法人の名称及び納税地(その納税地と本店又は主たる

事務所の所在地とが異なる場合には、名称及び納税地並びにその本店又は主たる事務所の所在地)

(i) The name and place for tax payment of a corporation intending to receive the said grace of tax payment (where the place for tax payment and the location of the head office or principal office are different, the corporation's name, place for tax payment and location of the head office or principal office)

二 納付すべき更正決定に係る法人税の事業年度、納期限及び金額

(ii) The business year, due date and the amount of payable corporation tax based on the reassessment or determination

三 前号の金額のうち当該猶予を受けようとする金額

(iii) The amount for which the corporation intends to receive a grace of tax payment out of the amount set forth in the preceding item

四 当該猶予を受けようとする金額が五十万円を超える場合には、その申請時に提供しようとする国税通則法第五十条各号に掲げる担保の種類、数量、価額及び所在（その担保が保証人の保証であるときは、保証人の名称又は氏名及び本店若しくは主たる事務所の所在地又は住所若しくは居所）その他担保に関し参考となるべき事項（担保を提供することができない特別の事情があるときは、その事情）

(iv) Where the said amount for which the corporation intends to receive a grace of tax payment exceeds 500,000 yen, the type, amount, value and location of the security listed in the items of Article 50 of the Act on General Rules for National Taxes which it intends to provide at the time of filing the application (when the security is a guarantee by a guarantor, the guarantor's name and the location, address or domicile of his/her head office or principal office) and any other matters for reference concerning the security (where there is any special circumstance whereby the corporation cannot provide security, the said circumstance).

4 法第六十六条の四の二第一項の規定による納税の猶予を受けた法人税についての国税通則法施行令（昭和三十七年政令第百三十五号）第二十三条第一項の規定の適用については、同項中「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」とする。

(4) With respect to the application of the provisions of Article 23(1) of the Order for Enforcement of the Act on General Rules for National Taxes (Cabinet Order No. 135 of 1962), regarding the corporation tax for which a grace of tax payment has been received pursuant to the provisions of Article 66-4-2(1) of the Act, the term "or national tax" in Article 23(1) of the said Order shall be deemed to be replaced with "(including a grace of tax payment under the provisions of Article 66-4-2(1) (Grace of Tax Payment under the Special Provisions for Taxation on Transactions with Foreign Affiliated Persons) of the Act on Special Measures Concerning Taxation) or national tax."

第八節の三 国外支配株主等に係る負債の利子等の課税の特例

**Section 8-3 Special Provisions for Taxation on Interest on Liabilities, etc.
Payable to Foreign Controlling Shareholders, etc.**

(国外支配株主等に係る負債の利子等の課税の特例)

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

第三十九条の十三 法第六十六条の五第一項に規定する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、次の各号に掲げる場合の区分に応じ当該各号に定める金額とする。

Article 39-13 (1) The amount calculated as specified by a Cabinet Order as the amount equivalent to the excess part prescribed in Article 66-5(1) of the Act shall be the amount specified respectively in the following items for the category of cases listed in the relevant items:

一 イに掲げる金額からロに掲げる金額を控除した残額がハに掲げる金額以下である場合 当該内国法人が当該事業年度において当該内国法人に係る国外支配株主等（法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をいう。以下この条において同じ。）及び資金供与者等（同項第二号に規定する資金供与者等をいう。以下この条において同じ。）に支払う第十五項各号に掲げる費用（第十三項第二号又は第三号に規定する場合において、これらの号の資金に係る負債の利子が当該利子の支払を受ける者の課税対象所得（法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。ロにおいて同じ。）に含まれるときに、支払うものに限る。）の金額（次号において「課税対象所得に係る保証料等の金額」という。）に、イに掲げる金額からハに掲げる金額を控除した残額（次号及び次項において「平均負債残高超過額」という。）をロに掲げる金額で除して得た割合を乗じて計算した金額

(i) Where the remaining amount after deducting the amount listed in (b) from the amount listed in (a) is equivalent to or less than the amount listed in (c): The amount obtained by calculating the amount of expenses listed in the items of paragraph (15) which the said domestic corporation pays for the relevant business year to a foreign controlling shareholder, etc. (meaning a foreign controlling shareholder, etc. prescribed in Article 66-5(4)(i) of the Act; hereinafter the same shall apply in this Article) and a fund provider, etc. (meaning a fund provider, etc. prescribed in item (ii) of the said paragraph; hereinafter the same shall apply in this Article) related to the said domestic corporation (such expenses shall be limited to what is to be paid, in the case prescribed in item (ii) or item (iii) of paragraph (13), when the interest on liabilities pertaining to the funds set forth in those items is included in the taxable income (meaning the taxable income prescribed in Article 66-5(4)(ix) of the Act; the same shall apply in (b)) of the person who is to receive payment of the said interest; such amount of expenses shall be referred to as

the "amount of guarantee charge, etc. for the taxable income" in the next item) and then multiplying the said amount of expenses by the ratio obtained by dividing the remaining amount after deducting the amount listed in (c) from the amount listed in (a) (such remaining amount shall be referred to as the "amount exceeding the average balance of liabilities" in the next item and the next paragraph) by the amount listed in (b):

イ 当該内国法人の当該事業年度の当該国外支配株主等及び資金供与者等に対する負債（法第六十六条の五第四項第四号に規定する国外支配株主等及び資金供与者等に対する負債をいう。以下この条において同じ。）に係る平均負債残高（同項第五号に規定する平均負債残高をいう。以下この条において同じ。）

(a) The average balance of liabilities (meaning the average balance of liabilities prescribed in Article 66-5(4)(v) of the Act; hereinafter the same shall apply in this Article) regarding the liabilities owed, for the relevant business year of the said domestic corporation, to the said foreign controlling shareholder, etc. and fund provider, etc. (meaning the liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. prescribed in item (iv) of the said paragraph; hereinafter the same shall apply in this Article)

ロ 資金供与者等に対する法第六十六条の五第四項第四号に規定する政令で定める負債（当該負債の利子が当該利子の支払を受ける者の課税対象所得に含まれるものに係るものに限る。）に係る平均負債残高

(b) The average balance of liabilities regarding the liabilities specified by a Cabinet Order prescribed in Article 66-5(4)(iv) of the Act owed to a fund provider, etc. (limited to the liabilities regarding those whose interest is included in the taxable income of a person who is to receive payment of the said interest)

ハ 当該内国法人の当該事業年度に係る国外支配株主等の資本持分（法第六十六条の五第四項第六号に規定する国外支配株主等の資本持分をいう。第四項及び第七項において同じ。）に、三（当該内国法人が同条第三項の規定の適用を受ける場合には同項に規定する倍数。次項において同じ。）を乗じて計算した金額

(c) The amount obtained by multiplying the equity interest held by a foreign controlling shareholder, etc. for the relevant business year of the said domestic corporation (meaning the equity interest held by a foreign controlling shareholder, etc. prescribed in Article 66-5(4)(vi) of the Act; the same shall apply in paragraph (4) and paragraph (7)) by three (where the said domestic corporation receives the application of the provisions of paragraph (3) of the said Article, by the multiple number prescribed in the said paragraph)

二 前号イに掲げる金額から同号ロに掲げる金額を控除した残額が同号ハに掲げる金額を超える場合 次に掲げる金額の合計額

(ii) Where the remaining amount after deducting the amount listed in (b) from

the amount listed in (a) of the preceding item exceeds the amount listed in (c): The sum of the amounts listed as follows:

イ 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（法第六十六条の五第四項第三号に規定する負債の利子等をいう。以下この条において同じ。）の額から課税対象所得に係る保証料等の金額を控除した残額に、平均負債残高超過額から前号ロに掲げる金額を控除した残額を同号イに掲げる金額から同号ロに掲げる金額を控除した残額で除して得た割合を乗じて計算した金額

(a) The amount obtained by deducting the amount of guarantee charge, etc. for the taxable income from the amount of interest on liabilities, etc. (meaning the interest on liabilities, etc. prescribed in Article 66-5(4)(iii) of the Act; hereinafter the same shall apply in this Article) that the said domestic corporation pays for the relevant business year to the said foreign controlling shareholder, etc. and fund provider, etc. and then multiplying the remaining amount after deduction by the ratio obtained by dividing the remaining amount after deducting the amount listed in (b) of the preceding item from the amount exceeding the average balance of liabilities by the remaining amount after deducting the amount listed in (b) of the said item from the amount listed in (a) of the said item

ロ 課税対象所得に係る保証料等の金額

(b) The amount of guarantee charge, etc. for the taxable income.

2 当該内国法人の当該事業年度の法第六十六条の五第一項に規定する総負債に係る平均負債残高から当該内国法人の当該事業年度に係る自己資本の額（同条第四項第七号に規定する自己資本の額をいう。以下この条において同じ。）に三を乗じて得た金額を控除した残額が、当該内国法人の当該事業年度に係る平均負債残高超過額よりも少ない場合における前項の規定の適用については、同項第一号中「イに掲げる金額からロに掲げる金額を控除した残額がハに掲げる金額」とあるのは「当該内国法人の当該事業年度の法第六十六条の五第一項に規定する総負債に係る平均負債残高から当該内国法人の当該事業年度に係る同条第四項第七号に規定する自己資本の額に三を乗じて得た金額を控除した残額（以下この項において「総負債平均負債残高超過額」という。）がロに掲げる金額」と、「法第六十六条の五第四項第一号」とあるのは「同条第四項第一号」と、「イに掲げる金額からハに掲げる金額を控除した残額（次号及び次項において「平均負債残高超過額」という。）」とあるのは「総負債平均負債残高超過額」と、同項第二号中「前号イに掲げる金額から同号ロに掲げる金額を控除した残額が同号ハに掲げる金額」とあるのは「総負債平均負債残高超過額が前号ロに掲げる金額」と、「平均負債残高超過額」とあるのは「総負債平均負債残高超過額」とする。

(2) With respect to the application of the provisions of the preceding paragraph where the remaining amount after deducting the amount obtained by multiplying the amount of equity capital (meaning the amount of equity capital prescribed in Article 66-5(4)(vii) of the Act; hereinafter the same shall apply in

this Article) for the relevant business year of the said domestic corporation by three from the average balance of liabilities regarding the total liabilities prescribed in Article 66-5(1) of the Act for the relevant business year of the said domestic corporation is less than the amount exceeding the average balance of liabilities for the relevant business year of the said domestic corporation, in item (i) of the preceding paragraph, the term "the remaining amount after deducting the amount listed in (b) from the amount listed in (a) is equivalent to or less than the amount listed in (c)" shall be deemed to be replaced with "the remaining amount after deducting the amount obtained by multiplying the amount of equity capital prescribed in Article 66-5(4)(vii) of the Act for the relevant business year of the said domestic corporation by three from the average balance of liabilities regarding the total liabilities prescribed in Article 66-5(1) of the Act for the relevant business year of the said domestic corporation (hereinafter such remaining amount shall be referred to as "the amount exceeding the average balance of the total liabilities" in this paragraph) is equivalent to or less than the amount listed in (c);" the term "Article 66-5(4)(i) of the Act" shall be deemed to be replaced with "paragraph (4)(i) of the said Article;" and the term "remaining amount after deducting the amount listed in (c) from the amount listed in (a) (such remaining amount shall be referred to as the "amount exceeding the average balance of liabilities" in the next item and the next paragraph)" shall be deemed to be replaced with "the amount exceeding the average balance of the total liabilities;" and in item (ii) of the said paragraph, the term "the remaining amount after deducting the amount listed in (b) from the amount listed in (a) of the preceding item exceeds the amount listed in (c)" shall be deemed to be replaced with "the amount exceeding the average balance of the total liabilities exceeds the amount listed in (c);" and the term "the amount exceeding the average balance of liabilities" shall be deemed to be replaced with "the amount exceeding the average balance of the total liabilities."

3 法第六十六条の五第一項の規定を適用する場合において、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は、当該事業年度において費用として計上される金額によるものとする。

(3) Where the provisions of Article 66-5(1) of the Act shall apply, the amount of interest on liabilities, etc. to be paid to the said foreign controlling shareholder, etc. and fund provider, etc. for the relevant business year shall be based on the amount posted as an expense for the relevant business year.

4 当該内国法人に係る国外支配株主等が二以上ある場合における法第六十六条の五第一項の規定の適用については、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、国外支配株主等の資本持分又は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は、それぞれ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、国外支配株主等の資本持分又は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を合計した金額によるものとする。

(4) With respect to the application of the provisions of Article 66-5(1) of the Act where there are two or more foreign controlling shareholders, etc. related to the said domestic corporation, the average balance of liabilities regarding the liabilities owed to foreign controlling shareholders, etc. and fund providers, etc., equity interest held by foreign controlling shareholders, etc. and the amount of interest on liabilities, etc. to be paid to foreign controlling shareholders, etc. and fund providers, etc. shall be based on the sum of the average balance of liabilities regarding the liabilities owed to foreign controlling shareholders, etc. and fund providers, etc., equity interest held by foreign controlling shareholders, etc. and the amount of interest on liabilities, etc. to be paid to foreign controlling shareholders, etc. and fund providers, etc., respectively.

5 法第六十六条の五第二項に規定す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から控除する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（同条第四項第八号に規定する特定債券現先取引等をいう。次項及び第八項において同じ。）に係るものに係る平均負債残高（当該平均負債残高が当該特定債券現先取引等に係る資産に係る平均資産残高（当該事業年度の当該資産の帳簿価額の平均的な残高として合理的な方法により計算した金額をいう。次項において同じ。）を超える場合には、当該平均資産残高。第八項において「調整後平均負債残高」という。）とする。

(5) The average balance of liabilities pertaining to a specified bond transaction with a repurchase/resale agreement, etc. which is calculated as specified by a Cabinet Order and is to be deducted from the average balance of liabilities regarding the liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. prescribed in Article 66-5(2) of the Act shall be the average balance of liabilities regarding the liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. related to the said domestic corporation which pertain to a specified bond transaction with a repurchase/resale agreement, etc. (meaning a specified bond transaction with a repurchase/resale agreement, etc. prescribed in Article 66-5(4)(viii) of the Act; the same shall apply in the next paragraph and paragraph (8)) (where the said average balance of liabilities exceeds the average balance of assets regarding assets pertaining to a specified bond transaction with a repurchase/resale agreement, etc. (the average balance of assets shall mean the amount calculated by a reasonable method as the average balance of the said assets' book value for the relevant business year; the same shall apply in the next paragraph), such calculated average balance of liabilities shall be the said average balance of assets; such average balance of assets shall be referred to as the "average balance of liabilities after adjustment" in paragraph (8)).

6 法第六十六条の五第二項に規定する当該事業年度の総負債に係る平均負債残高から

控除する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は、当該事業年度の総負債（負債の利子等の支払の基となるものに限る。第十項において同じ。）のうち、特定債券現先取引等に係るものに係る平均負債残高（当該平均負債残高が当該特定債券現先取引等に係る資産に係る平均資産残高を超える場合には、当該平均資産残高）とする。

(6) The average balance of liabilities pertaining to a specified bond transaction with a repurchase/resale agreement, etc. which is calculated as specified by a Cabinet Order and is to be deducted from the average balance of liabilities regarding the total liabilities for the relevant business year prescribed in Article 66-5(2) of the Act shall be the average balance of liabilities regarding the total liabilities for the relevant business year (limited to those which are to be the cause of payment of interest on liabilities, etc.; the same shall apply in paragraph (10)) which pertain to a specified bond transaction with a repurchase/resale agreement, etc. (where the said average balance of liabilities exceeds the average balance of assets regarding assets pertaining to a specified bond transaction with a repurchase/resale agreement, etc., such calculated average balance of liabilities shall be the said average balance of assets).

7 法第六十六条の五第二項に規定する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に係る倍数は、同項に規定す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から同項に規定する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当該内国法人に係る国外支配株主等の資本持分で除して計算した倍数とし、同項に規定する政令で定めるところにより計算した自己資本の額に係る倍数は、同項に規定する当該事業年度の総負債に係る平均負債残高から同項に規定する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当該内国法人の自己資本の額で除して計算した倍数とする。

(7) The multiple number applicable to the equity interest held by a foreign controlling shareholder, etc. which is calculated as specified by a Cabinet Order prescribed in Article 66-5(2) of the Act shall be the multiple number obtained by calculating the average balance of liabilities by deducting the average balance of liabilities pertaining to a specified bond transaction with a repurchase/resale agreement, etc. calculated as specified by a Cabinet Order prescribed in the said paragraph from the average balance of liabilities regarding the liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. prescribed in the said paragraph and then dividing the calculated average balance of liabilities by the equity interest held by the foreign controlling shareholder, etc. related to the said domestic corporation; and the multiple number applicable to the amount of equity capital which is calculated as specified by a Cabinet Order prescribed in the said paragraph shall be the multiple number obtained by calculating the average balance of liabilities by deducting the average balance of liabilities pertaining to a

specified bond transaction with a repurchase/resale agreement, etc. calculated as specified by a Cabinet Order prescribed in the said paragraph from the average balance of liabilities regarding the total liabilities for the relevant business year prescribed in the said paragraph and then dividing the calculated average balance of liabilities by the amount of equity capital of the said domestic corporation.

8 法第六十六条の五第二項に規定す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控除する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支払う負債の利子等の額のうち特定債券現先取引等に係るものに、調整後平均負債残高を当該特定債券現先取引等に係る負債に係る平均負債残高で除して得た割合を乗じて計算した金額とする。

(8) The amount of interest on liabilities, etc. pertaining to a specified bond transaction with a repurchase/resale agreement, etc. which is calculated as specified by a Cabinet Order and is to be deducted from the amount of interest on liabilities, etc. to be paid to a foreign controlling shareholder, etc. and a fund provider, etc. prescribed in Article 66-5(2) of the Act shall be the amount obtained by multiplying the amount of interest on liabilities, etc. to be paid to a foreign controlling shareholder, etc. and a fund provider, etc. related to the said domestic corporation which pertain to a specified bond transaction with a repurchase/resale agreement, etc. by the ratio obtained by dividing the average balance of liabilities after adjustment by the average balance of liabilities regarding liabilities pertaining to the said specified bond transaction with a repurchase/resale agreement, etc.

9 法第六十六条の五第二項の規定の適用を受ける場合における第一項から第四項までの規定の適用については、第一項第一号中「）の金額」とあるのは「）の金額から、当該金額のうち特定債券現先取引等（同条第四項第八号に規定する特定債券現先取引等をいう。以下この号において同じ。）に係るものに、当該金額に係る負債に係る調整後平均負債残高（第五項に規定する調整後平均負債残高をいう。以下この号において同じ。）を当該金額に係る負債のうち特定債券現先取引等に係るものに係る平均負債残高（同条第四項第五号に規定する平均負債残高をいう。以下この条において同じ。）で除して得た割合を乗じて計算した金額を控除した残額」と、同号イ中「平均負債残高（同項第五号に規定する平均負債残高をいう。以下この条において同じ。）」とあるのは「平均負債残高から調整後平均負債残高を控除した残額」と、同号ロ中「平均負債残高」とあるのは「平均負債残高から当該負債に係る調整後平均負債残高を控除した残額」と、同号ハ中「三（）」とあるのは「二（）」と、同項第二号イ中「課税対象所得に係る保証料等の金額を控除した残額」とあるのは「、同条第二項に規定する特定債券現先取引等に係る負債の利子等の額及び課税対象所得に係る保証料等の金額の合計額を控除した残額」と、第二項中「平均負債残高から」とあるのは「平均負債残高から第六項に規定する特定債券現先取引等に係るものに係る平均負債残高及び」と、「三を乗じて得た金額」とあるのは「二を乗じて得た金額の合計額」

とする。

(9) With respect to the application of the provisions of paragraph (1) to paragraph (4) in the case where the provisions of Article 66-5(2) of the Act is applied, the term "and then multiplying the said amount of expenses by the ratio" in paragraph (1)(i) shall be deemed to be replaced with ", then deducting the amount obtained by multiplying the part of the said amount of expenses that pertains to a specified bond transaction with a repurchase/resale agreement, etc. (meaning a specified bond transaction with a repurchase/resale agreement, etc. prescribed in Article 66-5(4)(viii) of the Act; hereinafter the same shall apply in this item) by the ratio obtained by dividing the average balance of liabilities after adjustment (meaning the average balance of liabilities after adjustment prescribed in paragraph (5); hereinafter the same shall apply in this item) regarding the liabilities for the said amount by the average balance of liabilities (meaning the average balance of liabilities prescribed in paragraph (4)(v) of the said Article; hereinafter the same shall apply in this Article) regarding the liabilities for the said amount which pertains to a specified bond transaction with a repurchase/resale agreement, etc., and then multiplying the remaining amount after deduction by the ratio;" the term "The average balance of liabilities (meaning the average balance of liabilities prescribed in Article 66-5(4)(v) of the Act; hereinafter the same shall apply in this Article)" in (a) of paragraph (1)(i) shall be deemed to be replaced with "The remaining amount after deducting the average balance of liabilities after adjustment from the average balance of liabilities;" the term "The average balance of liabilities" in (b) of the said item shall be deemed to be replaced with "The remaining amount after deducting the average balance of liabilities after adjustment regarding the said liabilities from the average balance of liabilities;" the term "three" in (c) of the said item shall be deemed to be replaced with "two;" the term "The amount obtained by deducting the amount of guarantee charge, etc. for the taxable income" in (a) of paragraph (1)(ii) shall be deemed to be replaced with "The amount obtained by deducting the sum of the amount of interest on liabilities, etc. pertaining to a specified bond transaction with a repurchase/resale agreement, etc. prescribed in paragraph (2) of the said Article and the amount of guarantee charge, etc. for the taxable income;" the term "where the remaining amount after deducting the amount" in paragraph (2) shall be deemed to be replaced with "where the remaining amount after deducting the sum of the average balance of liabilities regarding the average balance of liabilities which pertain to a specified bond transaction with a repurchase/resale agreement, etc. prescribed in paragraph (6) and the amount;" and the term "by three" in the said paragraph shall be deemed to be replaced with "by two."

10 法第六十六条の五第三項に規定する政令で定める比率は、同項の規定の適用を受

けようとする内国法人（以下この項において「適用法人」という。）の当該事業年度終了の日以前三年内に終了した同条第三項の事業規模その他の状況が類似する内国法人の各事業年度又は各連結事業年度のうちいずれかの事業年度又は連結事業年度終了の日における総負債の額（当該適用法人が同条第二項の規定の適用を受ける場合にあっては、財務省令で定める金額を控除した残額）の同日における資本金、法定準備金及び剰余金の合計額に対する比率とする。この場合において、当該比率に小数点以下二位未満の端数があるときは、これを切り上げるものとする。

(10) The percentage specified by a Cabinet Order prescribed in Article 66-5(3) of the Act shall be the percentage of the amount of the total liabilities of any other domestic corporation whose business size set forth in paragraph (3) of the said Article and other details are similar to those of a domestic corporation which seeks the application of the provisions of the said paragraph (hereinafter referred to as an "applicable corporation" in this paragraph) on the final day of any of the said other domestic corporation's relevant business years or consolidated business years that ended within three years until the final day of the applicable corporation's relevant business year (where the said applicable corporation receives the application of the provisions of paragraph (2) of the said Article, the percentage of the remaining amount of the total liabilities after deducting the amount specified by an Ordinance of the Ministry of Finance) against the sum of the amounts of stated capital, statutory reserve, and surplus on the same day. In this case, where there are any fractions after two decimal places, they shall be rounded up.

1 1 法第六十六条の五第四項第一号に規定する政令で定める特殊の関係は、次に掲げる関係とする。

(11) The special relationship specified by a Cabinet Order prescribed in Article 66-5(4)(i) of the Act shall be a relationship listed as follows:

一 当該内国法人がその発行済株式又は出資（その有する自己の株式又は出資を除く。）の総数又は総額（以下この条において「発行済株式等」という。）の百分の五十以上の株式又は出資の数又は金額（以下この条において「株式等」という。）を直接又は間接に保有される関係

(i) A relationship whereby out of the total number or total amount of the issued shares or capital contributions of the said domestic corporation (excluding its own shares or capital contributions held by the said corporation) (hereinafter referred to as the "issued shares, etc." in this Article), 50 percent or more of the shares or capital contributions (hereinafter referred to as the "shares, etc." in this Article) are held directly or indirectly by a foreign controlling shareholder, etc.

二 当該内国法人と外国法人が同一の者（当該者が個人である場合には、当該個人と法人税法施行令第四条第一項に規定する特殊の関係のある個人を含む。）によつてそれぞれその発行済株式等の百分の五十以上の株式等を直接又は間接に保有される場合における当該内国法人と当該外国法人の関係（前号に掲げる関係に該当するも

のを除く。)

(ii) Where 50 percent or more of the issued shares, etc. of the said domestic corporation and a foreign corporation are respectively held directly or indirectly by the same person (where the said person is an individual, including an individual who has a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with the said individual), the relationship between the said domestic corporation and the said foreign corporation (excluding relationships falling under the category of relationships listed in the preceding item)

三 当該内国法人と非居住者（法第二条第一項第一号の二に規定する非居住者をいう。第二十八項において同じ。）又は外国法人（以下この号において「非居住者等」という。）との間に次に掲げる事実その他これに類する事実が存在することにより、当該非居住者等が当該内国法人の事業の方針の全部又は一部につき実質的に決定できる関係（前二号に掲げる関係に該当するものを除く。）

(iii) A relationship whereby the existence of the fact listed as follows or any other facts equivalent thereto between the said domestic corporation and a nonresident (meaning a nonresident prescribed in Article 2(1)(i)-2 of the Act; the same shall apply in paragraph (28)) or a foreign corporation (hereinafter such nonresident or foreign corporation shall be referred to as a "nonresident, etc." in this item) enables the said nonresident, etc. to determine substantially the whole or a part of the said domestic corporation's business policies (excluding relationships falling under the category of relationships listed in the preceding two items):

イ 当該内国法人がその事業活動の相当部分を当該非居住者等との取引に依存して行っていること。

(a) The fact that the said domestic corporation depends on transactions with the said nonresident, etc. for a considerable part of its business activities

ロ 当該内国法人がその事業活動に必要なとされる資金の相当部分を当該非居住者等からの借入れにより、又は当該非居住者等の保証を受けて調達していること。

(b) The fact that the said domestic corporation has borrowed a considerable part of the funds necessary for its business activities from the said nonresident, etc. or has procured a considerable part of the funds necessary for its business activities by obtaining guarantees from the said nonresident, etc.

ハ 当該内国法人の役員のお二分の一以上又は代表する権限を有する役員が、当該外国法人の役員若しくは使用人を兼務している者又は当該外国法人の役員若しくは使用人であった者であること。

(c) The fact that 50 percent or more of the officers or officers with the representative authority of the said domestic corporation are persons who double as the said foreign corporation's officers or employees or who were formerly the said foreign corporation's officers or employees.

1 2 前条第二項及び第三項の規定は、前項第一号及び第二号の発行済株式等の百分の五十以上の株式等を直接又は間接に保有されるかどうかの判定について準用する。

(12) The provisions of paragraph (2) and paragraph (3) of the preceding Article shall apply mutatis mutandis to the determination as to whether or not 50 percent or more of the issued shares, etc. set forth in item (i) and item (ii) of the preceding paragraph are held directly or indirectly.

1 3 法第六十六条の五第四項第二号に規定する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は、次に掲げる者とする。

(13) 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 as prescribed in Article 66-5(4)(ii) of the Act shall be any of the following:

一 当該内国法人に係る国外支配株主等が第三者を通じて当該内国法人に対して資金を供与したと認められる場合における当該第三者

(i) Where it is found that a foreign controlling shareholder, etc. related to the said domestic corporation has provided the said domestic corporation with funds via a third party: The said third party

二 当該内国法人に係る国外支配株主等が第三者に対して当該内国法人の債務の保証をすることにより、当該第三者が当該内国法人に対して資金を供与したと認められる場合における当該第三者

(ii) Where it is found that a foreign controlling shareholder, etc. related to the said domestic corporation has offered guarantees for the said domestic corporation's liabilities to a third party and thereby the said third party has provided the said domestic corporation with funds: The said third party

三 当該内国法人に係る国外支配株主等から当該内国法人に貸し付けられた債券（当該国外支配株主等が当該内国法人の債務の保証をすることにより、第三者から当該内国法人に貸し付けられた債券を含む。）が、他の第三者に、担保として提供され、債券現先取引（法第四十二条の二第一項に規定する債券現先取引をいう。第二十七項において同じ。）で譲渡され、又は現金担保付債券貸借取引（法第六十六条の五第四項第八号に規定する現金担保付債券貸借取引をいう。第二十七項において同じ。）で貸し付けられることにより、当該他の第三者が当該内国法人に対して資金を供与したと認められる場合における当該第三者及び他の第三者

(iii) Where it is found that bonds lent by a foreign controlling shareholder, etc. related to the said domestic corporation to the said domestic corporation (including bonds lent by a third party to the said domestic corporation based on guarantees for the said domestic corporation's liabilities offered by the said foreign controlling shareholder, etc.) have been provided to any other third party as security and have been transferred in a bond transaction with a repurchase/resale agreement (meaning a bond transaction with a repurchase/resale agreement prescribed in Article 42-2(1) of the Act; the same shall apply in paragraph (27)) or lent in a cash-secured bond lending transaction (meaning a cash-secured bond lending transaction prescribed in

Article 66-5(4)(viii) of the Act; the same shall apply in paragraph (27)) and thereby the said other third party has provided the said domestic corporation with funds: The said third party and other third party.

1 4 法第六十六条の五第四項第三号に規定する利子に準ずるものとして政令で定めるものは、手形の割引料、法人税法施行令第十四条第一項第七号に掲げる社債発行差金その他経済的な性質が利子に準ずるものとする。

(14) The moneys specified by a Cabinet Order as being equivalent to interest on liabilities prescribed in Article 66-5(4)(iii) of the Act shall be the discount on bills, discount on company bonds listed in Article 14(1)(vii) of the Order for Enforcement of the Corporation Tax Act and any other moneys whose economic characteristics are equivalent to those of interest.

1 5 法第六十六条の五第四項第三号に規定する政令で定める費用は、次に掲げるものとする。

(15) The expenses specified by a Cabinet Order prescribed in Article 66-5(4)(iii) of the Act shall be the expenses listed as follows:

一 第十三項第二号に規定する場合において、同号の内国法人が当該内国法人に係る国外支配株主等に支払う同号の債務の保証料

(i) In the case prescribed in Article 13(ii), the guarantee charge for liabilities set forth in the said item which a domestic corporation set forth in the said item pays to a foreign controlling shareholder, etc. related to the said domestic corporation

二 第十三項第三号に規定する場合において、同号の内国法人が当該内国法人に係る国外支配株主等に支払う同号の債券の使用料若しくは同号の債務の保証料又は同号の第三者に支払う同号の債券の使用料

(ii) In the case prescribed in Article 13(iii), the charge for bonds set forth in the said item or guarantee charge for liabilities set forth in the said item which a domestic corporation set forth in the said item pays to a foreign controlling shareholder, etc. related to the said domestic corporation or the charge for bonds set forth in the said item which the said domestic corporation pays to a third party set forth in the said item.

1 6 法第六十六条の五第四項第三号に規定するその他政令で定めるものは、法人税法第二条第五号に規定する公共法人又は同条第六号に規定する公益法人等に支払う負債の利子等とする。

(16) Any other expenses specified by a Cabinet Order prescribed in Article 66-5(4)(iii) of the Act shall be interest on liabilities, etc. to be paid to a public corporation prescribed in Article 2(v) of the Corporation Tax Act or a corporation in the public interest, etc. prescribed in item (vi) of the said Article.

1 7 法第六十六条の五第四項第四号に規定する政令で定める負債は、第十三項各号に規定する場合における当該各号の資金に係る負債とする。

(17) The liabilities specified by a Cabinet Order prescribed in Article 66-5(4)(iv) of the Act shall be the liabilities set forth in the items of paragraph (13) in the

cases prescribed in the relevant items.

18 法第六十六条の五第四項第五号に規定する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は、当該事業年度の負債の帳簿価額の平均的な残高として合理的な方法により計算した金額とする。

(18) The amount calculated as specified by a Cabinet Order as the average amount of liabilities prescribed in Article 66-5(4)(v) of the Act shall be the amount calculated by a reasonable method as the average balance of the book value of the liabilities for the relevant business year.

19 法第六十六条の五第四項第六号に規定する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は、当該内国法人の当該事業年度に係る自己資本の額に、当該事業年度終了の日において国外支配株主等の有する当該内国法人に係る直接及び間接保有の株式等が当該内国法人の発行済株式等のうちに占める割合を乗じて計算した金額とする。

(19) The amount calculated as specified by a Cabinet Order as the interest on a domestic corporation's net assets held by a foreign controlling shareholder, etc. as prescribed in Article 66-5(4)(vi) of the Act shall be the amount obtained by multiplying the amount of equity capital for the relevant business year of the said domestic corporation by the ratio of the shares, etc. regarding the said domestic corporation held directly or indirectly by a foreign controlling shareholder, etc. on the final day of the relevant business year out of the said domestic corporation's issued shares, etc.

20 前項に規定する直接及び間接保有の株式等とは、当該内国法人に係る国外支配株主等が直接に保有する当該内国法人の株式等及び当該国外支配株主等が間接に保有する当該内国法人の株式等（当該内国法人の発行済株式等に、次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）を乗じて計算した株式等をいう。）の総数又は合計額をいう。

(20) The shares, etc. held directly or indirectly as prescribed in the preceding paragraph shall be the total number or the sum of the said domestic corporation's shares, etc. held directly by a foreign controlling shareholder, etc. related to the said domestic corporation and the said domestic corporation's shares, etc. held indirectly by the said foreign controlling shareholder, etc. (meaning the shares, etc. calculated by multiplying the said domestic corporation's issued shares, etc. by the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows)):

一 当該内国法人の株主等（法人税法第二条第十四号に規定する株主等をいう。以下この号及び第二十四項において同じ。）である他の内国法人の発行済株式等の全部又は一部が当該内国法人に係る国外支配株主等により保有されている場合 当該国外支配株主等の当該他の内国法人に係る持株割合（株主等の有する株式等がその発

行済株式等のうちに占める割合をいう。以下この項及び第二十四項において同じ。)に当該他の内国法人の当該内国法人に係る持株割合を乗じて計算した割合(当該他の内国法人が二以上ある場合には、当該二以上の他の内国法人につきそれぞれ計算した割合の合計割合)

(i) Where the whole or a part of the issued shares, etc. of any other domestic corporation which is a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2(xiv) of the Corporation Tax Act; hereinafter the same shall apply in this item and paragraph (24)) of the said domestic corporation are held by a foreign controlling shareholder, etc. related to the said domestic corporation: The ratio obtained by multiplying the said foreign controlling shareholder, etc.'s ratio of shareholding (meaning the ratio of the shares, etc. held by a shareholder, etc. out of the total issued shares, etc.; hereinafter the same shall apply in this paragraph and paragraph (24)) pertaining to the said other domestic corporation by the said other domestic corporation's ratio of shareholding pertaining to the said domestic corporation (where there are two or more other domestic corporations, the sum of the ratios calculated for each of them)

二 当該内国法人と当該内国法人に係る国外支配株主等によりその発行済株式等の全部又は一部が保有されている他の内国法人との間に介在する一又は二以上の内国法人(以下この項において「出資関連内国法人」という。)がいる場合であつて、当該国外支配株主等、当該他の内国法人、出資関連内国法人及び当該内国法人が株式等の保有を通じて連鎖関係にある場合 当該国外支配株主等の当該他の内国法人に係る持株割合、当該他の内国法人の出資関連内国法人に係る持株割合、出資関連内国法人の他の出資関連内国法人に係る持株割合及び出資関連内国法人の当該内国法人に係る持株割合を順次乗じて計算した割合(当該連鎖関係が二以上ある場合には、当該二以上の連鎖関係につきそれぞれ計算した割合の合計割合)

(ii) Where a single domestic corporation or two or more domestic corporations intervene(s) between the said domestic corporation and any other domestic corporation, the whole or a part of whose issued shares, etc. are held by a foreign controlling shareholder, etc. related to the said domestic corporation (hereinafter such intervening domestic corporation(s) shall be referred to as a "capital contribution-related domestic corporation(s)" in this paragraph) and the said foreign controlling shareholder, etc., the said other domestic corporation, capital contribution-related domestic corporation(s) and the said domestic corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the said foreign controlling shareholder, etc.'s ratio of shareholding pertaining to the said other domestic corporation sequentially by the said other domestic corporation's ratio of shareholding pertaining to the capital contribution-related domestic corporation(s), by the capital contribution-related domestic corporation's(s') ratio of shareholding pertaining to other capital contribution-related domestic corporation(s), and

by the capital contribution-related domestic corporation's(s') ratio of shareholding pertaining to the said domestic corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

2 1 当該内国法人と当該内国法人に係る国外支配株主等とが第十一項第二号に掲げる関係にある場合において、同号に規定する同一の者が法第二条第一項第一号の二に規定する居住者又は他の内国法人であるときは、当該同一の者を当該内国法人に係る国外支配株主等とみなして、前二項の規定を適用するものとする。

(21) Where the said domestic corporation and a foreign controlling shareholder, etc. related to the said domestic corporation are in a relationship listed in paragraph (11)(ii), when the same person prescribed in the said item is a resident or any other domestic corporation prescribed in Article 2(1)(i)-2 of the Act, the provisions of the preceding two paragraphs shall be applied by deeming the said same person to be a foreign controlling shareholder, etc. related to the said domestic corporation.

2 2 法第六十六条の五第四項第七号に規定する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は、第一号に掲げる金額から第二号に掲げる金額を控除した残額（当該残額が当該内国法人の当該事業年度終了の日における法人税法第二条第十六号に規定する資本金等の額（当該資本金等の額が資本金の額又は出資金の額に満たない場合には、当該資本金の額又は出資金の額。以下この項及び第二十四項において「資本金等の額」という。）に満たない場合には、当該資本金等の額）とする。

(22) The amount calculated as specified by a Cabinet Order as the amount of net assets prescribed in Article 66-5(4)(vii) of the Act shall be the remaining amount after deducting the amount listed in item (ii) from the amount listed in item (i) (where the said remaining amount does not reach the amount of stated capital, etc. prescribed in Article 2(xvi) of the Corporation Tax Act on the final day of the relevant business year of the said domestic corporation (where the said amount of stated capital, etc. does not reach the amount of stated capital or capital contributions, the said amount of stated capital or capital contributions; hereinafter referred to as the "amount of stated capital, etc." in this paragraph and paragraph (24)), such calculated amount shall be the said amount of stated capital, etc.):

一 当該内国法人の当該事業年度の総資産の帳簿価額（固定資産の帳簿価額を損金経理により減額することに代えて剰余金の処分により積立金として積み立てている金額及び法第五十二条の三又は第六十八条の四十一の規定により特別償却準備金として積み立てている金額（剰余金の処分により積立金として積み立てている金額に限る。）を控除した残額）の平均的な残高として合理的な方法により計算した金額

(i) The amount calculated by a reasonable method as the average balance of the book value of the total assets for the relevant business year of the said domestic corporation (such book value shall mean the remaining amount after deducting the amount reserved as a reserve fund by the appropriation of surplus and the amount reserved as a reserve for special depreciation

pursuant to the provisions of Article 52-3 or Article 68-41 of the Act (limited to the amount reserved as a reserve fund by the appropriation of surplus) in lieu of reducing the book value of fixed assets by reckoning the amount into expense for accounting purpose)

二 当該内国法人の当該事業年度の総負債の帳簿価額の平均的な残高として合理的な方法により計算した金額

(ii) The amount calculated by a reasonable method as the average balance of the book value of the total liabilities for the relevant business year of the said domestic corporation.

2 3 第五項、第十八項及び前項の帳簿価額は、当該内国法人がその会計帳簿に記載した資産又は負債の金額によるものとする。

(23) The book value set forth in paragraph (5) and paragraph (18) and the preceding paragraph shall be based on the amount of assets or liabilities that the said domestic corporation entered in its accounting books.

2 4 当該内国法人と当該内国法人に係る国外支配株主等との間に当該内国法人の株主等である他の内国法人又は出資関連内国法人（当該内国法人と当該他の内国法人との間にこれらの者と株式等の保有を通じて連鎖関係にある一又は二以上の内国法人をいう。次項において同じ。）が介在している場合において、当該内国法人の当該事業年度終了の日における資本金等の額に当該他の内国法人又は出資関連内国法人の当該内国法人に係る持株割合を乗じて計算した金額が当該他の内国法人又は出資関連内国法人の同日における資本金等の額（法人税法第二条第十六号に規定する連結申告法人に該当する法人にあつては、第三十九条の百十三第二十項に規定する連結個別資本金等の額）を超えるときは、当該内国法人に係る自己資本の額は、当該自己資本の額から、その超える金額と当該他の内国法人又は出資関連内国法人の同日における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額とのいずれか少ない金額（次項において「控除対象金額」という。）を控除した残額とする。

(24) Where any other domestic corporation which is a shareholder, etc. of the said domestic corporation or a capital contribution-related domestic corporation(s) (meaning a single domestic corporation or two or more domestic corporations which have a linkage with the said domestic corporation and the said other domestic corporation through holding the shares, etc.; the same shall apply in the next paragraph) intervene(s) between the said domestic corporation and a foreign controlling shareholder, etc. related to the said domestic corporation, when the amount obtained by multiplying the amount of stated capital, etc. on the final day of the relevant business year of the said domestic corporation by the ratio of shareholding pertaining to the said domestic corporation of the said other domestic corporation or capital contribution-related domestic corporation(s) exceeds the amount of stated capital, etc. of the said other domestic corporation or capital contribution-related domestic corporation(s) on the same day (for a corporation falling under the category of a corporation subject to corporation tax on consolidated income prescribed in Article 2(xvi) of

the Corporation Tax Act, when such amount exceeds the amount of consolidated individual stated capital, etc. prescribed in Article 39-113(20)), the amount of equity capital pertaining to the said domestic corporation shall be the remaining amount after deducting from the said amount of equity capital, either of the smaller amount of the said excess amount and the amount of liabilities owed by the said other domestic corporation or capital contribution-related domestic corporation(s) to a foreign controlling shareholder, etc. and a fund provider, etc. related to the said domestic corporation on the same day (referred to as the "creditable amount" in the next paragraph).

25 前項に規定する場合において、同項の出資関連内国法人が同項の当該内国法人であるとした場合に当該出資関連内国法人に係る控除対象金額があるときは、当該出資関連内国法人の同項の資本金等の額は、当該資本金等の額から当該控除対象金額を控除した残額とし、当該出資関連内国法人の同項の国外支配株主等及び資金供与者等に対する負債の額は、当該国外支配株主等及び資金供与者等に対する負債の額に当該控除対象金額を加算した金額とする。

(25) In the case prescribed in the preceding paragraph, when deeming a capital contribution-related domestic corporation(s) set forth in the said paragraph to be the said domestic corporation set forth in the said paragraph and if there is any creditable amount pertaining to the said capital contribution-related domestic corporation(s), the amount of stated capital, etc. set forth in the said paragraph of the said capital contribution-related domestic corporation(s) shall be the remaining amount after deducting the said creditable amount from the said amount of stated capital, etc.; and the amount of liabilities owed by the said capital contribution-related domestic corporation(s) to a foreign controlling shareholder, etc. and a fund provider, etc. set forth in the said paragraph shall be the amount obtained by adding the amount of liabilities owed to the said foreign controlling shareholder, etc. and fund provider, etc. and the said creditable amount.

26 当該内国法人が法人税法第二条第六号に規定する公益法人等又は人格のない社団等である場合における法第六十六条の五第四項第六号に規定する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及び同項第七号に規定する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は、第十九項から前項までの規定にかかわらず、当該内国法人の当該事業年度に係る自己資本の額に、当該事業年度終了の日における総資産の価額のうちに占めるその営む法人税法第二条第十三号に規定する収益事業に係る資産の価額の割合を乗じて計算した金額とする。

(26) The amount calculated as specified by a Cabinet Order as the interest on a domestic corporation's net assets prescribed in Article 66-5(4)(vi) of the Act and the amount calculated as specified by a Cabinet Order as the amount of net assets prescribed in item (vii) of the said paragraph, where the said domestic corporation is a corporation in the public interest, etc. prescribed in Article

2(vi) of the Corporation Tax Act or an association or foundation without juridical personality, shall be, notwithstanding the provisions of paragraph (19) to the preceding paragraph, the amount obtained by multiplying the amount of equity capital for the relevant business year of the said domestic corporation by the ratio of the value of assets for the profit-making business prescribed in Article 2(xiii) of the Corporation Tax Act conducted by the said domestic corporation out of the value of the total assets on the final day of the relevant business year.

27 法第六十六条の五第四項第八号に規定する政令で定めるものは、次に掲げるいずれかの債券を、現金担保付債券貸借取引で貸し付ける場合又は債券現先取引で譲渡する場合の当該現金担保付債券貸借取引又は債券現先取引とする。

(27) The transaction specified by a Cabinet Order prescribed in Article 66-5(4)(viii) of the Act shall be the relevant cash-secured bond lending transaction or bond transaction with a repurchase/resale agreement, where any of the bonds listed as follows are lent in a cash-secured bond lending transaction or transferred in a bond transaction with a repurchase/resale agreement:

一 現金担保付債券貸借取引で借り入れた債券

(i) Bonds borrowed in a cash-secured bond lending transaction

二 債券現先取引で購入した債券

(ii) Bonds purchased in a bond transaction with a repurchase/resale agreement.

28 法第六十六条の五第四項第九号に規定する政令で定める国内源泉所得は、非居住者にあつては同号の非居住者が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のいずれに該当するかに応じ当該非居住者のこれらの規定に定める国内源泉所得（租税条約（第一条の三第一項第二号に規定する租税条約をいう。以下この項において同じ。）の規定により所得税が軽減され、又は免除される所得を除く。）とし、外国法人にあつては法第六十六条の五第四項第九号の外国法人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外国法人のこれらの規定に定める国内源泉所得（租税条約の規定により法人税が軽減され、又は免除される所得を除く。）とする。

(28) The domestic source income specified by a Cabinet Order prescribed in Article 66-5(4)(ix) of the Act for a nonresident shall be the domestic source income of a nonresident set forth in the said item as specified in Article 164(1)(i) to (iii) of the Income Tax Act, in accordance with the category of the said nonresident listed in the said items (excluding the income for which income tax shall be reduced or exempted pursuant to the provisions of a tax convention (meaning a tax convention prescribed in Article 1-3(1)(ii); hereinafter the same shall apply in this paragraph)); and the domestic source income specified by a Cabinet Order prescribed in Article 66-5(4)(ix) of the Act for a foreign corporation shall be the domestic source income of a foreign corporation set forth in Article 66-5(4)(ix) of the Act as specified in Article 164(1)(i) to (iii) of the Corporation Tax Act, in accordance with the category of

the said foreign corporation listed in the said items (excluding the income for which corporation tax shall be reduced or exempted pursuant to the provisions of a tax convention).

29 第一項、第三項から第十八項まで、第二十二項、第二十三項、第二十七項及び前項の規定は、法第六十六条の五第十項において準用する同条第一項から第四項まで及び第六項から第九項まで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。

(29) The provisions of paragraph (1), paragraph (3) to paragraph (18), paragraph (22), paragraph (23), paragraph (27) and the preceding paragraph shall apply mutatis mutandis to the case of applying the provisions of paragraph (1) to paragraph (4) and paragraph (6) to paragraph (9) of Article 66-5 of the Act which are applied mutatis mutandis pursuant to paragraph (10) of the said Article. In this case, the terms listed in the middle column of the next table which are used in the provisions listed in the left-hand column of the said table shall be deemed to be replaced with the terms listed in the right-hand column of the said table.

第一項第一号 Paragraph (1)(i)	内国法人 domestic corporation	外国法人 foreign corporation
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<p>費用（ (such expenses shall be limited to</p>	<p>費用のうち当該外国法人が国内において行う事業（以下この条において「国内事業」という。）に係るもの（当該外国法人が法人税法第二条第六号に規定する公益法人等（以下この条において「公益法人等」という。）又は人格のない社団等である場合には、その営む同条第十三号に規定する収益事業（以下この条において「収益事業」という。）に係るものに限るものとし、 and which pertains to a business that the said foreign corporation conducts in Japan (hereinafter referred to as a "domestic business" in this Article) (such expenses shall be limited, in the case where the said foreign corporation is a corporation in the public interest, etc. prescribed in Article 2(vi) of the Corporation Tax Act (hereinafter referred to as a "corporation in the public interest, etc." in this Article) or an association or foundation without juridical personality, which pertains to a profit-making business prescribed in item (xiii) of the said Article (hereinafter referred to as a "profit-making business" in this Article) conducted by the said foreign corporation and also limited to</p>
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	負債（当該負債の利子 (limited to liabilities	負債のうち国内事業に係るもの （当該外国法人が公益法人等又は人格のない社団等である場合には、その営む収益事業に係るものに限るものとし、当該負債の利子 which pertain to a domestic business (where the said foreign corporation is a corporation in the public interest, etc. or an association or foundation without juridical personality, limited to liabilities pertaining to a profit-making business conducted by the said foreign corporation and also limited to liabilities
第一項第二号、第四項及び第五項 Paragraph (1)(ii), and paragraph(4) and paragraph (5)	内国法人 domestic corporation	外国法人 foreign corporation
第六項 Paragraph (6)	総負債（負債の利子等の支払の基となるものに限る。第十項において同じ。）のうち in paragraph (10)) which pertain to	総負債（負債の利子等の支払の基となるものに限る。第十項及び第二十二項において同じ。）のうち国内事業に係るもの（当該外国法人が公益法人等又は人格のない社団等である場合には、その営む収益事業に係るものに限る。）で in paragraph (10) and paragraph (22)) which pertain to a domestic business (where the said foreign corporation is a corporation in the public interest, etc. or an association or foundation without juridical personality, limited to liabilities pertaining to a profit-making business conducted by the said foreign corporation) and which pertain to

第七項及び第八項 Paragraph (7) and paragraph (8)	内国法人 domestic corporation	外国法人 foreign corporation
第十項 Paragraph (10)	受けようとする内国法人 a domestic corporation which intends to	受けようとする外国法人 a foreign corporation which intends to
第十一項第一号及び第二号 Paragraph (11)(i) and (ii)	内国法人 domestic corporation	外国法人 foreign corporation
	外国法人 a foreign corporation	他の外国法人 any other foreign corporation
第十一項第三号 Paragraph (11)(iii)	内国法人 domestic corporation	外国法人 foreign corporation
	非居住者（法第二条第一項第一号の二に規定する非居住者をいう。第二十八項において同じ。）又は外国法人（以下この号において「非居住者等」という。第二十八項において同じ。） a nonresident (meaning a nonresident prescribed in Article 2(1)(i)-2 of the Act; the same shall apply in paragraph (28)) or a foreign corporation (hereinafter such nonresident or foreign corporation shall be referred to as a "nonresident, etc." in this item)	非居住者（法第二条第一項第一号の二に規定する非居住者をいう。第二十八項において同じ。）又は他の外国法人 a nonresident (meaning a nonresident prescribed in Article 2(1)(i)-2 of the Act; the same shall apply in paragraph (28)) or any other foreign corporation
	当該非居住者等 the said nonresident, etc.	当該非居住者又は他の外国法人 the said nonresident or other foreign corporation
	当該外国法人 the said foreign corporation's	当該他の外国法人 the said other foreign corporation's
第十三項及び第十五項 Paragraph (13) and paragraph (15)	内国法人 domestic corporation	外国法人 foreign corporation

<p>第十六項 Paragraph (16)</p>	<p>同条第六号に規定する公益法人等 a corporation in the public interest, etc. prescribed in item (vi) of the said Article</p>	<p>公益法人等 a corporation in the public interest, etc.</p>
<p>第二十二項 Paragraph (22)</p>	<p>第六十六条の五第四項第七号 The amount calculated as specified by a Cabinet Order as the amount of net assets prescribed in Article 66-5(4)(vii) of the Act</p>	<p>第六十六条の五第四項第六号に規定する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及び同項第七号 The amount calculated as specified by a Cabinet Order as the interest on a domestic corporation's net assets held by a foreign controlling shareholder, etc. and the amount calculated as specified by a Cabinet Order as the amount of net assets prescribed in item (vii) of the said paragraph</p>
	<p>内国法人 domestic corporation</p>	<p>外国法人 foreign corporation</p>

<p>資本金等の額（当該資本金等の額が資本金の額又は出資金の額に満たない場合には、当該資本金の額又は出資金の額。 the amount of stated capital, etc. prescribed in Article 2(xvi) of the Corporation Tax Act on the final day of the relevant business year of the said domestic corporation (where the said amount of stated capital, etc. does not reach the amount of stated capital or capital contributions, the said amount of stated capital or capital contributions;</p>	<p>資本金等の額に、同日における総資産の帳簿価額のうちに占める国内事業に係る資産（当該外国法人が公益法人等又は人格のない社団等である場合には、その営む収益事業に係るものに限る。）の帳簿価額の割合を乗じて計算した金額（ the amount obtained by multiplying the amount of stated capital, etc. prescribed in Article 2(xvi) of the Corporation Tax Act on the final day of the relevant business year of the said domestic corporation by the ratio of the book value of the assets pertaining to a domestic business (where the said foreign corporation is a corporation in the public interest, etc. or an association or foundation without juridical personality, limited to assets pertaining to a profit-making business conducted by the said foreign corporation) out of the book value of the total assets on the same day（</p>
<p>総資産 the total assets</p>	<p>総資産のうち国内事業に係るもの（当該外国法人が公益法人等又は人格のない社団等である場合には、その営む収益事業に係るものに限る。） the total assets which pertain to a domestic business (where the said foreign corporation is a corporation in the public interest, etc. or an association or foundation without juridical personality, limited to assets pertaining to a profit-making business conducted by the said foreign corporation)</p>

	総負債 the total liabilities	総負債のうち国内事業に係るもの（当該外国法人が公益法人等又は人格のない社団等である場合には、その営む収益事業に係るものに限る。） the total liabilities which pertain to a domestic business (where the said foreign corporation is a corporation in the public interest, etc. or an association or foundation without juridical personality, limited to liabilities pertaining to a profit-making business conducted by the said foreign corporation)
第二十三項 Paragraph (23)	内国法人 domestic corporation	外国法人 foreign corporation

30 法第六十六条の五第一項の規定の適用がある場合における法人税法施行令第二十二條の規定の適用については、同条第一項及び第二項中「の額の合計額」とあるのは「の額の合計額（租税特別措置法第六十六条の五第一項（国外支配株主等に係る負債の利子等の課税の特例）の規定により損金の額に算入されない金額がある場合には、当該金額を控除した残額）」と、「第一号に掲げる金額の」とあるのは「第一号に掲げる金額（租税特別措置法第六十六条の五第一項の規定により損金の額に算入されない金額がある場合には、租税特別措置法施行令（昭和三十二年政令第四十三号）第三十九条の十三第一項第一号（国外支配株主等に支払う負債の利子等の損金不算入額の計算）（同条第九項の規定により読み替えて適用する場合を含む。）に規定する平均負債残高超過額に相当する金額（同条第二項の規定により同条第一項の規定を読み替えて適用する場合にあつては、同条第二項の規定により読み替えて適用する同号に規定する総負債平均負債残高超過額に相当する金額）を控除した残額）の」と、同条第三項中「合計額（以下）」とあるのは「合計額（租税特別措置法第六十六条の五第一項の規定により損金の額に算入されない金額がある場合には、当該金額を控除した残額以下）」と、「同条第四項第一号」とあるのは「法第二十三条第四項第一号」とする。

(30) With respect to the application of the provisions of Article 22 of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 66-5(1) of the Act shall apply, the term "the sum of the amount of interest on liabilities prescribed in the said paragraph to be paid for the relevant business year" in Article 22(1) of the said Order shall be deemed to be replaced with "the sum of the amount of interest on liabilities prescribed in the said paragraph to be paid for the relevant business year (where there is any amount that shall not be included in deductible expenses pursuant to the

provisions of Article 66-5(1) (Special Provisions for Taxation on Interest on Liabilities, etc. Payable to Foreign Controlling Shareholders, etc.) of the Act on Special Measures Concerning Taxation, such sum shall be the remaining amount after deducting the said amount);" the term "the sum of the amount of interest on liabilities that a domestic corporation set forth in the said paragraph pays for the business year set forth in the said paragraph" in paragraph (2) of the said Article shall be deemed to be replaced with "the sum of the amount of interest on liabilities that a domestic corporation set forth in the said paragraph pays for the business year set forth in the said paragraph (where there is any amount that shall not be included in deductible expenses pursuant to the provisions of Article 66-5(1) (Special Provisions for Taxation on Interest on Liabilities, etc. Payable to Foreign Controlling Shareholders, etc.) of the Act on Special Measures Concerning Taxation, such sum shall be the remaining amount after deducting the said amount);" the term "the amount listed in item (i)" in paragraph (1) and paragraph (2) of the said Article shall be deemed to be replaced with "the amount listed in item (i) (where there is any amount that shall not be included in deductible expenses pursuant to the provisions of Article 66-5(1) of the Act on Special Measures Concerning Taxation, such amount shall be the remaining amount after deducting the amount equivalent to the amount exceeding the average balance of liabilities prescribed in Article 39-13(1)(i) (Calculation of the Amount of Interest on Liabilities, etc. Payable to Foreign Controlling Shareholders, etc. to be Excluded from Deductible Expenses) of the Order for Enforcement of the Act on Special Measures Concerning Taxation (Cabinet Order No. 43 of 1957) (including the cases where it is applied by replacing the terms under the provisions of paragraph (9) of the said Article) (in the case where the provisions of paragraph (1) of the said Article are applied by replacing the terms under the provisions of paragraph (2) of the said Article, after deducting the amount equivalent to the amount exceeding the average balance of the total liabilities prescribed in the said item which is applied by replacing the terms under the provisions of paragraph (2) of the said Article));" the term "(hereinafter referred to as the 'sum of' in paragraph (3) of the said Article shall be deemed to be replaced with "(where there is any amount that shall not be included in deductible expenses pursuant to the provisions of Article 66-5(1) of the Act on Special Measures Concerning Taxation, the remaining amount after deducting the said amount; hereinafter referred to as the 'sum of'; and the term "paragraph (4)(i) of the said Article" in the said paragraph shall be deemed to be replaced with "Article 23(4)(i) of the Act."

第八節の四 内国法人の特定外国子会社等に係る所得の課税の特例
Section 8-4 Special Provisions for Taxation on Income of Specified

Foreign Subsidiary Companies, etc. of Domestic Corporations

(特定外国子会社等の範囲)

(Scope of Specified Foreign Subsidiary Companies, etc.)

第三十九条の十四 法第六十六条の六第一項に規定する政令で定める外国関係会社は、次に掲げるものとする。

Article 39-14 (1) The affiliated foreign company specified by a Cabinet Order prescribed in Article 66-6(1) of the Act shall be any of the following:

一 法人の所得に対して課される税が存在しない国又は地域に本店又は主たる事務所を有する外国関係会社（法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。以下この節において同じ。）

(i) An affiliated foreign company (meaning an affiliated foreign company prescribed in Article 66-6(2)(i) of the Act; hereinafter the same shall apply in this Section) that has its head office or principal office in a state or territory where there are no taxes imposed on corporate income

二 その各事業年度の所得に対して課される租税の額が当該所得の金額の百分の二十五以下である外国関係会社

(ii) An affiliated foreign company whose tax imposed on its income for the relevant business year is 25 percent or less of the said income.

2 外国関係会社が前項第二号の外国関係会社に該当するかどうかの判定については、次に定めるところによる。

(2) Whether or not an affiliated foreign company falls under the category of an affiliated foreign company set forth in item (ii) of the preceding paragraph shall be determined as specified as follows:

一 前項第二号の所得の金額は、当該外国関係会社の当該各事業年度の決算に基づく所得の金額につき、その本店又は主たる事務所の所在する国又は地域（以下この節において「本店所在地国」という。）の外国法人税（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。以下この節において同じ。）に関する法令（当該外国法人税に関する法令が二以上ある場合には、そのうち主たる外国法人税に関する法令をいう。以下この項において「本店所在地国の法令」という。）の規定により計算した所得の金額に当該所得の金額に係るイからホまでに掲げる金額の合計額を加算した金額から当該所得の金額に係るへに掲げる金額を控除した残額とする。

(i) The amount of income set forth in item (ii) of the preceding paragraph shall be the amount obtained by adding the amount of income calculated pursuant to the provisions of the laws and regulations concerning foreign corporation taxes (meaning foreign corporation taxes prescribed in Article 69(1) of the Corporation Tax Act; hereinafter the same shall apply in this Section) of the state or territory where the head office or principal office of the said affiliated foreign company is located (hereinafter referred to as the "state of the head office" in this Section) (where there are two or more laws and regulations concerning the said foreign corporation taxes, pursuant to the

provisions of the principal ones; hereinafter referred to as the "laws and regulations of the state of the head office" in this paragraph) with regard to the said affiliated foreign company's amount of income in its settlement of accounts for the relevant business year and the sum of the amounts listed in (a) to (e) pertaining to the said calculated amount of income and then deducting therefrom the amount listed in (f) pertaining to the said calculated amount of income:

イ その本店所在地国の法令により外国法人税の課税標準に含まれないこととされる所得の金額（次に掲げる金額を除く。）

(a) The amount of income which shall not be included in the foreign corporation tax base under the laws and regulations of the state of the head office (excluding the following amounts):

(1) その本店所在地国に所在する法人から受ける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（以下この節において「剰余金の配当等」という。）の額（法第六十六条の八第一項第二号に定める金額を含む。以下この項において「配当等の額」という。）

1. The amount of a dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to as a "dividend of surplus, etc." in this Section) received from a corporation located in the state of the head office (including the amount specified in Article 66-8(1)(ii) of the Act; hereinafter referred to as the "amount of a dividend, etc." in this paragraph)

(2) その本店所在地国以外の国又は地域に所在する法人から受ける配当等の額でその有する株式等（株式又は出資をいう。以下この節において同じ。）の数又は金額の当該法人の発行済株式又は出資（自己が有する自己の株式等を除く。）の総数又は総額（以下この節において「発行済株式等」という。）のうちを占める割合が当該本店所在地国の法令に定められた割合以上であることを要件として課税標準に含まれないこととされるもの

2. The amount of a dividend, etc. received from a corporation located in a state or territory other than the state of the head office, which shall not be included in the foreign corporation tax base on condition that the ratio of the shares, etc. (meaning the shares or capital contributions; hereinafter the same shall apply in this Section) held by the affiliated foreign company out of the total number or total amount of the said corporation's issued shares or capital contributions (excluding its own shares held by the said corporation) (hereinafter referred to as the "issued shares, etc." in this Section) is not less than the ratio specified by the said laws and regulations of the state of the head office)

ロ その支払う配当等の額で損金の額に算入している金額

- (b) The amount of a dividend, etc. that the affiliated foreign company shall pay and which is included in deductible expenses
ハ その納付する外国法人税の額で損金の額に算入している金額
- (c) The amount of foreign corporation tax that the affiliated foreign company shall pay and which is included in deductible expenses
ニ その積み立てた法第五十七条の五第一項又は第五十七条の六第一項の異常危険準備金に類する準備金（以下この項及び次条第二項において「保険準備金」という。）の額のうち損金の額に算入している金額で法第五十七条の五又は第五十七条の六の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額
- (d) The amount of reserve belonging to the reserve for casualty set forth in Article 57-5(1) or Article 57-6(1) of the Act (hereinafter referred to as the "insurance reserve" in this paragraph and paragraph (2) of the next Article) that the affiliated foreign company has reserved and which is included in deductible expenses and which is equivalent to the amount to be excluded from deductible expenses when the provisions of Article 57-5 or Article 57-6 of the Act shall be applied
ホ その積み立てた保険準備金（法第五十七条の五又は第五十七条の六の規定の例によるものとした場合に積み立てられるものに限る。）につき益金の額に算入した金額がこれらの規定の例によるものとした場合に益金の額に算入すべき金額に相当する金額に満たない場合におけるその満たない部分の金額
- (e) Where the amount that has been included in gross profits regarding the insurance reserve reserved by the affiliated foreign company (limited to the insurance reserve that can be reserved when the provisions of Article 57-5 or Article 57-6 of the Act shall be applied) does not reach the amount to be included in gross profits when these provisions shall be applied, the amount of the said shortfall
ヘ その還付を受ける外国法人税の額で益金の額に算入している金額
- (f) The amount of foreign corporation tax that shall be refunded to the affiliated foreign company and which is included in gross profits
二 前項第二号の租税の額は、次に掲げる金額の合計額とする。
- (ii) The amount of tax set forth in item (ii) of the preceding paragraph shall be the sum of the amounts listed as follows:
イ 当該外国関係会社の当該各事業年度の決算に基づく所得の金額につき、その本店所在地国又は本店所在地国以外の国若しくは地域において課される外国法人税の額（その本店所在地国の法令により当該外国関係会社が納付したものとみなしてその本店所在地国の外国法人税の額から控除されるものを含むものとし、前号イ（２）に掲げる金額に対して課されるものを除く。）
- (a) The amount of foreign corporation tax to be imposed on the amount of the affiliated foreign company's income in its settlement of accounts for the relevant business year in the state of the head office or in a state or

territory other than the state of the head office (including the amount to be deducted from the foreign corporation tax of the state of the head office by deeming that the said affiliated foreign company has paid the said amount under the laws and regulations of the state of the head office and excluding the amount of foreign corporation tax to be imposed on the amount listed in (a)2. of the preceding item)

ロ 当該外国関係会社が当該各事業年度においてその本店所在地国において軽減され、又は免除された外国法人税の額で、当該外国関係会社に係る内国法人が法人税法第六十九条第八項又は第八十一条の十五第八項の規定の適用を受ける場合に第一条の三第一項第二号に規定する租税条約の規定により当該外国関係会社が納付したものとみなされるもの

(b) The amount of foreign corporation tax reduced or exempted for the affiliated foreign company for the relevant business year in the state of the head office, which is deemed to have been paid by the said affiliated foreign company pursuant to the provisions of a tax convention prescribed in Article 1-3(1)(ii) in the case where the provisions of Article 69(8) or Article 81-15(8) of the Corporation Tax Act are applied to a domestic corporation pertaining to the said affiliated foreign company

三 その本店所在地国の外国法人税の税率が所得の額に応じて高くなる場合には、前号イの外国法人税の額は、これらの税率をこれらの税率のうち最も高い税率であるものとして算定した外国法人税の額とすることができる。

(iii) Where the foreign corporation tax rates of the state of the head office increase in accordance with the amount of income, the amount of foreign corporation tax set forth in (a) of the preceding item shall be the amount calculated based on the highest rates out of such tax rates

四 前項第二号の所得の金額が欠損の金額となる場合には、その行う主たる事業に係る収入金額（当該収入金額が第一号イ（１）又は（２）に掲げる金額である場合には、当該収入金額以外の収入金額）から所得が生じたとした場合にその所得に対して適用されるその本店所在地国の外国法人税の税率により判定するものとする。

(iv) Where the amount of income set forth in item (ii) of the preceding paragraph proves to be a loss, the amount of foreign corporation tax shall be determined based on the foreign corporation tax rate to be applied in the state of the head office to any income that arises from revenue pertaining to the affiliated foreign company's principal business (in the case where the said revenue falls under what is listed in 1. or 2. of item (i)(a), revenue other than the said revenue).

3 法第六十六条の六第二項第一号に規定する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は、法第二条第一項第一号の二に規定する非居住者で、次に掲げるものとする。

(3) A nonresident who has a special relationship specified by a Cabinet Order with a resident or domestic corporation prescribed in Article 66-6(2)(i) of the

Act shall be a nonresident prescribed in Article 2(1)(i)-2 of the Act listed as follows:

一 法第二条第一項第一号の二に規定する居住者（以下この項並びに第三十九条の十六第三項及び第八項において「居住者」という。）の親族

(i) A relative of the resident prescribed in Article 2(1)(i)-2 of the Act (hereinafter referred to as a "resident" in this paragraph and Article 39-16(3) and (8))

二 居住者と婚姻の届出をしていないが事実上婚姻関係と同様の事情にある者

(ii) A person in a relationship with the resident where a marital relationship is de facto, though a marriage has not been registered

三 居住者の使用人

(iii) An employee of the resident

四 前三号に掲げる者以外の者で居住者から受ける金銭その他の資産によつて生計を維持しているもの

(iv) A person other than those listed in the preceding three items who maintains his/her living by receiving money or any other assets from the resident

五 前三号に掲げる者と生計を一にするこれらの者の親族

(v) A relative of any of the persons listed in the preceding three items who depends on such person for his/her livelihood

六 内国法人の役員（法人税法第二条第十五号に規定する役員をいう。以下第三十九条の十六までにおいて同じ。）及び当該役員に係る法人税法施行令第七十二条の三各号に掲げる者

(vi) An officer of the domestic corporation (meaning an officer prescribed in Article 2(xv) of the Corporation Tax Act; hereinafter the same shall apply through to Article 39-16) and a person listed in the items of Article 72-3 of the Order for Enforcement of the Corporation Tax Act who is related to the said officer.

（特定外国子会社等の未処分所得の金額の計算）

(Calculation of Amount of Undistributed Income of Specified Foreign Subsidiary Companies, etc.)

第三十九条の十五 法第六十六条の六第二項第二号に規定する政令で定める基準により計算した金額は、同条第一項に規定する特定外国子会社等（以下この条及び次条第一項から第三項までにおいて「特定外国子会社等」という。）の各事業年度の決算に基づく所得の金額に係る第一号に掲げる金額及び第二号に掲げる金額の合計額から当該所得の金額に係る第三号に掲げる金額を控除した残額（当該所得の金額に係る第一号に掲げる金額が欠損の金額である場合には、当該所得の金額に係る第二号に掲げる金額から当該欠損の金額と当該所得の金額に係る第三号に掲げる金額との合計額を控除した残額）とする。

Article 39-15 (1) The amount of undistributed income calculated in accordance

with the standards specified by a Cabinet Order prescribed in Article 66-6(2)(ii) of the Act shall be the remaining amount after deducting the amount listed in item (iii) pertaining to the amount of income of a specified foreign subsidiary company, etc. prescribed in paragraph (1) of the said Article (hereinafter referred to as a "specified foreign subsidiary company, etc." in this Article and paragraph (1) to paragraph (3) of the next Article) in its settlement of accounts for the relevant business year from the sum of the amount listed in item (i) and the amount listed in item (ii) pertaining to the said income (where the amount listed in item (i) pertaining to the said income is a loss, the said amount of undistributed income shall be the remaining amount after deducting the sum of the said amount of loss and the amount listed in item (iii) pertaining to the said amount of income from the amount listed in item (ii) pertaining to the said amount of income):

一 当該各事業年度の決算に基づく所得の金額につき、法人税法第二編第一章第一節第二款から第十款まで（同法第二十三条、第二十六条第一項から第四項まで、第二十八条、第三十八条から第四十一条まで、第五十五条第三項、第五十七条、第五十八条、第五十九条及び第六十一条の十一から第六十一条の十三までを除く。）の規定並びに法第四十三条、第四十五条の二、第五十二条の二、第五十七条の五、第五十七条の六、第五十七条の八、第五十七条の十、第六十一条の四、第六十五条の七から第六十五条の九まで（法第六十五条の七第一項の表の第十九号に係る部分に限る。）、第六十六条の四第三項、第六十七条の十二及び第六十七条の十三の規定（以下この号において「本邦法令の規定」という。）の例に準じて計算した場合に算出される所得の金額又は欠損の金額（当該特定外国子会社等に係る法第六十六条の六第一項各号に掲げる内国法人との間の取引につき法第六十六条の四第一項又は第六十八条の八十八第一項の規定の適用がある場合には、当該取引がこれらの規定に規定する独立企業間価格で行われたものとして本邦法令の規定の例に準じて計算した場合に算出される所得の金額又は欠損の金額）

(i) The amount of income or amount of a loss calculated, with regard to the amount of income of a specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year, in accordance with the provisions of Part II, Chapter I, Section 1, Subsections 2 to 10 of the Corporation Tax Act (excluding Article 23, Article 26(1) to (4), Article 28, Article 38 to Article 41, Article 55(3), Article 57, Article 58, Article 59, and Article 61-11 to Article 61-13 of the said Act) and the provisions of Article 43, Article 45-2, Article 52-2, Article 57-5, Article 57-6, Article 57-8, Article 57-10, Article 61-4, Article 65-7 to Article 65-9 (limited to the part pertaining to item (xix) of the table in Article 65-7(1) of the Act), Article 66-4(3), Article 67-12 and Article 67-13 of the Act (hereinafter referred to as the "provisions of the laws and regulations of Japan" in this item) (where the provisions of paragraph 66-4(1) or Article 68-88(1) of the Act are applied to a transaction with a domestic corporation listed in the items of Article 66-6(1) of the Act

related to the said specified foreign subsidiary company, etc., the amount of income or amount of a loss calculated in accordance with the provisions of the laws and regulations of Japan by deeming that the transaction was carried out at the arm's length price prescribed in these provisions)

二 当該各事業年度において納付する法人所得税（本店所在地国若しくは本店所在地国以外の国若しくは地域又はこれらの国若しくは地域の地方公共団体により法人の所得を課税標準として課される税（これらの国若しくは地域又はこれらの国若しくは地域の地方公共団体により課される法人税法施行令第百四十一条第二項各号に掲げる税を含む。）及びこれに附帯して課される法人税法第二条第四十五号に規定する附帯税（利子税を除く。）に相当する税その他当該附帯税に相当する税に類する税をいう。以下この節において同じ。）の額

(ii) The amount of corporate income tax payable in the relevant business year (meaning taxes to be imposed based on the amount of the corporation's income in the state of the head office or in a state or territory other than the state of the head office or by local entities in such state or territory including the state of the head office (including taxes listed in the items of Article 141(2) of the Order for Enforcement of the Corporation Tax Act to be imposed in such state or territory or by local entities in such state or territory) and taxes equivalent to incidental taxes to be imposed incidentally as prescribed in Article 2(xlv) of the Corporation Tax Act (excluding interest tax) and other taxes similar to the tax equivalent to the said incidental taxes; hereinafter the same shall apply in this Section)

三 当該各事業年度において還付を受ける法人所得税の額

(iii) The amount of corporate income tax to be refunded in the relevant business year.

2 法第六十六条の六第一項各号に掲げる内国法人は、前項の規定にかかわらず、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、当該特定外国子会社等の本店所在地国の法人所得税に関する法令（当該法人所得税に関する法令が二以上ある場合には、そのうち主たる法人所得税に関する法令をいう。以下この項において「本店所在地国の法令」という。）の規定により計算した所得の金額（当該特定外国子会社等と当該内国法人との間の取引につき法第六十六条の四第一項又は第六十八条の八十八第一項の規定の適用がある場合には、当該取引がこれらの規定に規定する独立企業間価格で行われたものとして本店所在地国の法令の規定により計算した場合に算出される所得の金額）に当該所得の金額に係る第一号から第十三号までに掲げる金額の合計額を加算した金額から当該所得の金額に係る第十三号及び第十四号に掲げる金額の合計額を控除した残額（本店所在地国の法令の規定により計算した金額が欠損の金額となる場合には、当該計算した金額に係る第一号から第十三号までに掲げる金額の合計額から当該欠損の金額に当該計算した金額に係る第十四号から第十六号までに掲げる金額の合計額を加算した金額を控除した残額）をもって法第六十六条の六第二項第二号に規定する政令で定める基準により計算した金額とすることができる。

(2) Notwithstanding the provisions of the preceding paragraph, a domestic

corporation listed in the items of Article 66-6(1) of the Act may deem that the amount obtained by adding the amount of income calculated, with regard to the amount of income of a specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year, pursuant to the provisions of the laws and regulations concerning corporate income taxes of the state of the head office of the said specified foreign subsidiary company, etc. (where there are two or more laws and regulations concerning the said corporate income taxes, pursuant to the provisions of the principal ones; hereinafter referred to as the "laws and regulations of the state of the head office" in this paragraph), (where the provisions of Article 66-4(1) or Article 68-88(1) of the Act are applied to a transaction between the said specified foreign subsidiary company, etc. and the said domestic corporation, the amount of income calculated pursuant to the provisions of the laws and regulations of the state of the head office by deeming that the transaction was carried out at the arm's length price prescribed in these provisions), and the sum of the amount listed in item (i) to item (xiii) pertaining to the said calculated amount of income and then deducting therefrom the amount listed in item (xiii) and item (xiv) pertaining to the said calculated amount of income (where the amount calculated pursuant to the provisions of the laws and regulations of the state of the head office proves to be a loss, the said amount shall be the remaining amount after deducting the sum of the said amount of loss and the amount listed in item (xiv) to item (xvi) pertaining to the said calculated amount from the sum of the amounts listed in item (i) to item (xiii) pertaining to the said calculated amount) shall be the amount calculated in accordance with the standards specified by a Cabinet Order prescribed in Article 66-6(2)(ii) of the Act:

一 その本店所在地国の法令により当該各事業年度の法人所得税の課税標準に含まれないこととされる所得の金額

(i) The amount of income which shall not be included in the corporate income tax base for the relevant business year under the laws and regulations of the state of the head office

二 その支払う剰余金の配当等の額（法第六十六条の八第一項第二号に定める金額を含む。次項において「配当等の額」という。）で当該各事業年度の損金の額に算入している金額

(ii) The amount of a dividend of surplus, etc. (including the amount specified in Article 66-8(1)(ii) of the Act; referred to as the "amount of a dividend, etc." in the next paragraph) that the specified foreign subsidiary company, etc. shall pay and which is included in deductible expenses for the relevant business year

三 その有する減価償却資産（平成十年三月三十一日以前に取得した営業権を除く。）につきその償却費として当該各事業年度の損金の額に算入している金額（そ

の減価償却資産の取得価額（既にした償却の額で各事業年度の損金の額に算入されたものがある場合には、当該金額を控除した金額）を各事業年度の損金の額に算入する金額の限度額として償却する方法を用いて計算されたものに限る。）のうち、法人税法第三十一条の規定の例によるものとした場合に損金の額に算入されることとなる金額に相当する金額を超える部分の金額

(iii) The excess amount that exceeds the amount equivalent to that to be included in deductible expenses, when the provisions of Article 31 of the Corporation Tax Act shall be applied, out of the amount included in deductible expenses for the relevant business year as the depreciation allowance for the depreciable assets that the specified foreign subsidiary company, etc. holds (excluding goodwill obtained on or before March 31, 1998) (such inclusive amount shall be limited to the amount calculated, with the acquisition costs of the said depreciable assets (where there is any amount of past depreciation already included in deductible expenses for the relevant business year, the amount after deducting the said amount) as the limit of the amount to be included in deductible expenses for the relevant business year)

四 その有する資産の評価換えにより当該各事業年度の損金の額に算入している金額で法人税法第三十三条の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(iv) The amount equivalent to that included in deductible expenses for the relevant business year due to changes in the valuation of the assets that the specified foreign subsidiary company, etc. holds, which shall not be included in deductible expenses when the provisions of Article 33 of the Corporation Tax Act shall be applied

五 その役員に対して支給する給与の額のうち、当該各事業年度の損金の額に算入している金額で法人税法第三十四条又は第三十五条の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(v) The amount equivalent to the amount of remuneration to be paid to the officers of the specified foreign subsidiary company, etc. included in deductible expenses for the relevant business year, which shall not be included in deductible expenses when the provisions of Article 34 or 35 of the Corporation Tax Act shall be applied

六 その使用人に対して支給する給与の額のうち、当該各事業年度の損金の額に算入している金額で法人税法第三十六条の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(vi) The amount equivalent to the amount of remuneration to be paid to employees of the specified foreign subsidiary company, etc. included in deductible expenses for the relevant business year, which shall not be included in deductible expenses when the provisions of Article 36 of the Corporation Tax Act shall be applied

七 その支出する寄附金（その本店所在地国又はその地方公共団体に対する寄附金で法人税法第三十七条第三項第一号に規定する寄附金に相当するものを除く。）の額のうち、当該各事業年度の損金の額に算入している金額で同条第一項及び法第六十六条の四第三項の規定の例に準ずるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(vii) The amount equivalent to the amount of a contribution that the specified foreign subsidiary company, etc. shall make (excluding a contribution to the state of the head office or local entities in such state which is equivalent to that prescribed in Article 37(3)(i) of the Corporation Tax Act) and which is included in deductible expenses for the relevant business year, which shall not be included in deductible expenses when the provisions of paragraph (1) of the said Article and Article 66-4(3) of the Act shall be applicable

八 その納付する法人所得税の額で当該各事業年度の損金の額に算入している金額
(viii) The amount of corporate income tax that the specified foreign subsidiary company, etc. shall pay and which is included in deductible expenses for the relevant business year

九 その本店所在地国の法令の法人税法第五十七条、第五十八条又は第五十九条の規定に相当する規定により、当該各事業年度前の事業年度において生じた欠損の金額で当該各事業年度の損金の額に算入している金額

(ix) The amount of a loss incurred in business years preceding the said relevant business year, pursuant to the provisions of the laws and regulations of the state of the head office that are equivalent to those of Article 57, 58 or 59 of the Corporation Tax Act, which is included in deductible expenses for the relevant business year

十 その積み立てた保険準備金の額のうち、当該各事業年度の損金の額に算入している金額で法第五十七条の五又は第五十七条の六の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(x) The amount equivalent to the amount of insurance reserve that the specified foreign subsidiary company, etc. has reserved and which is included in deductible expenses for the relevant business year, which shall not be included in deductible expenses when the provisions of Article 57-5 or 57-6 of the Act shall be applied

十一 その積み立てた保険準備金（法第五十七条の五又は第五十七条の六の規定の例によるものとした場合に積み立てられるものに限る。）につき当該各事業年度の益金の額に算入した金額が法第五十七条の五又は第五十七条の六の規定の例によるものとした場合に益金の額に算入すべき金額に相当する金額に満たない場合におけるその満たない部分の金額

(xi) Where the amount that has been included in gross profits for the relevant business year regarding the insurance reserve reserved by the specified foreign subsidiary company, etc. (limited to the insurance reserve that can be reserved when the provisions of Article 57-5 or Article 57-6 of the Act shall

be applied) does not reach the amount to be included in gross profits when the provisions of Article 57-5 or Article 57-6 of the Act shall be applied, the amount of the said shortfall

十二 その支出する法第六十一条の四第一項に規定する交際費等に相当する費用の額のうち、当該各事業年度の損金の額に算入している金額で同条の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(xii) The amount equivalent to the amount of expenses equivalent to entertainment and social expenses prescribed in Article 61-4(1) of the Act that the specified foreign subsidiary company, etc. shall pay and which is included in deductible expenses for the relevant business year, which shall not be included in deductible expenses when the provisions of the said Article shall be applied

十三 その損失の額（法第六十七条の十二第一項に規定する組合等損失額又は法第六十七条の十三第一項に規定する組合事業による同項に規定する損失の額をいう。）で法第六十七条の十二第一項又は第六十七条の十三第一項の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(xiii) The amount equivalent to the amount of a loss of the specified foreign subsidiary company, etc. (meaning the amount of a loss related to a partnership, etc. prescribed in Article 67-12(1) of the Act or the amount of a loss prescribed in Article 67-13(1) of the Act incurred due to a partnership business prescribed in the said paragraph), which shall not be included in deductible expenses when the provisions of Article 67-12(1) or Article 67-13(1) of the Act shall be applied

十四 法第六十七条の十二第二項又は第六十七条の十三第二項の規定の例によるものとした場合に損金の額に算入されることとなる金額に相当する金額

(xiv) The amount equivalent to the amount which shall be included in deductible expenses when the provisions of Article 67-12(2) or Article 67-13(2) of the Act shall be applied

十五 その還付を受ける法人所得税の額で当該各事業年度の益金の額に算入している金額

(xv) The amount of corporate income tax to be refunded to the specified foreign subsidiary company, etc. which is included in gross profits for the relevant business year

十六 その有する資産の評価換えにより当該各事業年度の益金の額に算入している金額で法人税法第二十五条の規定の例によるものとした場合に益金の額に算入されないこととなる金額に相当する金額

(xvi) The amount equivalent to that included in gross profits for the relevant business year due to changes in the valuation of the assets that the specified foreign subsidiary company, etc. holds, which shall not be included in gross profits when the provisions of Article 25 of the Corporation Tax Act shall be applied.

3 法第六十六条の六第一項各号に掲げる内国法人に係る特定外国子会社等の各事業年度につき控除対象配当等の額（次の各号に掲げる場合の区分に応じ当該各号に定める金額に相当する金額をいう。以下この項において同じ。）がある場合には、同条第二項第二号に規定する政令で定める基準により計算した金額は、第一項又は前項の規定にかかわらず、これらの規定により計算した金額から当該控除対象配当等の額を控除した残額とする。

(3) Where there is any amount of deductible dividend, etc. (meaning the amount equivalent to the amount specified respectively in the following items for the category of cases listed in the relevant items; hereinafter the same shall apply in this paragraph) for the relevant business year of a specified foreign subsidiary company, etc. related to a domestic corporation listed in the items of Article 66-6(1) of the Act, the amount calculated in accordance with the standards specified by a Cabinet Order prescribed in Article 66-6(2)(ii) of the Act shall be the remaining amount after deducting the said amount of deductible dividend, etc. from the amount calculated pursuant to these provisions, notwithstanding the provisions of paragraph (1) or the preceding paragraph:

一 当該特定外国子会社等が当該各事業年度において当該内国法人に係る他の特定外国子会社等（法第六十八条の九十第一項に規定する特定外国子会社等を含む。以下この項において「他の特定外国子会社等」という。）から受ける配当等の額が当該他の特定外国子会社等の当該配当等の額の支払に係る基準日の属する事業年度（以下この項において「基準事業年度」という。）の配当可能金額のうち当該特定外国子会社等の出資対応配当可能金額を超えない場合であつて、当該基準事業年度が法第六十六条の六第一項に規定する課税対象留保金額（以下この節において「課税対象留保金額」という。）又は法第六十八条の九十第一項に規定する個別課税対象留保金額（以下この節において「個別課税対象留保金額」という。）の生ずる事業年度である場合 当該配当等の額

(i) Where the amount of a dividend, etc. that the said specified foreign subsidiary company, etc. receives from any other specified foreign subsidiary company, etc. related to the said domestic corporation (including a specified foreign subsidiary company, etc. prescribed in Article 68-90(1) of the Act; hereinafter referred to as the "other specified foreign subsidiary company, etc." in this paragraph) in the relevant business year does not exceed the amount of a dividend payable corresponding to the capital contributions of the said specified foreign subsidiary company, etc. out of the total amount of a dividend payable by the said other specified foreign subsidiary company, etc. in the business year including the base date for paying the said dividend, etc. (hereinafter referred to as the "base business year" in this paragraph) and the said base business year is the business year during which the taxable retained income prescribed in Article 66-6(1) of the Act (hereinafter referred to as the "taxable retained income" in this Section) or individually

taxable retained income prescribed in Article 68-90(1) of the Act (hereinafter referred to as the "individually taxable retained income" in this Section) arises: The amount of the said dividend, etc.

二 当該特定外国子会社等が当該各事業年度において当該内国法人に係る他の特定外国子会社等から受ける配当等の額が当該配当等の額に係る基準事業年度の出資対応配当可能金額を超える場合 当該他の特定外国子会社等の基準事業年度以前の各事業年度の出資対応配当可能金額をそれぞれ最も新しい事業年度のものから順次当該配当等の額に充てるものとして当該配当等の額を当該各事業年度の出資対応配当可能金額に応じそれぞれの事業年度ごとに区分した場合において、課税対象留保金額又は個別課税対象留保金額の生ずる事業年度の出資対応配当可能金額から充てるものとされた配当等の額の合計額

(ii) Where the amount of a dividend, etc. that the said specified foreign subsidiary company, etc. receives from any other specified foreign subsidiary company, etc. related to the said domestic corporation in the relevant business year exceeds the amount of a dividend payable corresponding to the capital contributions for the base business year pertaining to the said amount of dividend, etc.: Where the amount of a dividend payable corresponding to the capital contributions for the relevant business year preceding the base business year of the said other specified foreign subsidiary company, etc. shall be appropriated to the said amount of dividend, etc. in reverse chronological order and the said amount of dividend, etc. has been categorized for the relevant business year in accordance with the said amount of dividend payable corresponding to the capital contributions for the relevant business year, the sum of the amount of a dividend, etc. to be appropriated with the amount of a dividend payable corresponding to the capital contributions for the business year during which the taxable retained income or individually taxable retained income arises.

4 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。

(4) In the preceding paragraph and this paragraph, the meanings of the terms listed respectively in the following items shall be as specified respectively in the relevant items:

一 配当可能金額 特定外国子会社等の各事業年度の法第六十六条の六第二項第二号に規定する未処分所得の金額（前項に規定する控除対象配当等の額がある場合又は当該特定外国子会社等に係る同条第一項各号に掲げる内国法人との間の取引につき法第六十六条の四第一項若しくは第六十八条の八十八第一項の規定の適用があるときにおいて第一項若しくは第二項の規定による減額をされる所得の金額のうち当該内国法人に支払われない金額がある場合は、これらの金額を加算した金額）から次に掲げる金額の合計額を控除した残額（イに規定する還付を受けることとなる法人所得税の額がイに規定する納付をすることとなる法人所得税の額を超える場合には、当該未処分所得の金額にその超える部分の金額を加算した金額からロ及びハに

掲げる金額の合計額を控除した残額)をいう。

- (i) The amount of a dividend payable: The remaining amount after deducting the sum of the amounts listed as follows from the amount of undistributed income prescribed in Article 66-6(2)(ii) of the Act for the relevant business year of a specified foreign subsidiary company, etc. (where there is any amount of deductible dividend, etc. prescribed in the preceding paragraph, or where the provisions of Article 66-4(1) or Article 68-88(1) of the Act are applied to a transaction with a domestic corporation listed in the items of Article 66-6(1) of the Act related to the said specified foreign subsidiary company, etc. and the amount of income to be reduced pursuant to the provisions of paragraph (1) or paragraph (2) contains any amount that shall not be paid to the said domestic corporation, the amount obtained by adding together those amounts to such amount of undistributed income) (where the amount of corporate income tax to be refunded as prescribed in (a) exceeds the amount of corporate income tax payable as prescribed in (a), such remaining amount shall be the amount obtained by adding the said amount of undistributed income and the said excess amount and then deducting therefrom the sum of the amounts listed in (b) and (c)):

イ 当該各事業年度において納付をすることとなる法人所得税の額（当該各事業年度において還付を受けることとなる法人所得税の額がある場合には、当該還付を受けることとなる法人所得税の額を控除した残額）

- (a) The amount of corporate income tax payable in the relevant business year (where there is any amount of corporate income tax to be refunded in the relevant business year, the remaining amount after deducting the said amount of corporate income tax to be refunded)

ロ 当該各事業年度の剰余金の処分により支出される金額（法人所得税の額及び剰余金の配当等の額を除く。）

- (b) The amount payable due to the appropriation of surplus for the relevant business year (excluding the amount of corporate income tax and the amount of a dividend of surplus, etc.)

ハ 当該各事業年度の費用として支出された金額（法人所得税の額及び剰余金の配当等の額を除く。）のうち第一項若しくは第二項の規定により所得の金額の計算上損金の額に算入されなかつたため又は同項の規定により所得の金額に加算されたため当該各事業年度の法第六十六条の六第二項第二号に規定する未処分所得の金額に含まれた金額

- (c) The amount paid as the expenses for the relevant business year (excluding the amount of corporate income tax and the amount of a dividend of surplus, etc.) which was included in the amount of undistributed income prescribed in Article 66-6(2)(ii) of the Act for the relevant business year, because the said amount was not included in deductible expenses for calculating the amount of income pursuant to the

provisions of paragraph (1) or paragraph (2) or was included in the amount of income pursuant to the provisions of the said paragraph

二 出資対応配当可能金額 特定外国子会社等の配当可能金額に他の特定外国子会社等（以下この号において「他の特定外国子会社等」という。）の有する当該特定外国子会社等の株式等の数又は金額が当該特定外国子会社等の発行済株式等のうちに占める割合（当該特定外国子会社等が法第六十六条の六第一項に規定する請求権（以下この号並びに次条第三項及び第七項において「請求権」という。）の内容が異なる株式等又は実質的に請求権の内容が異なると認められる株式等（次条第三項において「請求権の内容が異なる株式等」という。）を発行している場合には、当該他の特定外国子会社等が当該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がその総額のうちに占める割合）を乗じて計算した金額をいう。

(ii) The amount of a dividend payable corresponding to the capital contributions: The amount obtained by multiplying the amount of a dividend payable by a specified foreign subsidiary company, etc. by the ratio of the number or the amount of the shares, etc. of the said specified foreign subsidiary company, etc. that any other specified foreign subsidiary company, etc. (hereinafter referred to as the "other specified foreign subsidiary company, etc." in this item) holds out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. (where the said specified foreign subsidiary company, etc. has issued the shares, etc. in which claims prescribed in Article 66-6(1) of the Act (hereinafter referred to as the "claims" in this item and paragraph (3) and paragraph (7) of the next Article) with different contents are vested, or the shares, etc. in which claims with different contents are deemed to be substantially vested (referred to as the "shares, etc. in which different claims are vested" in paragraph (3) of the next Article), the ratio of the amount of a dividend of surplus, etc. that the said other specified foreign subsidiary company, etc. can receive based on the said claims out of the total amount of a dividend of surplus, etc.).

5 法第六十六条の六第二項第二号に規定する欠損の金額に係る調整を加えた金額は、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、第一項若しくは第二項又は第三項の規定により算出される所得の金額（以下この項及び第七項において「調整所得金額」という。）から当該各事業年度開始の日前七年以内に開始した事業年度（昭和五十三年四月一日前に開始した事業年度及び特定外国子会社等（法第四十条の四第一項又は第六十八条の九十第一項に規定する特定外国子会社等を含む。）に該当しなかつた事業年度を除く。）において生じた欠損金額（この項又は第三十九条の百十五第五項の規定により当該各事業年度前の事業年度において控除されたものを除く。）の合計額（当該合計額が当該各事業年度の調整所得金額を超える場合には、当該調整所得金額）に相当する金額を控除した金額とする。

(5) The amount obtained as a result of an adjustment for the amount of a loss prescribed in Article 66-6(2)(ii) of the Act shall be the amount obtained by calculating the amount of income, pursuant to the provisions of paragraph (1),

paragraph (2) or paragraph (3), with regard to the income of a specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year (hereinafter referred to as the "amount of adjusted income" in this paragraph and paragraph (7)) and then deducting therefrom the amount equivalent to the sum of the loss incurred in business years that commenced within seven years before the first day of the relevant business year (excluding business years that commenced before April 1, 1978 and business years during which the company did not fall under the category of a specified foreign subsidiary company, etc. (including specified foreign subsidiary companies, etc. prescribed in Article 40-4(1) or Article 68-90(1) of the Act)) (such loss shall exclude the amount deducted in business years preceding the said relevant business year pursuant to the provisions of this paragraph or Article 39-115(5)) (where the said sum of the loss exceeds the amount of adjusted income for the relevant business year, the said amount of adjusted income).

6 前項に規定する欠損金額とは、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いて第一項若しくは第二項又は第三項の規定を適用した場合において計算される欠損の金額をいう。

(6) A loss prescribed in the preceding paragraph shall be a loss calculated where the provisions of paragraph (1), paragraph (2) or paragraph (3) are applied to the amount of income of a specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year.

7 第一項第一号の計算をする場合において、同号の規定によりその例に準ずるものとされる法人税法第三十三条及び第四十二条から第五十三条までの規定並びに法第四十三条、第四十五条の二、第五十二条の二、第五十七条の五、第五十七条の六、第五十七条の八、第六十五条の七から第六十五条の九まで（法第六十五条の七第一項の表の第十九号に係る部分に限る。）、第六十七条の十二第二項及び第六十七条の十三第二項の規定により当該各事業年度において損金の額に算入されることとなる金額があるときは、当該各事業年度に係る法第六十六条の六第五項の確定申告書に当該金額の損金算入に関する明細書の添付がある場合に限り、当該金額を当該各事業年度の調整所得金額の計算上、損金の額に算入する。ただし、その添付がなかつたことについて税務署長がやむを得ない事情があると認める場合において、当該明細書の提出があつたときは、この限りでない。

(7) When making a calculation set forth in paragraph (1)(i), if there is any amount to be included in deductible expenses in the relevant business year, pursuant to the provisions of Article 33 and Article 42 to Article 53 of the Corporation Tax Act, and the provisions of Article 43, Article 45-2, Article 52-2, Article 57-5, Article 57-6, Article 57-8, Article 65-7 to Article 65-9 (limited to the part pertaining to item (xix) of the table in Article 65-7(1) of the Act), Article 67-12(2) and Article 67-13(2) of the Act, whose provisions shall be applicable under the provisions of the said item, the said amount shall be included in deductible expenses for calculating the amount of adjusted income

for the relevant business year, only when detailed statements concerning the inclusion of the said amount in deductible expenses are attached to a final return form for the relevant business year set forth in Article 66-6(5) of the Act; provided, however, that this shall not apply when the district director finds that there was any compelling reason for the failure to attach detailed statements and the said detailed statements have been submitted.

- 8 その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の計算につき第一項の規定の適用を受けた内国法人がその適用を受けた事業年度後の事業年度において当該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の計算につき第二項の規定の適用を受けようとする場合又はその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の計算につき同項の規定の適用を受けた内国法人がその適用を受けた事業年度後の事業年度において当該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の計算につき第一項の規定の適用を受けようとする場合には、あらかじめ納税地の所轄税務署長の承認を受けなければならない。

- (8) Where a domestic corporation, which was subject to the provisions of paragraph (1) for calculating the amount of income of the specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year, seeks the application of paragraph (2) for calculating the amount of income of the said specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year in business years following the one to which the provisions of paragraph (1) have been applied; or where a domestic corporation, which was subject to the provisions of paragraph (2) for calculating the amount of income of the specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year, seeks the application of paragraph (1) for calculating the amount of income of the specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year in business years following the one to which the provisions of paragraph (2) have been applied, it shall receive approval from the competent district director having jurisdiction over its place for tax payment, in advance.

(内国法人に係る特定外国子会社等の課税対象留保金額の計算等)

(Calculation, etc. of the Amount of Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. Related to Domestic Corporations)

- 第三十九条の十六 法第六十六条の六第一項の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の額に関する調整を加えた金額は、特定外国子会社等の各事業年度の同条第二項第二号に規定する未処分所得の金額（以下この項において「未処分所得の金額」という。）から次に掲げる金額の合計額を控除した残額（第一号に規定する還付を受けることとなる法人所得税の額が同号に規定する納付をすることとなる法人所得税の額を超えることとなる場合には、未処分所得の金額にその超える部分の金額を加算した金額から第二号に掲げる金額を控除した残額）とする。

この場合において、第一号及び第二号に掲げる金額の合計額が当該未処分所得の金額を超えるときは、まず第一号に掲げる金額の控除を行い、次に第二号に掲げる金額の控除を行うものとする。

Article 39-16 (1) The amount obtained as a result of an adjustment to the amount of undistributed income set forth in Article 66-6(1) of the Act for the amount of taxes and a dividend of surplus, etc. on the said undistributed income shall be the remaining amount after deducting the sum of the amounts listed as follows from the amount of undistributed income prescribed in Article 66-6(2)(ii) (hereinafter referred to as the "amount of undistributed income" in this paragraph) for the relevant business year of a specified foreign subsidiary company, etc. (where the amount of corporate income tax to be refunded as prescribed in item (i) exceeds the amount of corporate income tax payable as prescribed in the said item, such remaining amount shall be the amount obtained by adding the amount of undistributed income and the said excess amount and then deducting therefrom the amount listed in item (ii)). In this case, when the sum of the amounts listed in item (i) and item (ii) exceeds the said amount of undistributed income, the amount listed in item (i) shall be deducted first and then the amount listed in item (ii) shall be deducted:

一 当該各事業年度において納付をすることとなる法人所得税の額（当該各事業年度において還付を受けることとなる法人所得税の額がある場合には、当該還付を受けることとなる法人所得税の額を控除した残額）

(i) The amount of corporate income tax payable in the relevant business year (where there is any amount of corporate income tax to be refunded in the relevant business year, the remaining amount after deducting the said amount of corporate income tax to be refunded)

二 当該各事業年度を基準事業年度（剰余金の配当等の支払に係る基準日の属する事業年度をいう。以下この号において同じ。）とする剰余金の配当等の額（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特定外国子会社等に係る内国法人の事業年度終了の日までに支払義務が確定したものに限り。以下この号において同じ。）の合計額（当該各事業年度を基準事業年度とする剰余金の配当等の額の全部又は一部が次に掲げる者に支払われた場合には、当該合計額は零とする。）

(ii) The sum of the amount of a dividend of surplus, etc. by deeming the relevant business year to be the base business year (meaning the business year including the base day for paying a dividend of surplus, etc.; hereinafter the same shall apply in this item) (such amount of dividend of surplus, etc. shall be limited to that for which the payment obligation was fixed by the final day of the business year of a domestic corporation related to the said specified foreign subsidiary company, etc., which includes the day on which two months have elapsed after the day following the final day of the relevant business year; hereinafter the same shall apply in this item) (where the whole or a part of the amount of a dividend of surplus, etc. by deeming the

relevant business year to be the base business year has been paid to any person listed as follows, the said sum shall be deemed to be zero):

イ 当該内国法人に係る外国関係会社（当該内国法人に係る特定外国子会社等（法第六十八条の九十第一項に規定する特定外国子会社等を含む。）を除く。）でその受ける剰余金の配当等の額につきその本店所在地国におい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税の負担として財務省令で定める基準（第三十九条の十九第二項において「軽課税基準」という。）以下のもの

(a) Affiliated foreign companies related to the said domestic corporation (excluding a specified foreign subsidiary company, etc. (including a specified foreign subsidiary company, etc. prescribed in Article 68-90(1) of the Act) related to the said domestic corporation) whose tax burden imposed, in the state of the head office, on the amount of the dividend of surplus, etc. that it receives is not more than the tax-burden base specified by an Ordinance of the Ministry of Finance as being extremely low, compared with that imposed on corporate income in Japan (referred to as the "low tax-burden base" in Article 39-19(2))

ロ 当該内国法人に係る他の特定外国子会社等（法第六十八条の九十第一項に規定する特定外国子会社等を含む。次項第三号において同じ。）

(b) Other specified foreign subsidiary companies, etc. (including a specified foreign subsidiary company, etc. prescribed in Article 68-90(1) of the Act; the same shall apply in item (iii) of the next paragraph) related to the said domestic corporation.

2 法第六十六条の六第一項に規定する政令で定めるところにより計算した金額は、同項各号に掲げる内国法人に係る特定外国子会社等の各事業年度の同項に規定する適用対象留保金額（以下この節において「適用対象留保金額」という。）に、当該特定外国子会社等の当該各事業年度終了の時における発行済株式等のうちに当該各事業年度終了の時における当該内国法人の有する当該特定外国子会社等の請求権勘案保有株式等の占める割合を乗じて計算した金額（当該内国法人の同項の規定の適用に係る各事業年度において、当該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外国関係会社（当該特定外国子会社等に係る控除未済課税済配当等の額を有するものに限る。）につき第三号に掲げる事実が生じた場合には、当該計算した金額からそれぞれこれらの号に定める金額を控除した残額）とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article 66-6(1) of the Act shall be the amount obtained by multiplying the eligible retained income prescribed in the said paragraph for the relevant business year of a specified foreign subsidiary company, etc. related to a domestic corporation listed in the items of the said paragraph (hereinafter referred to as the "eligible retained income" in this paragraph) by the ratio of the shares, etc. for considering the claims held by the said domestic corporation out of the total

issued shares, etc. of the said specified foreign subsidiary company, etc. at the end of the relevant business year of the said specified foreign subsidiary company, etc. (where any of the events listed in item (i) or item (ii) occurred with regard to the said specified foreign subsidiary company, etc. or an event listed in item (iii) occurred with regard to an affiliated foreign company related to the said domestic corporation (limited to those that hold the taxed amount of a dividend, etc. before deduction pertaining to the said specified foreign subsidiary company, etc.) in the relevant business year of the said domestic corporation relating to the application of the provisions of the said paragraph, such amount shall be the remaining amount after deducting the amount specified respectively in these items from the said calculated amount):

一 法第六十六条の八第一項第一号に掲げる事実（当該特定外国子会社等の当該適用対象留保金額の計算上控除されなかつた剰余金の配当等の支払の事実に限る。）

当該剰余金の配当等の額（当該剰余金の配当等の額が当該適用対象留保金額を超える場合には、当該適用対象留保金額に相当する金額）に当該適用対象留保金額に係る事業年度終了の時における当該特定外国子会社等の発行済株式等のうちに当該事業年度終了の時における当該内国法人の有する当該特定外国子会社等の請求権勘案保有株式等（当該内国法人に係る前項第二号イ及びロに掲げる者を通じて保有する請求権勘案間接保有株式等を除く。）の占める割合を乗じて計算した金額

(i) An event listed in Article 66-8(1)(i) of the Act (limited to the payment of a dividend of surplus, etc. which has not been deducted for calculating the amount of the said eligible retained income of the said specified foreign subsidiary company, etc.): The amount obtained by multiplying the amount of the said dividend of surplus, etc. (where the amount of the said dividend of surplus, etc. exceeds the said eligible retained income, the amount equivalent to the said eligible retained income) by the ratio of the shares, etc. for considering the claims held by the said domestic corporation out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. at the end of the relevant business year pertaining to the said eligible retained income (excluding the shares, etc. for considering the claims indirectly held via a person listed in item (ii)(a) and (b) of the preceding paragraph who is related to the said domestic corporation)

二 法第六十六条の八第一項第二号に掲げる事実 同号に定める金額に当該事実が生じた時における当該特定外国子会社等の発行済株式等のうちに当該事実が生じた時における当該内国法人の有する当該特定外国子会社等の請求権勘案保有株式等（同号に定める金額が当該内国法人に係る前項第二号イ及びロに掲げる者に対して交付された場合におけるこれらの者を通じて保有する請求権勘案間接保有株式等を除く。）の占める割合を乗じて計算した金額

(ii) An event listed in Article 66-8(1)(ii) of the Act: The amount obtained by multiplying the amount specified in the said item by the ratio of the shares, etc. for considering the claims held by the said domestic corporation out of

the total issued shares, etc. of the said specified foreign subsidiary company, etc. at the time when the said event occurred (where the amount specified in the said item has been delivered to a person listed in item (ii)(a) and (b) of the preceding paragraph who is related to the said domestic corporation, excluding the shares, etc. for considering the claims indirectly held via such person)

三 法第六十六条の八第一項第三号に掲げる事実 同号に定める金額（当該金額が他の特定外国子会社等に該当する外国関係会社から受けたものである場合には、当該金額から当該他の特定外国子会社等に係る適用対象留保金額又は課税対象留保金額若しくは個別課税対象留保金額の計算上控除される金額と当該事実が生じたことにより同項又は法第六十八条の九十二第一項の規定により損金の額に算入される金額との合計額に相当する金額を控除した残額）のうち控除未済課税済配当等の額に達するまでの金額

(iii) An event listed in Article 66-8(1)(iii) of the Act: The amount specified in the said item (where the said amount has been received from an affiliated foreign company that falls under the category of any other specified foreign subsidiary company, etc., the remaining amount after deducting from the said amount, the amount equivalent to the sum of the amount to be deducted for calculating the amount of eligible retained income, taxable retained income or individually taxable retained income pertaining to the said other specified foreign subsidiary company, etc. and the amount to be included in deductible expenses due to the said event under the provisions of the said paragraph or Article 68-92(1) of the Act), with the taxed amount of a dividend, etc. before deduction as the upper limit.

3 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。

(3) In the preceding paragraph and this paragraph, the meanings of the terms listed respectively in the following items shall be as specified respectively in the relevant items:

一 請求権勘案保有株式等 内国法人が直接に有する外国法人の株式等の数又は金額（当該外国法人が請求権の内容が異なる株式等を発行している場合には、当該外国法人の発行済株式等に、当該内国法人が当該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がその総額のうちに占める割合を乗じて計算した数又は金額）及び請求権勘案間接保有株式等を合計した数又は金額をいう。

(i) Shares, etc. for considering the claims held: The number or the amount adding together the number or the amount of the shares, etc. of a foreign corporation directly held by a domestic corporation (where the said foreign corporation has issued the shares, etc. in which different claims are vested, the number or the amount obtained by multiplying the issued shares, etc. of the said foreign corporation by the ratio of the amount of a dividend of surplus, etc. that the said domestic corporation can receive based on the said

claims out of the total amount) and the shares, etc. for considering the claims indirectly held

二 請求権勘案間接保有株式等 外国法人の発行済株式等に、次に掲げる場合の区分に応じそれぞれ次に定める割合（次に掲げる場合のいずれにも該当する場合には、それぞれ次に定める割合の合計割合）を乗じて計算した株式等の数又は金額をいう。

(ii) Shares, etc. for considering the claims indirectly held: The number or the amount of the shares, etc. obtained by multiplying the issued shares, etc. of a foreign corporation by the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows):

イ 当該外国法人の株主等（法人税法第二条第十四号に規定する株主等をいう。以下この条において同じ。）である他の外国法人（イにおいて「他の外国法人」という。）の発行済株式等の全部又は一部が内国法人により所有されている場合当該内国法人の当該他の外国法人に係る持株割合（その株主等の有する株式等の数又は金額が当該株式等の発行法人の発行済株式等のうちに占める割合（当該発行法人が請求権の内容が異なる株式等を発行している場合には、その株主等が当該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がその総額のうちに占める割合）をいう。以下この号において同じ。）に当該他の外国法人の当該外国法人に係る持株割合を乗じて計算した割合（当該他の外国法人が二以上ある場合には、二以上の当該他の外国法人につきそれぞれ計算した割合の合計割合）

(a) Where a domestic corporation holds the whole or a part of the issued shares, etc. of other foreign corporations which are shareholders, etc. (meaning shareholders, etc. prescribed in Article 2(xiv) of the Corporation Tax Act; hereinafter the same shall apply in this Article) of the said foreign corporation (hereinafter such other foreign corporations shall be simply referred to as "other foreign corporations" in (a)): The ratio obtained by multiplying the said domestic corporation's ratio of shareholding (meaning the ratio of the number or the amount of the shares, etc. held by the shareholders, etc. out of the total issued shares, etc. of the corporation issuing the said shares, etc. (where the said issuing corporation has issued the shares, etc. in which different claims are vested, the ratio of the amount of a dividend of surplus, etc. that the said shareholder, etc. can receive based on the said claims out of the total amount); hereinafter the same shall apply in this item) pertaining to the said other foreign corporations by the said other foreign corporations' ratio of shareholding pertaining to the said foreign corporation (where there are two or more other foreign corporations, the sum of the ratios calculated for each of them)

ロ 当該外国法人と他の外国法人（その発行済株式等の全部又は一部が内国法人により所有されているものに限る。以下この号において「他の外国法人」とい

う。)との間に一又は二以上の外国法人(以下この号において「出資関連外国法人」という。)が介在している場合であつて、当該内国法人、当該他の外国法人、出資関連外国法人及び当該外国法人が株式等の所有を通じて連鎖関係にある場合当該内国法人の当該他の外国法人に係る持株割合、当該他の外国法人の出資関連外国法人に係る持株割合、出資関連外国法人の他の出資関連外国法人に係る持株割合及び出資関連外国法人の当該外国法人に係る持株割合を順次乗じて計算した割合(当該連鎖関係が二以上ある場合には、当該二以上の連鎖関係につきそれぞれ計算した割合の合計割合)

- (b) Where a single foreign corporation or two or more foreign corporations intervene(s) between the said foreign corporation and any other foreign corporation (limited to any other foreign corporation, the whole or a part of whose issued shares, etc. are held by a domestic corporation; hereinafter referred to as the "other foreign corporation" in this item) (hereinafter such intervening foreign corporation(s) shall be referred to as a "capital contribution-related foreign corporation(s)" in this item) and the said domestic corporation, the said other foreign corporation, capital contribution-related foreign corporation(s) and the said foreign corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the said domestic corporation's ratio of shareholding pertaining to the said other foreign corporation sequentially by the said other foreign corporation's ratio of shareholding pertaining to the capital contribution-related foreign corporation(s), by the capital contribution-related foreign corporation's(s) ratio of shareholding pertaining to other capital contribution-related foreign corporation(s), and by the capital contribution-related foreign corporation's(s) ratio of shareholding pertaining to the said foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them)

三 控除未済課税済配当等の額 当該内国法人に係る外国関係会社が前項第三号に掲げる事実が生じた日前二年以内の期間において当該内国法人に係る特定外国子会社等から受けた剰余金の配当等の額(法第六十六条の八第一項第二号に定める金額を含む。)で当該特定外国子会社等に係る前項の規定による課税対象留保金額の計算上控除されないもの(当該特定外国子会社等に係る第三十九条の十九第二項又は第三項の規定により算定した法第六十六条の八第一項に規定する政令で定めるところにより計算した金額に含まれないものを含む。)のうち、当該内国法人の当該外国関係会社を通じて保有する当該特定外国子会社等の請求権勘案間接保有株式等に対応する部分の金額(既に前項及び同条第一項並びに第三十九条の百十六第二項及び法第六十八条の九十二第一項の規定の適用に充てられた部分の金額を除く。)をいう。

- (iii) The taxed amount of a dividend, etc. before deduction: Out of the amount of a dividend of surplus, etc. which an affiliated foreign company related to the said domestic corporation has received from a specified foreign subsidiary

company, etc. related to the said domestic corporation during a period of two years or less preceding the day on which an event listed in item (iii) of the preceding paragraph occurred (such amount of dividend of surplus, etc. shall include the amount specified in Article 66-8(1)(ii) of the Act) and which shall not be deducted for calculating the amount of taxable retained income pertaining to the said specified foreign subsidiary company, etc., under the provisions of the preceding paragraph (including the amount that shall not be included in the amount calculated as specified by a Cabinet Order prescribed in Article 66-8(1) of the Act pertaining to the said specified foreign subsidiary company, etc., as calculated under the provisions of Article 39-19(2) or (3)), the part which corresponds to the shares, etc. for considering the claims of the said specified foreign subsidiary company, etc. indirectly held by the said domestic corporation via the said affiliated foreign company (such part shall exclude the amount already appropriated for the application of the provisions of the preceding paragraph, paragraph (1) of the said Article, and Article 39-116(2), and the provisions of Article 68-92(1) of the Act).

4 第二項の規定による同項各号に定める金額の控除については、同項第一号に定める金額、同項第二号に定める金額及び同項第三号に定める金額の順に控除を行うものとする。

(4) The deduction of the amount specified in the items of paragraph (2) under the provisions of the said paragraph shall be made first with the amount specified in item (i) of the said paragraph and then sequentially with the amount specified in item (ii) of the said paragraph and the amount specified in item (iii) of the said paragraph.

5 法第六十六条の六第二項第三号に規定する間接に有するものとして政令で定める外国法人の株式の数又は出資の金額は、外国法人の発行済株式等に、次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）を乗じて計算した株式等の数又は金額とする。

(5) The number of the shares or the amount of capital contributions of a foreign corporation specified by a Cabinet Order as those held indirectly as prescribed in Article 66-6(2)(iii) of the Act shall be the number or the amount of the shares, etc. obtained by multiplying the issued shares, etc. of a foreign corporation by the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows):

一 当該外国法人の株主等である他の外国法人（以下この号において「他の外国法人」という。）の発行済株式等の全部又は一部が個人又は内国法人により所有されている場合 当該個人又は内国法人の当該他の外国法人に係る持株割合（その株主等の有する株式等の数又は金額が当該株式等の発行法人の発行済株式等のうちに占

める割合をいう。以下この項において同じ。)に当該他の外国法人の当該外国法人に係る持株割合を乗じて計算した割合(当該他の外国法人が二以上ある場合には、二以上の当該他の外国法人につきそれぞれ計算した割合の合計割合)

(i) Where an individual or domestic corporation holds the whole or a part of the issued shares, etc. of other foreign corporations which are shareholders, etc. of the said foreign corporation (hereinafter referred to as "other foreign corporations" in this item): The ratio obtained by multiplying the ratio of shareholding (meaning the ratio of the number or the amount of the shares, etc. held by the shareholders, etc. out of the total issued shares, etc. of the corporation issuing the said shares, etc.; hereinafter the same shall apply in this paragraph) of the said individual or domestic corporation pertaining to the said other foreign corporations by the said other foreign corporations' ratio of shareholding pertaining to the said foreign corporation (where there are two or more other foreign corporations, the sum of the ratios calculated for each of them)

二 当該外国法人と他の外国法人(その発行済株式等の全部又は一部が個人又は内国法人により所有されているものに限る。以下この項において「他の外国法人」という。)との間に一又は二以上の外国法人(以下この項において「出資関連外国法人」という。)が介在している場合であつて、当該個人又は内国法人、当該他の外国法人、出資関連外国法人及び当該外国法人が株式等の所有を通じて連鎖関係にある場合 当該個人又は内国法人の当該他の外国法人に係る持株割合、当該他の外国法人の出資関連外国法人に係る持株割合、出資関連外国法人の他の出資関連外国法人に係る持株割合及び出資関連外国法人の当該外国法人に係る持株割合を順次乗じて計算した割合(当該連鎖関係が二以上ある場合には、当該二以上の連鎖関係につきそれぞれ計算した割合の合計割合)

(ii) Where a single foreign corporation or two or more foreign corporations intervene(s) between the said foreign corporation and any other foreign corporation (limited to any other foreign corporation, the whole or a part of whose issued shares, etc. are held by an individual or domestic corporation; hereinafter referred to as the "other foreign corporation" in this paragraph) (hereinafter such intervening foreign corporation(s) shall be referred to as a "capital contribution-related foreign corporation(s)" in this paragraph) and the said individual or domestic corporation, the said other foreign corporation, capital contribution-related foreign corporation(s) and the said foreign corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the ratio of the shareholding of the said individual or domestic corporation pertaining to the said other foreign corporation sequentially by the said other foreign corporation's ratio of shareholding pertaining to the capital contribution-related foreign corporation(s), by the capital contribution-related foreign corporation's(s') ratio of shareholding pertaining to other capital contribution-related foreign corporation(s), and by

the capital contribution-related foreign corporation's(s') ratio of shareholding pertaining to the said foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

6 法第六十六条の六第二項第四号に規定する間接に有するものとして政令で定める外国法人の議決権の数は、外国法人の議決権（同条第一項第一号イに規定する議決権をいう。以下この項において同じ。）の総数に、次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）を乗じて計算した議決権の数とする。

(6) The number of voting rights of a foreign corporation specified by a Cabinet Order as being held indirectly as prescribed in Article 66-6(2)(iv) of the Act shall be the number of voting rights obtained by multiplying the total number of voting rights (meaning the voting rights prescribed in Article 66-6(1)(i)(a) of the Act; hereinafter the same shall apply in this paragraph) of a foreign corporation by the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows):

一 当該外国法人の株主等である他の外国法人（以下この号において「他の外国法人」という。）の議決権の全部又は一部が個人又は内国法人により所有されている場合 当該個人又は内国法人の当該他の外国法人に係る議決権割合（その株主等の有する議決権の数がその総数のうちに占める割合をいう。以下この項において同じ。）に当該他の外国法人の当該外国法人に係る議決権割合を乗じて計算した割合（当該他の外国法人が二以上ある場合には、二以上の当該他の外国法人につきそれぞれ計算した割合の合計割合）

(i) Where an individual or domestic corporation holds the whole or a part of the voting rights of other foreign corporations which are shareholders, etc. of the said foreign corporation (hereinafter referred to as "other foreign corporations" in this item): The ratio obtained by multiplying the ratio of voting rights (meaning the ratio of the number of voting rights held by the shareholders, etc. out of the total number; hereinafter the same shall apply in this paragraph) of the said individual or domestic corporation pertaining to the said other foreign corporations by the said other foreign corporations' ratio of voting rights pertaining to the said foreign corporation (where there are two or more other foreign corporations, the sum of the ratios calculated for each of them)

二 当該外国法人と他の外国法人（その議決権の全部又は一部が個人又は内国法人により所有されているものに限る。以下この項において「他の外国法人」という。）との間に一又は二以上の外国法人（以下この項において「出資関連外国法人」という。）が介在している場合であつて、当該個人又は内国法人、当該他の外国法人、出資関連外国法人及び当該外国法人が議決権の所有を通じて連鎖関係にある場合 当該個人又は内国法人の当該他の外国法人に係る議決権割合、当該他の外国法人の出資関連外国法人に係る議決権割合、出資関連外国法人の他の出資関連外国法人に

係る議決権割合及び出資関連外国法人の当該外国法人に係る議決権割合を順次乗じて計算した割合（当該連鎖関係が二以上ある場合には、当該二以上の連鎖関係につきそれぞれ計算した割合の合計割合）

(ii) Where a single foreign corporation or two or more foreign corporations intervene(s) between the said foreign corporation and any other foreign corporation (limited to any other foreign corporation, the whole or a part of whose voting rights are held by an individual or domestic corporation; hereinafter referred to as the "other foreign corporation" in this paragraph) (hereinafter such intervening foreign corporation(s) shall be referred to as a "capital contribution-related foreign corporation(s)" in this paragraph) and the said individual or domestic corporation, the said other foreign corporation, capital contribution-related foreign corporation(s) and the said foreign corporation have a linkage through holding the voting rights: The ratio obtained by multiplying the ratio of voting rights of the said individual or domestic corporation pertaining to the said other foreign corporation sequentially by the said other foreign corporation's ratio of voting rights pertaining to the capital contribution-related foreign corporation(s), by the capital contribution-related foreign corporation's(s') ratio of voting rights pertaining to other capital contribution-related foreign corporation(s), and by the capital contribution-related foreign corporation's(s') ratio of voting rights pertaining to the said foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

7 法第六十六条の六第二項第五号に規定する間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として政令で定めるものは、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に、次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）を乗じて計算した剰余金の配当等の額とする。

(7) The amount of a dividend of surplus, etc. specified by a Cabinet Order as being receivable based on the claims vested in the shares, etc. of a foreign corporation held indirectly as prescribed in Article 66-6(2)(v) of the Act shall be the amount of a dividend of surplus, etc. obtained by multiplying the total amount of a dividend of surplus, etc. receivable based on the claims vested in the shares, etc. of a foreign corporation by the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows):

一 当該外国法人の株主等である他の外国法人（以下この号において「他の外国法人」という。）の株式等の請求権の全部又は一部が個人又は内国法人により所有されている場合 当該個人又は内国法人の当該他の外国法人に係る請求権割合（その株主等の有する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が

その総額のうちに占める割合をいう。以下この項において同じ。)に当該他の外国法人の当該外国法人に係る請求権割合を乗じて計算した割合(当該他の外国法人が二以上ある場合には、二以上の当該他の外国法人につきそれぞれ計算した割合の合計割合)

(i) Where an individual or domestic corporation holds the whole or a part of the claims vested in the shares, etc. of other foreign corporations which are shareholders, etc. of the said foreign corporation (hereinafter referred to as "other foreign corporations" in this item): The ratio obtained by multiplying the ratio of claims (meaning the ratio of the amount of a dividend of surplus, etc. receivable based on the claims vested in the shares, etc. held by the shareholders, etc. out of the total amount; hereinafter the same shall apply in this paragraph) of the said individual or domestic corporation pertaining to the said other foreign corporations by the said other foreign corporations' ratio of claims pertaining to the said foreign corporation (where there are two or more other foreign corporations, the sum of the ratios calculated for each of them)

二 当該外国法人と他の外国法人(その株式等の請求権の全部又は一部が個人又は内国法人により所有されているものに限る。以下この項において「他の外国法人」という。)との間に一又は二以上の外国法人(以下この項において「出資関連外国法人」という。)が介在している場合であつて、当該個人又は内国法人、当該他の外国法人、出資関連外国法人及び当該外国法人が株式等の請求権の所有を通じて連鎖関係にある場合 当該個人又は内国法人の当該他の外国法人に係る請求権割合、当該他の外国法人の出資関連外国法人に係る請求権割合、出資関連外国法人の他の出資関連外国法人に係る請求権割合及び出資関連外国法人の当該外国法人に係る請求権割合を順次乗じて計算した割合(当該連鎖関係が二以上ある場合には、当該二以上の連鎖関係につきそれぞれ計算した割合の合計割合)

(ii) Where a single foreign corporation or two or more foreign corporations intervene(s) between the said foreign corporation and any other foreign corporation (limited to any other foreign corporation, the whole or a part of whose claims vested in the shares, etc. are held by an individual or domestic corporation; hereinafter referred to as the "other foreign corporation" in this paragraph) (hereinafter such intervening foreign corporation(s) shall be referred to as a "capital contribution-related foreign corporation(s)" in this paragraph) and the said individual or domestic corporation, the said other foreign corporation, capital contribution-related foreign corporation(s) and the said foreign corporation have a linkage through holding the claims vested in the shares, etc.: The ratio obtained by multiplying the ratio of claims of the said individual or domestic corporation pertaining to the said other foreign corporation sequentially by the said other foreign corporation's ratio of claims pertaining to the capital contribution-related foreign corporation(s), by the capital contribution-related foreign corporation's(s) ratio of claims

pertaining to other capital contribution-related foreign corporation(s), and by the capital contribution-related foreign corporation's(s') ratio of claims pertaining to the said foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

8 法第六十六条の六第二項第六号に規定する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は、次に掲げる個人又は法人とする。

(8) A person who has a special relationship specified by a Cabinet Order with a resident or domestic corporation prescribed in Article 66-6(2)(vi) of the Act shall be an individual or corporation listed as follows:

一 次に掲げる個人

(i) An individual listed as follows:

イ 居住者の親族

(a) A relative of the resident

ロ 居住者と婚姻の届出をしていないが事実上婚姻関係と同様の事情にある者

(b) A person in a relationship with the resident where a marital relationship is de facto, though a marriage has not been registered

ハ 居住者の使用人

(c) An employee of the resident

ニ イからハまでに掲げる者以外の者で居住者から受ける金銭その他の資産によって生計を維持しているもの

(d) A person other than those listed in (a) to (c) who maintains his/her living by receiving money or any other assets from the resident

ホ ロからニまでに掲げる者と生計を一にするこれらの者の親族

(e) A relative of any of the persons listed in (b) to (d) who depends on such person for his/her livelihood

ヘ 内国法人の役員及び当該役員に係る法人税法施行令第七十二条の三各号に掲げる者

(f) An officer of the domestic corporation and a person listed in the items of Article 72-3 of the Order for Enforcement of the Corporation Tax Act who is related to the said officer

二 次に掲げる法人

(ii) A corporation listed as follows:

イ 一の居住者（当該居住者と前号に規定する特殊の関係のある個人を含む。）又は内国法人（以下この項において「居住者等」という。）が他の法人を支配している場合における当該他の法人

(a) Where a resident (including an individual who has a special relationship prescribed in the preceding item with the said resident) or domestic corporation (hereinafter referred to as a "resident, etc." in this paragraph) governs any other corporation, the said other corporation

ロ 一の居住者等及び当該一の居住者等とイに規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(b) Where a resident, etc. or a corporation which has a special relationship prescribed in (a) with the said resident, etc. governs any other corporation, the said other corporation

ハ 一の居住者等及び当該一の居住者等とイ及びロに規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(c) Where a resident, etc. or a corporation which has a special relationship prescribed in (a) and (b) with the said resident, etc. governs any other corporation, the said other corporation

ニ 同一の者とイからハまでに規定する特殊の関係のある二以上の法人のいずれかの法人が一の居住者等である場合における当該一の居住者等以外の法人

(d) Where any of the two or more corporations which have a special relationship prescribed in (a) to (c) with the same person is a resident, etc., a corporation other than the one falling under the said resident, etc. out of those which have such special relationship with the same person

9 法人税法施行令第四条第三項の規定は、前項第二号イからハまでに掲げる他の法人を支配している場合について準用する。

(9) The provisions of Article 4(3) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis when governing any other corporation listed in (a) to (c) of item (ii) of the preceding paragraph.

10 法第六十六条の六第三項の規定により読み替えて適用する同条第一項の政令で定める費用の額は、同条第三項に規定する特定外国子会社等の事業に従事する当該特定外国子会社等の役員及び使用人に係る人件費の額の合計額（当該特定外国子会社等の各事業年度において前条第一項第一号に規定する本邦法令の規定の例に準じて計算した場合又は同条第二項の規定により計算した場合に算出される所得の金額又は欠損の金額の計算上損金の額に算入されるものに限る。）とする。

(10) The amount of expenses specified by a Cabinet Order set forth in Article 66-6(1) of the Act which is applied by replacing the terms pursuant to the provisions of paragraph (3) of the said Article shall be the sum of personnel expenses for officers and employees of a specified foreign subsidiary company, etc. engaged in the business at the said specified foreign subsidiary company, etc. prescribed in paragraph (3) of the said Article (limited to the amount of income calculated in accordance with the provisions of the laws and regulations of Japan prescribed in paragraph (1)(i) of the preceding Article or pursuant to the provisions of paragraph (2) of the said Article or the amount to be included in deductible expenses for calculating the amount of a loss for the relevant business year of the said specified foreign subsidiary company, etc.).

(特定外国子会社等の事業の判定等)

(Determination, etc. of Business of Specified Foreign Subsidiary Companies, etc.)

第三十九条の十七 法第六十六条の六第四項第一号に規定する政令で定める者は、次に

掲げる者とする。

Article 39-17 (1) The persons specified by a Cabinet Order prescribed in Article 66-6(4)(i) of the Act shall be any of the following:

一 法第六十六条の六第四項第一号に掲げる事業を主として行う同項に規定する特定外国子会社等（以下この項において「特定外国子会社等」という。）に係る法第六十八条の九十第一項各号に掲げる連結法人との間に連結完全支配関係がある他の連結法人

(i) Other consolidated corporations which have the consolidated full controlling interest with a consolidated corporation listed in the items of Article 68-90(1) of the Act which pertains to a specified foreign subsidiary company, etc. prescribed in Article 66-6(4) of the Act (hereinafter referred to as a "specified foreign subsidiary company, etc." in this paragraph) mainly engaged in the business listed in item (i) of the said paragraph

二 法第六十六条の六第四項第一号に掲げる事業を主として行う特定外国子会社等に係る同条第一項各号に掲げる内国法人の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前号に掲げる者に該当する者を除く。）

(ii) A person who holds over 50 percent of the total number or total amount of the issued shares, etc. of a domestic corporation listed in the items of Article 66-6(1) of the Act which pertains to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 66-6(4)(i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding item who is related to the said specified foreign subsidiary company, etc.)

三 法第六十六条の六第四項第一号に掲げる事業を主として行う特定外国子会社等に係る法第六十八条の九十第一項各号に掲げる連結法人（当該連結法人が連結子法人である場合には、当該連結法人に係る連結親法人）の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前二号に掲げる者に該当する者を除く。）

(iii) A person who holds over 50 percent of the total number or total amount of the issued shares, etc. of a consolidated corporation listed in the items of Article 68-90(1) of the Act (where the said consolidated corporation is a consolidated subsidiary corporation, a consolidated parent corporation related to the said consolidated corporation) which pertains to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 66-6(4)(i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding two items who is related to the said

specified foreign subsidiary company, etc.)

四 法第六十六条の六第四項第一号に掲げる事業を主として行う特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号又は第六十八条の九十一項各号に掲げる者が当該特定外国子会社等に係る間接保有の株式等（法第六十六条の六第二項第三号に規定する間接に有するものとして政令で定める外国法人の株式の数又は出資の金額をいう。）を有する場合における当該間接保有の株式等に係る前条第五項第一号に規定する他の外国法人又は同項第二号に規定する他の外国法人及び出資関連外国法人

(iv) Where a person listed in the items of Article 40-4(1), items of Article 66-6(1) or items of Article 68-90(1) of the Act who is related to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 66-6(4)(i) of the Act holds the shares, etc. indirectly pertaining to the said specified foreign subsidiary company, etc. (such shares, etc. shall mean the number of the shares or the amount of the capital contributions of a foreign corporation specified by a Cabinet Order as being held through indirect ownership as prescribed in Article 66-6(2)(iii) of the Act), the other foreign corporations prescribed in paragraph (5)(i) of the preceding Article or the other foreign corporation and capital contribution-related foreign corporation(s) prescribed in item (ii) of the said paragraph which pertain to the said shares, etc. held indirectly

五 次に掲げる者と法第六十六条の六第二項第六号に規定する政令で定める特殊の関係のある者（同条第四項第一号に掲げる事業を主として行う特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十一項各号及び前各号に掲げる者に該当する者を除く。）

(v) A person who has a special relationship specified by a Cabinet Order prescribed in Article 66-6(2)(vi) of the Act with any of the persons listed as follows (excluding a person falling under any of those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding items who is related to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 66-6(4)(i) of the Act):

イ 法第六十六条の六第四項第一号に掲げる事業を主として行う特定外国子会社等

(a) A specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 66-6(4)(i) of the Act

ロ 法第六十六条の六第四項第一号に掲げる事業を主として行う特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号又は第六十八条の九十一項各号に掲げる者

(b) A person listed in the items of Article 40-4(1), items of Article 66-6(1) or items of Article 68-90(1) of the Act who is related to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 66-6(4)(i) of the Act

ハ 前各号に掲げる者

(c) A person listed in the preceding items.

2 法第六十六条の六第四項第一号に規定する政令で定める場合は、同項に規定する特定外国子会社等の各事業年度において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とする。

(2) The case specified by a Cabinet Order prescribed in Article 66-6(4)(i) of the Act shall be any of the cases specified respectively in the following items, in accordance with the category of the principal business to be conducted for the relevant business year of a specified foreign subsidiary company, etc.

prescribed in the said paragraph:

一 卸売業 当該各事業年度の棚卸資産の販売に係る収入金額（当該各事業年度において棚卸資産の売買の代理又は媒介に関し受け取る手数料がある場合には、その手数料を受け取る基因となつた売買の取引金額を含む。以下この号において「販売取扱金額」という。）の合計額のうちに関連者（当該特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前項各号に掲げる者をいう。以下この項及び次項において同じ。）以外の者との間の取引に係る販売取扱金額の合計額の占める割合が百分の五十を超える場合又は当該各事業年度において取得した棚卸資産の取得価額（当該各事業年度において棚卸資産の売買の代理又は媒介に関し受け取る手数料がある場合には、その手数料を受け取る基因となつた売買の取引金額を含む。以下この号において「仕入取扱金額」という。）の合計額のうちに関連者以外の者との間の取引に係る仕入取扱金額の合計額の占める割合が百分の五十を超える場合

(i) Wholesale business: Where, out of the total revenue from selling inventory assets for the relevant business year (where there are any commissions to be received for agent or intermediary services for the buying or selling of inventory assets for the relevant business year, such revenues shall include the amount from the transactions for which the said commissions were generated; hereinafter referred to as the "amount of sales transactions" in this item), the ratio of the sum of the amount of sales transactions with a person other than affiliated persons (meaning those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding items who are related to the said specified foreign subsidiary company, etc.; hereinafter the same shall apply in this paragraph and the next paragraph) exceeds 50 percent, or out of the sum of the acquisition costs for acquiring inventory assets for the relevant business year (where there are any commissions to be received for agent or intermediary services for the buying or selling of inventory assets for the relevant business year, such acquisition costs shall include the amount of transactions for which the said commissions were generated; hereinafter referred to as the "amount of purchase transactions" in this item), the ratio of the sum of the amount of purchase transactions with a person other than affiliated persons

exceeds 50 percent

二 銀行業 当該各事業年度の受入利息の合計額のうち当該受入利息で関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合又は当該各事業年度の支払利息の合計額のうち当該支払利息で関連者以外の者に対して支払うものの合計額が百分の五十を超える場合

(ii) Banking business: Where, out of the sum of the total interest received for the relevant business year, the ratio of the sum of the said interest to be received from a person other than affiliated persons exceeds 50 percent, or out of the sum of the total interest paid for the relevant business year, the ratio of the sum of the said interest to be paid to a person other than affiliated persons exceeds 50 percent

三 信託業 当該各事業年度の信託報酬の合計額のうち当該信託報酬で関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合

(iii) Trust business: Where, out of the sum of the total trust charge for the relevant business year, the ratio of the sum of the said trust charge to be received from a person other than affiliated persons exceeds 50 percent

四 証券業 当該各事業年度の受入手数料（有価証券の売買による利益を含む。）の合計額のうち当該受入手数料で関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合

(iv) Securities business: Where, out of the sum of the total commissions received (including profits from the buying and selling of securities) for the relevant business year, the ratio of the sum of the said commissions to be received from a person other than affiliated persons exceeds 50 percent

五 保険業 当該各事業年度の収入保険料の合計額のうち当該収入保険料で関連者以外の者から収入するもの（当該収入保険料が再保険に係るものである場合には、関連者以外の者が有する資産又は関連者以外の者が負う損害賠償責任を保険の目的とする保険に係る収入保険料に限る。）の合計額の占める割合が百分の五十を超える場合

(v) Insurance business: Where, out of the sum of the total premium income for the relevant business year, the ratio of the sum of the said premium income to be received from a person other than affiliated persons (where the said premium income pertains to reinsurance, limited to premium income from insurance for assets held by a person other than affiliated persons or damages incurred by a person other than affiliated persons) exceeds 50 percent

六 水運業又は航空運送業 当該各事業年度の船舶の運航及び貸付け又は航空機の運航及び貸付けによる収入金額の合計額のうち当該収入金額で関連者以外の者から収入するものの合計額の占める割合が百分の五十を超える場合

(vi) Water transportation business or air transportation business: Where, out of the total revenue from the operation or rental of vessels or operation or rental of aircraft for the relevant business year, the ratio of the sum of the

said revenue to be received from a person other than affiliated persons exceeds 50 percent.

3 前項に規定する特定外国子会社等と当該特定外国子会社等に係る関連者との間の取引が、当該特定外国子会社等に係る関連者以外の者（以下この項において「非関連者」という。）を介在させて間接的に行われている場合には、当該非関連者を介在させることについて相当の理由があると認められる場合を除き、当該特定外国子会社等と当該非関連者との間の取引は、当該特定外国子会社等と当該関連者との間において直接行われたものとみなして、前項各号の規定を適用する。

(3) Where transactions prescribed in the preceding paragraph between a specified foreign subsidiary company, etc. and an affiliated person related to the said specified foreign subsidiary company, etc. are conducted indirectly via a person other than an affiliated person related to the said specified foreign subsidiary company, etc. (hereinafter referred to as a "non-affiliated person" in this paragraph), transactions between the said specified foreign subsidiary company, etc. and the said non-affiliated person shall be deemed to have been conducted directly between the said specified foreign subsidiary company, etc. and the said affiliated person and the provisions of the items of the preceding paragraph shall be applied, except in the case where there are justifiable grounds for having the said non-affiliated person intervene in such transactions.

4 法第六十六条の六第四項第二号に規定する政令で定める水域は、同号に規定する国又は地域に係る内水及び領海並びに排他的経済水域又は大陸棚に相当する水域とする。

(4) The water areas specified by a Cabinet Order prescribed in Article 66-6(4)(ii) of the Act shall be inland water and territorial sea and exclusive economic zones or water areas equivalent to continental shelves related to a state or territory prescribed in the said item.

5 法第六十六条の六第四項第二号に規定する政令で定める場合は、同項に規定する特定外国子会社等の各事業年度において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とする。

(5) The case specified by a Cabinet Order prescribed in Article 66-6(4)(ii) of the Act shall be any of the cases specified respectively in the following items, in accordance with the category of the principal business to be conducted for the relevant business year of a specified foreign subsidiary company, etc.

prescribed in the said paragraph:

一 不動産業 主として本店所在地国にある不動産（不動産の上に存する権利を含む。以下この号において同じ。）の売買、貸付け（当該不動産を使用させる行為を含む。）、当該不動産の売買又は貸付けの代理又は媒介及び当該不動産の管理を行っている場合

(i) Real estate business: Where conducting a buying and selling or rental business of real estate (including acts to let others use the said real estate) (real estate shall include the rights thereon; hereinafter the same shall apply

in this item) mainly located in the state of the head office, providing agent or intermediary services for the buying and selling or rental business of the said real estate, and managing the said real estate

二 物品賃貸業 主として本店所在地国において使用に供される物品の貸付けを行っている場合

(ii) Rental and leasing business: Where conducting a rental business for goods to be provided for use mainly in the state of the head office

三 第二項及び前二号に掲げる事業以外の事業 主として本店所在地国において行っている場合

(iii) Business other than those listed in paragraph (2) and the preceding two items: Where conducting a business mainly in the state of the head office.

(特定外国子会社等の課税対象留保金額に係る外国法人税額の計算等)

(Calculation, etc. of Foreign Corporation Tax on Taxable Retained Income of Specified Foreign Subsidiary Companies, etc.)

第三十九条の十八 法第六十六条の七第一項に規定する政令で定めるところにより計算した金額は、同項に規定する特定外国子会社等（以下この条において「特定外国子会社等」という。）につきその適用対象留保金額を有する事業年度（以下第四項までにおいて「課税対象年度」という。）の所得に対して課される外国法人税の額に、当該課税対象年度に係る適用対象留保金額（第三十九条の十五第三項に規定する控除対象配当等の額がある場合には、当該金額を加算した金額）と当該適用対象留保金額の計算上控除される剰余金の配当等の額との合計額のうちに法第六十六条の七第一項に規定する内国法人に係る課税対象留保金額の占める割合を乗じて計算した金額（当該金額が当該課税対象留保金額を超える場合には、当該課税対象留保金額に相当する金額）とする。

Article 39-18 (1) The amount calculated as specified by a Cabinet Order prescribed in Article 66-7(1) of the Act shall be the amount obtained by multiplying the amount of foreign corporation tax to be imposed on a specified foreign subsidiary company, etc. prescribed in the said paragraph (hereinafter referred to as a "specified foreign subsidiary company, etc." in this Article) on its income for a business year containing eligible retained income (hereinafter referred to as a "taxable business year" through to paragraph (4)) by the ratio of the taxable retained income pertaining to a domestic corporation prescribed in Article 66-7(1) of the Act out of the sum of the eligible retained income for the relevant taxable business year (where there is any amount of deductible dividend, etc. prescribed in Article 39-15(3), the amount obtained by adding the said amount) and the amount of a dividend of surplus, etc. to be deducted for calculating the amount of the said eligible retained income (where the said amount exceeds the said taxable retained income, the amount equivalent to the said taxable retained income).

2 特定外国子会社等につきその課税対象年度の所得に対して二以上の外国法人税が課

され、又は二回以上にわたって外国法人税が課された場合において、当該特定外国子会社等に係る内国法人がその二以上の事業年度又は連結事業年度において当該外国法人税の額につき法第六十六条の七第一項（同条第二項の規定によりみなして適用する場合を含む。以下この条において同じ。）又は第六十八条の九十一第一項（同条第二項の規定によりみなして適用する場合を含む。以下この条において同じ。）の規定の適用を受けるときは、当該二以上の事業年度又は連結事業年度のうち最初の事業年度又は連結事業年度後の事業年度に係る法第六十六条の七第一項の規定の適用については、第一号に掲げる金額から第二号に掲げる金額（法第六十八条の九十一第一項の規定の適用を受けた場合で、その適用を受けた後最初に法第六十六条の七第一項の規定の適用を受けるときは、第三号に掲げる金額）を控除した金額をもつて前項に規定する計算した金額とする。

(2) In the case where a specified foreign subsidiary company, etc. has been subject to two or more foreign corporation taxes or to a foreign corporation tax twice or more on its income for a taxable business year, when a domestic corporation related to the said specified foreign subsidiary company, etc. seeks the application of the provisions of Article 66-7(1) (including the cases where it is applied pursuant to the provisions of paragraph (2) of the said Article by deeming the amount to be as specified therein; hereinafter the same shall apply in this Article) or Article 68-91(1) (including the cases where it is applied pursuant to the provisions of paragraph (2) of the said Article by deeming the amount to be as specified therein; hereinafter the same shall apply in this Article) of the Act, regarding the amount of the said foreign corporation taxes in two or more business years or consolidated business years; with respect to the application of the provisions of Article 66-7(1) of the Act for a business year following the first one of the said two or more business years or consolidated business years, the amount obtained by deducting the amount listed in item (ii) (the amount listed in item (iii), when seeking the application of the provisions of Article 66-7(1) of the Act for the first time after receiving the application of the provisions of Article 68-91(1) of the Act) from the amount listed in item (i) shall be deemed to be the calculated amount prescribed in the preceding paragraph:

一 法第六十六条の七第一項の規定の適用を受ける事業年度（以下この項において「適用事業年度」という。）終了の日までに当該課税対象年度の所得に対して課された外国法人税の額（第四項又は第三十九条の百十八第四項の規定により法第六十六条の七第一項又は第六十八条の九十一第一項の規定の適用を受けることを選択したものに限り。以下この項において同じ。）の合計額について前項の規定により計算した金額

(i) The amount calculated pursuant to the provisions of the preceding paragraph regarding the sum of the amount of foreign corporation taxes that were imposed on income for the relevant taxable business year by the final day of a business year subject to the provisions of Article 66-7(1) of the Act

(hereinafter referred to as the "applicable business year" in this paragraph) (such amount of foreign corporation taxes shall be limited to those to which the provisions of Article 66-7(1) or Article 68-91(1) of the Act, pursuant to the provisions of paragraph (4) or Article 39-118(4); hereinafter the same shall apply in this paragraph)

二 適用事業年度開始の日の前日までに当該課税対象年度の所得に対して課された外国法人税の額の合計額について前項の規定により計算した金額

(ii) The amount calculated pursuant to the provisions of the preceding paragraph regarding the sum of the amount of foreign corporation taxes that were imposed on income for the relevant taxable business year by the day preceding the first day of the applicable business year

三 適用事業年度開始の日の前日までに当該課税対象年度の所得に対して課された外国法人税の額の合計額について第三十九条の百十八第一項の規定により計算した金額

(iii) The amount calculated pursuant to the provisions of Article 39-118(1) regarding the sum of the amount of foreign corporation taxes that were imposed on income for the relevant taxable business year by the day preceding the first day of the applicable business year.

3 特定外国子会社等につきその課税対象年度の所得に対して課された外国法人税の額のうち、法第六十六条の七第一項の規定により当該特定外国子会社等に係る内国法人が納付する同項に規定する控除対象外国法人税の額（以下この条において「控除対象外国法人税の額」という。）とみなされる金額は、次の各号に掲げる外国法人税の区分に応じそれぞれその内国法人の当該各号に定める事業年度においてその内国法人が納付することとなるものとみなす。

(3) Out of the amount of foreign corporation taxes that were imposed on a specified foreign subsidiary company, etc. on its income for a taxable business year, the amount deemed to be the amount of creditable foreign corporation taxes prescribed in Article 66-7(1) of the Act that shall be paid by a domestic corporation related to the said specified foreign subsidiary company, etc., pursuant to the provisions of the said paragraph, (hereinafter referred to as the "amount of creditable foreign corporation taxes" in this Article) shall be deemed to be payable by the domestic corporation in a business year specified respectively in the following items for the category of foreign corporation taxes listed in the relevant items:

一 その内国法人が当該特定外国子会社等の当該課税対象年度の課税対象留保金額に相当する金額につき法第六十六条の六第一項の規定の適用を受ける事業年度終了の日以前に当該課税対象年度の所得に対して課された外国法人税 その適用を受ける事業年度

(i) The foreign corporation tax that was imposed on the domestic corporation on its income for the relevant taxable business year of the said specified foreign subsidiary company, etc. on or prior to the final day of the business year for

which the provisions of Article 66-6(1) of the Act are applied regarding the amount equivalent to the taxable retained income for the relevant taxable business year: The business year subject to the provisions of Article 66-6(1) of the Act

二 その内国法人が当該特定外国子会社等の当該課税対象年度の課税対象留保金額に相当する金額につき法第六十六条の六第一項の規定の適用を受ける事業年度（法第六十六条の七第二項の規定の適用がある場合には、その内国法人が当該特定外国子会社等の当該課税対象年度の個別課税対象留保金額に相当する金額につき法第六十八条の九十第一項の規定の適用を受けた連結事業年度）終了の日後に当該課税対象年度の所得に対して課された外国法人税 その課された日の属する事業年度

(ii) The foreign corporation tax that was imposed on the domestic corporation on its income for the relevant taxable business year of the said specified foreign subsidiary company, etc. after the final day of the business year for which the provisions of Article 66-6(1) of the Act are applied regarding the amount equivalent to the taxable retained income for the relevant taxable business year (where the provisions of Article 66-7(2) of the Act are applied, after the final day of the consolidated business year for which the provisions of Article 68-90(1) of the Act were applied regarding the amount equivalent to the individually taxable retained income for the relevant taxable business year): The said business year involving the day on which the tax was imposed.

4 特定外国子会社等につきその課税対象年度の所得に対して二以上の外国法人税が課され、又は二回以上にわたって外国法人税が課された場合には、当該特定外国子会社等の当該課税対象年度の課税対象留保金額に相当する金額につき法第六十六条の六第一項の規定の適用を受ける内国法人は、その適用を受ける課税対象留保金額に係るそれぞれの外国法人税の額につき、法第六十六条の七第一項の規定の適用を受け、又は受けないことを選択することができる。

(4) Where a specified foreign subsidiary company, etc. has been subject to two or more foreign corporation taxes or to a foreign corporation tax twice or more on its income for a taxable business year, a domestic corporation to which the provisions of Article 66-6(1) of the Act are applied, regarding the amount equivalent to the taxable retained income for the relevant taxable business year of the said specified foreign subsidiary company, etc., shall choose whether or not it will seek the application of the provisions of Article 66-7(1) of the Act regarding the amount of respective foreign corporation taxes on the taxable retained income subject to the provisions of Article 66-6(1) of the Act.

5 内国法人がその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た外国法人税の額につき法第六十六条の七第一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（以下この項において「適用事業年度」という。）後の事業年度において当該外国法人税の額が減額されたときは、当該外国法人税の額のうち同条第一項の規定によりその内国法人が納付する控除対象外国法人税の額とみなされた部分の

金額につき、その減額されることとなつた日において、第一号に掲げる金額から第二号に掲げる金額を控除した残額に相当する金額の減額があつたものとみなす。

(5) In the case where a domestic corporation was subject to the provisions of Article 66-7(1) of the Act, regarding the amount of foreign corporation tax imposed on the income of a specified foreign subsidiary company, etc. related to the domestic corporation, when the said amount of foreign corporation tax was reduced in a business year after the business year subject to the provisions of the said paragraph (hereinafter referred to as the "applicable business year" in this paragraph), it shall be deemed that the remaining amount after deducting the amount listed in item (ii) from the amount listed in item (i) has been reduced from the part of the said amount of foreign corporation tax that was deemed to be the amount of creditable foreign corporation tax payable by the domestic corporation, pursuant to the provisions of paragraph (1) of the said Article, as on the day of the reduction of the said foreign corporation tax:

一 当該外国法人税の額のうち適用事業年度においてその内国法人が納付する控除対象外国法人税の額とみなされた部分の金額

(i) The part of the said amount of foreign corporation tax that was deemed to be the amount of creditable foreign corporation tax payable by the domestic corporation in the applicable business year

二 当該減額があつた後の当該外国法人税の額につき適用事業年度において法第六十六条の七第一項の規定を適用したならばその内国法人が納付する控除対象外国法人税の額とみなされる部分の金額

(ii) The part that shall be deemed to be the amount of creditable foreign corporation tax payable by the domestic corporation when the provisions of Article 66-7(1) of the Act are applied in the applicable business year to the said amount of foreign corporation tax after the reduction.

6 内国法人がその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た外国法人税の額につき法第六十八条の九十一第一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（以下この項において「適用連結事業年度」という。）後の事業年度において当該外国法人税の額が減額されたときは、当該外国法人税の額のうち同条第一項の規定によりその内国法人が納付する同項に規定する個別控除対象外国法人税の額（以下この条において「個別控除対象外国法人税の額」という。）とみなされた部分の金額につき、その減額されることとなつた日において、第一号に掲げる金額から第二号に掲げる金額を控除した残額に相当する金額の減額があつたものとみなす。

(6) In the case where a domestic corporation was subject to the provisions of Article 68-91(1) of the Act, regarding the amount of foreign corporation tax imposed on the income of a specified foreign subsidiary company, etc. related to the domestic corporation, when the said amount of foreign corporation tax was reduced in a business year after the consolidated business year subject to the provisions of the said paragraph (hereinafter referred to as the "applicable

consolidated business year" in this paragraph), it shall be deemed that the remaining amount after deducting the amount listed in item (ii) from the amount listed in item (i) has been reduced from the part of the said amount of foreign corporation tax that was deemed to be the amount of individually creditable foreign corporation tax payable by the domestic corporation, pursuant to the provisions of paragraph (1) of the said Article (hereinafter referred to as the "amount of individually creditable foreign corporation tax" in this Article), as on the day of the reduction of the said foreign corporation tax:

一 当該外国法人税の額のうち適用連結事業年度においてその内国法人が納付する個別控除対象外国法人税の額とみなされた部分の金額

(i) The part of the said amount of foreign corporation tax that was deemed to be the amount of individually creditable foreign corporation tax payable by the domestic corporation in the applicable consolidated business year

二 当該減額があつた後の当該外国法人税の額につき適用連結事業年度において法第六十八条の九十一第一項の規定を適用したならばその内国法人が納付する個別控除対象外国法人税の額とみなされる部分の金額

(ii) The part that shall be deemed to be the amount of individually creditable foreign corporation tax payable by the domestic corporation when the provisions of Article 68-91(1) of the Act are applied in the applicable consolidated business year to the said amount of foreign corporation tax after the reduction.

7 第五項又は前項の規定により控除対象外国法人税の額又は個別控除対象外国法人税の額が減額されたものとみなされた場合における法人税法第六十九条第十項の規定の適用については、法人税法施行令第五十条（第二項を除く。）に定めるところによる。この場合において、同条第一項中「法第六十九条第八項（同条第九項の規定によりみなして適用する場合を含む。）」とあるのは「法第六十九条第八項（同条第九項の規定によりみなして適用する場合を含む。）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）（同条第二項の規定によりみなして適用する場合を含む。）」と、「減額控除対象外国法人税額」とあるのは「減額控除対象外国法人税額（租税特別措置法施行令第三十九条の十八第五項又は第六項（特定外国子会社等の課税対象留保金額に係る外国法人税額の減額）の規定により減額があつたものとみなされる控除対象外国法人税の額又は個別控除対象外国法人税の額を含む。）」とする。

(7) Where the amount of creditable foreign corporation tax or individually creditable foreign corporation tax has been deemed to have been reduced, pursuant to the provisions of paragraph (5) or the preceding paragraph, the provisions of Article 69(10) of the Corporation Tax Act shall be applied as specified in Article 150 (excluding paragraph (2)) of the Order for Enforcement of the Corporation Tax Act. In this case, in paragraph (1) of the said Article, the term "Article 69(8) of the Act (including the cases where it is applied pursuant to the provisions of paragraph (9) of the said Article by deeming the

amount to be as specified therein)" shall be deemed to be replaced with "Article 69(8) of the Act (including the cases where it is applied pursuant to the provisions of paragraph (9) of the said Article by deeming the amount to be as specified therein) and Article 66-7(1) (Credit for Foreign Tax on Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. of Domestic Corporations) of the Act on Special Measures Concerning Taxation (including the cases where it is applied pursuant to the provisions of paragraph (2) of the said Article);" and the term "the amount of reduced creditable foreign corporation tax" shall be deemed to be replaced with "the amount of reduced creditable foreign corporation tax (including the amount of creditable foreign corporation tax or individually creditable foreign corporation tax that is deemed to have been reduced pursuant to the provisions of Article 39-18(5) or (6) (Reduction of Foreign Corporation Tax on Taxable Retained Income of Specified Foreign Subsidiary Companies, etc.) of the Order for Enforcement of the Act on Special Measures Concerning Taxation)."

8 法第六十六条の六第一項各号に掲げる内国法人の各事業年度の所得の金額の計算上同項の規定により益金の額に算入された金額がある場合には、当該益金の額に算入された金額は、当該内国法人の当該各事業年度に係る法人税法第六十九条第一項に規定する控除限度額の計算については、法人税法施行令第百四十二条第三項本文に規定する国外所得金額に含まれるものとする。ただし、当該内国法人に係る特定外国子会社等の本店所在地国が当該特定外国子会社等の所得に対して同令第百四十一条第一項に規定する外国法人税を課さない国又は地域である場合には、当該国外所得金額に含まれる金額は、当該益金の額に算入された金額の三分の一に相当する金額とする。

(8) Where there is any amount included in the gross profits pursuant to the provisions of Article 66-6(1) of the Act for calculating the amount of income for the relevant business year of a domestic corporation listed in the items of the said paragraph, the said amount included in gross profits shall be included in the foreign income prescribed in the main clause of Article 142(3) of the Order for Enforcement of the Corporation Tax Act for calculating the maximum amount of deduction prescribed in Article 69(1) of the Corporation Tax Act for the relevant business year of the said domestic corporation; provided, however, that in the case where the state of the head office of a specified foreign subsidiary company, etc. related to the domestic corporation is a state or territory that does not impose any foreign corporation taxes prescribed in Article 141(1) of the said Order on income of the said specified foreign subsidiary company, etc., the amount to be included in the said foreign income shall be the amount equivalent to one-third of the said amount included in the gross profits.

9 第三項各号に掲げる外国法人税の額のうち法第六十六条の七第一項の規定により特定外国子会社等に係る内国法人が納付する控除対象外国法人税の額とみなされる金額は、その内国法人の当該各号に定める事業年度に係る法人税法第六十九条第一項に規

定する控除限度額の計算については、法人税法施行令第百四十二条第三項本文に規定する国外所得金額に含まれるものとする。

(9) The part of the amount of foreign corporation taxes listed in the items of paragraph (3) that are deemed to be the amount of creditable foreign corporation tax payable by a domestic corporation related to a specified foreign subsidiary company, etc., pursuant to the provisions of Article 66-7(1) of the Act, shall be included in foreign income prescribed in the main clause of Article 142(3) of the Order for Enforcement of the Corporation Tax Act for calculating the maximum amount of deduction prescribed in Article 69(1) of the Corporation Tax Act for a business year specified respectively in the relevant items of the domestic corporation.

10 第五項又は第六項の規定により控除対象外国法人税の額又は個別控除対象外国法人税の額が減額されたものとみなされた金額のうち、第七項の規定により法人税法施行令第百五十条第一項の規定による同項に規定する納付控除対象外国法人税額からの控除又は同条第三項の規定による同項に規定する控除限度超過額からの控除に充てられることとなる部分の金額に相当する金額は、第五項又は第六項に規定する内国法人のこれらの控除をすることとなる事業年度の所得の金額の計算上、損金の額に算入する。この場合において、当該損金の額に算入する金額は、同令第百四十二条第三項本文に規定する国外所得金額の計算上の損金の額として配分するものとする。

(10) Out of the amount deemed to have been reduced from the amount of creditable foreign corporation tax or individually creditable foreign corporation tax, pursuant to the provisions of paragraph (5) or paragraph (6), the amount equivalent to the amount to be appropriated, pursuant to the provisions of paragraph (7), for deduction from the amount of creditable foreign corporation tax to be paid prescribed in Article 150(1) of the Order for Enforcement of the Corporation Tax Act under the provisions of the said paragraph or for deduction from the amount exceeding the maximum amount of deduction prescribed in paragraph (3) of the said Article under the provisions of the said paragraph shall be included in deductible expenses for calculating the amount of income for a business year of a domestic corporation prescribed in paragraph (5) or paragraph (6) for making such deduction. In this case, the said amount to be included in deductible expenses shall be allocated as the amount of deductible expenses for calculating the amount of foreign income prescribed in the main clause of Article 142(3) of the said Order.

11 法第六十六条の七第三項に規定する政令で定める事業年度は、特定外国子会社等の所得に対して課された外国法人税の額が第三項各号のいずれに該当するかに応じ当該各号に定める事業年度とする。

(11) The business year specified by a Cabinet Order prescribed in Article 66-7(3) of the Act shall be the business year specified respectively in the items of paragraph (3), in accordance with the category of the amount of foreign corporation tax imposed on the income of a specified foreign subsidiary

company, etc.

- 1 2 法第六十六条の八第一項に規定する内国法人に係る特定外国子会社等又は当該内国法人に係る外国関係会社につき同項各号に掲げる事実が生じた日を含む当該内国法人の事業年度において同項の規定により当該内国法人の当該事業年度の所得の金額の計算上損金の額に算入された同項に規定する課税済留保金額（同条第二項及び第三項の規定により当該課税済留保金額とみなされたものを含む。）がある場合において、その損金の額に算入された当該課税済留保金額のうち法第六十六条の七第一項の規定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とみなされた当該特定外国子会社等に係る外国法人税の額で同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による控除をされるべき金額の計算の基礎となつたものに係る課税対象留保金額から成る金額が含まれているとき、又は法第六十八条の九十一第一項の規定により当該内国法人が納付する個別控除対象外国法人税の額とみなされた当該特定外国子会社等に係る外国法人税の額で同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による控除をされるべき金額の計算の基礎となつたものに係る個別課税対象留保金額から成る金額が含まれているときは、当該計算の基礎となつた当該内国法人が納付する控除対象外国法人税の額とみなされた特定外国子会社等に係る外国法人税の額のうち当該課税対象留保金額から成る金額に対応する部分の金額又は当該計算の基礎となつた当該内国法人が納付する個別控除対象外国法人税の額とみなされた特定外国子会社等に係る外国法人税の額のうち当該個別課税対象留保金額から成る金額に対応する部分の金額は、当該事業年度終了の日において減額されたものとみなす。この場合において、同法第六十九条第十項中「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、「減額された場合（）」とあるのは「減額された場合（租税特別措置法施行令第三十九条の十八第十二項（特定外国子会社等の課税対象留保金額に係る外国法人税額の計算等）の規定により減額されたものとみなされた場合又は）」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」として、同項の規定を適用する。
- (12) In the case where there is any taxed amount of retained income prescribed in Article 66-8(1) of the Act (including the amount deemed to be the taxed amount of retained income pursuant to the provisions of paragraph (2) or paragraph (3) of the said Article) that was included in deductible expenses for calculating the amount of income for the relevant business year of a domestic

corporation prescribed in Article 66-8(1) of the Act, pursuant to the provisions of the said paragraph, in the business year of the domestic corporation including the day on which any of the events listed in the items of the said paragraph occurred with regard to a specified foreign subsidiary company, etc. related to the said domestic corporation, or an affiliated foreign company related to the said domestic corporation, when the said taxed amount of retained income included in deductible expenses includes the amount of foreign corporation tax on the said specified foreign subsidiary company, etc. that was deemed to be the amount of creditable foreign corporation tax payable by the said domestic corporation, pursuant to the provisions of Article 66-7(1) of the Act, and which consists of taxable retained income pertaining to what was the basis for calculating the amount for which a deduction under the provisions of Article 69(1) to (3) of the Corporation Tax Act shall be made, pursuant to the provisions of Article 66-7(1) of the Act, or that was deemed to be the amount of individually creditable foreign corporation tax payable by the said domestic corporation, pursuant to the provisions of Article 68-91(1) of the Act, and which consists of individually taxable retained income pertaining to what was the basis for calculating the amount for which a deduction under the provisions of Article 81-15(1) to (3) of the Corporation Tax Act shall be made, pursuant to the provisions of Article 68-91(1) of the Act, the part of the amount corresponding to the amount of foreign corporation tax on the specified foreign subsidiary company, etc. that was deemed to be the amount of creditable foreign corporation tax payable by the said domestic corporation, which was the basis for the said calculation, and which consists of the said taxable retained income or the part of the amount corresponding to the amount of foreign corporation tax on the specified foreign subsidiary company, etc. that was deemed to be the amount of individually creditable foreign corporation tax payable by the said domestic corporation, which was the basis for the said calculation, and which consists of the said individually taxable retained income shall be deemed to have been reduced on the final day of the relevant business year. In this case, the provisions of Article 69(10) of the said Act shall apply by replacing the terms in the said paragraph as follows: the term "the part of the amount deemed to be payable by the said domestic corporation pursuant to the provisions of paragraph (8)" shall be deemed to be replaced with "the part of the amount deemed to be payable by the said domestic corporation pursuant to the provisions of paragraph (8), and out of the amount of foreign corporation tax to be imposed on income of a specified foreign subsidiary company, etc. prescribed in Article 66-7(1) (Credit for Foreign Tax on Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. of Domestic Corporations) of the Act on Special Measures Concerning Taxation, the part of the amount deemed to be payable by the said domestic corporation pursuant to

the provisions of the said paragraph;" the term "in the case where the said amount of foreign corporation tax was reduced (" shall be deemed to be replaced with "in the case where the said amount of foreign corporation tax was reduced (in the case where the reduction is deemed to have been made pursuant to the provisions of Article 39-18(12) (Calculation, etc. of Foreign Corporation Tax on Taxable Retained Income of Specified Foreign Subsidiary Companies, etc.) of the Order for Enforcement of the Act on Special Measures Concerning Taxation; or" the term "the part of the amount deemed to be payable by the said domestic corporation pursuant to the provisions of paragraph (8) of the said Article" shall be deemed to be replaced with "the part of the amount deemed to be payable by the said domestic corporation pursuant to the provisions of paragraph (8) of the said Article, and out 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) (Credit for Foreign Tax on Individually Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. of Consolidated Corporations) of the said Act, the part of the amount deemed to be payable by the said domestic corporation pursuant to the provisions of the said paragraph;" and the term "paragraph (1) to paragraph (3) of the said Article" shall be deemed to be replaced with "Article 81-15(1) to (3)."

1 3 第七項の規定は、前項の規定により控除対象外国法人税の額又は個別控除対象外国法人税の額が減額されたものとみなされる場合について準用する。

(13) The provisions of paragraph (7) shall apply mutatis mutandis where the amount of creditable foreign corporation tax or individually creditable foreign corporation tax is deemed to have been reduced pursuant to the provisions of the preceding paragraph.

1 4 第十二項に規定する内国法人の法第六十六条の七第一項の規定により納付する控除対象外国法人税の額とみなされた外国法人税の額のうち第十二項の規定により減額されたものとみなされる部分の金額に相当する金額は、当該内国法人の同項に規定する事業年度の所得の金額の計算上、損金の額に算入する。この場合において、当該損金の額に算入する金額は、法人税法施行令第百四十二条第三項本文に規定する国外所得金額の計算上の損金の額として配分するものとする。

(14) The amount of foreign corporation tax that was deemed to be the part of the creditable foreign corporation tax payable by a domestic corporation prescribed in paragraph (12), pursuant to the provisions of Article 66-7(1) of the Act, that is deemed to have been reduced pursuant to the provisions of paragraph (12) shall be included in deductible expenses for calculating the amount of income for a business year prescribed in the said paragraph of the said domestic corporation. In this case, the said amount to be included in deductible expenses shall be allocated as the amount of deductible expenses for calculating the amount of foreign income prescribed in the main clause of Article 142(3) of the Order for Enforcement of the Corporation Tax Act.

15 前項に規定する内国法人の同項の規定の適用を受ける事業年度における法人税法施行令第七十三条の規定の適用については、同条第二項第十号中「益金算入）」とあるのは、「益金算入）及び租税特別措置法施行令第三十九条の十八第十四項（特定外国子会社等の課税対象留保金額に係る外国法人税額の計算等）」とする。

(15) With respect to the application of the provisions of Article 73 of the Order for Enforcement of the Corporation Tax Act in the business year subject to the provisions of the preceding paragraph of a domestic corporation prescribed in the said paragraph, the term "(Inclusion in Gross Profits of the Amount of Foreign Tax of Specified Foreign Subsidiary Companies, etc. to be Deducted from Corporation Tax)" in paragraph (2)(x) of the said Article shall be deemed to be replaced with "(Inclusion in Gross Profits of the Amount of Foreign Tax of Specified Foreign Subsidiary Companies, etc. to be Deducted from Corporation Tax) and Article 39-18(14) (Calculation, etc. of Foreign Corporation Tax on Taxable Retained Income of Specified Foreign Subsidiary Companies, etc.) of the Order for Enforcement of the Act on Special Measures Concerning Taxation."

16 法第六十六条の八第五項及び第六項の規定は、第十四項の規定を適用する場合について準用する。

(16) The provisions of Article 66-8(5) and (6) of the Act shall apply mutatis mutandis where the provisions of paragraph (14) shall apply.

17 法第六十六条の八第一項に規定する内国法人に係る特定外国子会社等又は当該内国法人に係る外国関係会社につき同項各号に掲げる事実が生じた日を含む当該内国法人の事業年度において同項の規定により当該内国法人の当該事業年度の所得の金額の計算上損金の額に算入された金額がある場合における当該内国法人の当該事業年度に係る法人税法第六十九条第一項に規定する控除限度額の計算については、当該損金の額に算入された金額は、法人税法施行令第四百二十二条第三項本文に規定する国外所得金額の計算上の損金の額として配分するものとする。ただし、当該特定外国子会社等の本店所在地国が当該特定外国子会社等の所得に対して同令第四百十一条第一項に規定する外国法人税を課さない国又は地域である場合には、当該国外所得金額の計算上の損金の額として配分する金額は、当該損金の額に算入された金額の三分の一に相当する金額とする。

(17) In the case where there is any amount to be included in deductible expenses for calculating the amount of income for the relevant business year of a domestic corporation prescribed in Article 66-8(1) of the Act, pursuant to the provisions of the said paragraph, in the business year of the said domestic corporation including the day on which any of the events listed in the items of the said paragraph occurred, with regard to a specified foreign subsidiary company, etc. related to the said domestic corporation, or an affiliated foreign company related to the said domestic corporation; with regard to the calculation of the maximum amount of deduction prescribed in Article 69(1) of the Corporation Tax Act for the relevant business year of the said domestic

corporation, the said amount included in deductible expenses shall be allocated as the amount of deductible expenses for calculating the amount of foreign income prescribed in the main clause of Article 142(3) of the Order for Enforcement of the Corporation Tax Act; provided however, that in the case where the state of the head office of the specified foreign subsidiary company, etc. is a state or territory that does not impose any foreign corporation taxes prescribed in Article 141(1) of the said Order on the income of the said specified foreign subsidiary company, etc., the amount to be allocated as the amount of deductible expenses for calculating the amount of the said foreign income shall be the amount equivalent to one-third of the said amount included in the deductible expenses.

(特定外国子会社等の課税済配当等の額の計算)

(Calculation of the Taxed Amount of Dividend, etc. of Specified Foreign Subsidiary Companies, etc.)

第三十九条の十九 法第六十六条の八第一項に規定する外国関係会社のうち政令で定めるものは、同項に規定する特定外国子会社等（以下この条において「特定外国子会社等」という。）に係る第三十九条の十六第三項第三号に規定する控除未済課税済配当等の額（次項において「控除未済課税済配当等の額」という。）を有する外国関係会社とする。

Article 39-19 (1) The affiliated foreign company prescribed in Article 66-8(1) of the Act which is specified by a Cabinet Order shall be one of the affiliated foreign companies that holds the taxed amount of a dividend, etc. before deduction prescribed in Article 39-16(3)(iii) (referred to as the "taxed amount of a dividend, etc. before deduction" in the next paragraph) pertaining to a specified foreign subsidiary company, etc. prescribed in Article 66-8(1) of the Act (hereinafter referred to as a "specified foreign subsidiary company, etc." in this Article).

2 法第六十六条の八第一項に規定する政令で定めるところにより計算した金額は、次の各号に掲げる場合の区分に応じ当該各号に定める金額（特定外国子会社等に係る第三十九条の十六第二項の規定による課税対象留保金額の計算上控除される金額を除く。）とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article 66-8(1) of the Act shall be the amount specified respectively in the following items for the category of cases listed in the relevant items (excluding the amount to be deducted for calculating the amount of taxable retained income, pursuant to the provisions of Article 39-16(2), pertaining to a specified foreign subsidiary company, etc.):

一 法第六十六条の八第一項に規定する内国法人に係る特定外国子会社等につき同項第一号に掲げる事実が生じた場合（当該事実が当該特定外国子会社等の同号に定める剰余金の配当等の支払に係る基準日を含む事業年度（以下この号及び次項におい

て「基準事業年度」という。) 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事業年度(次項において「適用事業年度」という。) 前の事業年度又は連結事業年度の期間内に生じた場合を除く。) において当該剰余金の配当等の額が当該特定外国子会社等の当該基準事業年度に係る法第六十六条の六第一項に規定する適用対象留保金額の計算上控除される剰余金の配当等の額を超えることとなるとき当該超える部分の金額に、当該基準事業年度終了の時における当該特定外国子会社等の発行済株式等のうちに当該基準事業年度終了の時における当該内国法人の有する当該特定外国子会社等の第三十九条の十六第三項第一号に規定する請求権勘案保有株式等(当該内国法人に係る外国関係会社(当該内国法人に係る特定外国子会社等及び法第六十八条の九十第一項に規定する特定外国子会社等を除く。以下この項において同じ。)) でその受ける法第六十六条の八第一項第一号に定める剰余金の配当等の額につきその本店所在地国において課される税の負担が軽課税基準以下のもの又は当該内国法人に係る他の特定外国子会社等(法第六十八条の九十第一項に規定する特定外国子会社等を含む。以下この項において同じ。)) に支払われた場合における当該外国関係会社及び当該他の特定外国子会社等を通じて保有する請求権勘案間接保有株式等(第三十九条の十六第三項第二号に規定する請求権勘案間接保有株式等をいう。次号において同じ。)) を除く。) の占める割合を乗じて計算した金額

- (i) Where an event listed in Article 66-8(1)(i) of the Act has occurred with regard to a specified foreign subsidiary company, etc. related to a domestic corporation prescribed in the said paragraph (excluding the case where the said event occurred during the business year or consolidated business year preceding the business year of the domestic corporation including the day on which two months had elapsed after the day following the final day of the business year of the specified foreign subsidiary company, etc. including the base day for the payment of a dividend of surplus, etc. specified in Article 66-8(1)(i) of the Act (hereinafter the business year including such base day shall be referred to as the "base business year" in this item and the next paragraph, and such business year of the domestic corporation shall be referred to as the "applicable business year" in the next paragraph)), when the said amount of a dividend of surplus, etc. proves to exceed the amount of a dividend of surplus, etc. to be deducted for calculating the amount of eligible retained income prescribed in Article 66-6(1) of the Act for the relevant base business year of the specified foreign subsidiary company, etc.: The amount obtained by multiplying the said excess amount by the ratio of the shares, etc. for considering the claims held by the said domestic corporation that are prescribed in Article 39-16(3)(i) out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. at the end of the said base business year (in the case where a dividend of surplus, etc. has been paid to an affiliated foreign company related to the domestic corporation (excluding a specified foreign subsidiary company, etc. related to

the domestic corporation and a specified foreign subsidiary company, etc. prescribed in Article 68-90(1) of the Act; hereinafter the same shall apply in this paragraph) whose tax burden imposed in the state of the head office on the amount of the dividend of surplus, etc. that it receives is not more than the low tax-burden base or to any other specified foreign subsidiary company, etc. related to the domestic corporation (including a specified foreign subsidiary company, etc. prescribed in Article 68-90(1) of the Act; hereinafter the same shall apply in this paragraph); excluding the shares, etc. for considering the claims indirectly held (meaning the shares, etc. for considering the claims indirectly held prescribed in Article 39-16(3)(ii); the same shall apply in the next item) via the said affiliated foreign company and the said other specified foreign subsidiary company, etc.)

二 法第六十六条の八第一項に規定する内国法人に係る特定外国子会社等につき同項第二号に掲げる事実が生じた場合 同号に定める金額に当該事実が生じた時における当該特定外国子会社等の発行済株式等のうちに当該事実が生じた時における当該内国法人の有する当該特定外国子会社等の第三十九条の十六第三項第一号に規定する請求権勘案保有株式等（当該内国法人に係る外国関係会社でその受ける法第六十六条の八第一項第二号に定める金額につきその本店所在地国において課される税の負担が軽課税基準以下のもの又は当該内国法人に係る他の特定外国子会社等に対して交付された場合における当該外国関係会社及び当該他の特定外国子会社等を通じて保有する請求権勘案間接保有株式等を除く。）の占める割合を乗じて計算した金額

(ii) Where an event listed in Article 66-8(1)(ii) of the Act has occurred with regard to a specified foreign subsidiary company, etc. related to a domestic corporation prescribed in the said paragraph: The amount obtained by multiplying the amount specified in the said item by the ratio of the shares, etc. for considering the claims held by the said domestic corporation that are prescribed in Article 39-16(3)(i) out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. at the time when the said event occurred (in the case where money or any other assets have been delivered to an affiliated foreign company related to the domestic corporation whose tax burden imposed in the state of the head office on the amount that it receives as specified in Article 66-8(1)(ii) of the Act is not more than the low tax-burden base or to any other specified foreign subsidiary company, etc. related to the domestic corporation; excluding the shares, etc. for considering the claims indirectly held via the said affiliated foreign company and the said other specified foreign subsidiary company, etc.)

三 法第六十六条の八第一項に規定する内国法人に係る外国関係会社につき同項第三号に掲げる事実が生じた場合 同号に定める金額（当該金額が他の特定外国子会社等に該当する外国関係会社から受けたものである場合には、当該金額から当該他の特定外国子会社等に係る適用対象留保金額又は課税対象留保金額若しくは個別課税

対象留保金額の計算上控除される金額と当該事実が生じたことにより同項又は法第六十八条の九十二第一項の規定により損金の額に算入される金額との合計額に相当する金額を控除した残額)のうち控除未済課税済配当等の額に達するまでの金額

(iii) Where an event listed in Article 66-8(1)(iii) of the Act has occurred with regard to an affiliated foreign company related to a domestic corporation prescribed in the said paragraph: The amount specified in the said item (where the said amount has been received from an affiliated foreign company that falls under the category of any other specified foreign subsidiary company, etc., the remaining amount after deducting from the said amount, the amount equivalent to the sum of the amount to be deducted for calculating the amount of eligible retained income, taxable retained income or individually taxable retained income pertaining to the said other specified foreign subsidiary company, etc. and the amount to be included in deductible expenses due to the said event, under the provisions of the said paragraph or Article 68-92(1) of the Act), with the taxed amount of a dividend, etc. before deduction as the upper limit.

3 法第六十六条の八第一項に規定する内国法人に係る特定外国子会社等につき基準事業年度の期間内の日をその支払に係る基準日とする二以上の剰余金の配当等（当該二以上の剰余金の配当等が当該剰余金の配当等に係る基準事業年度に係る適用事業年度前の事業年度又は連結事業年度の期間内の日に支払われた剰余金の配当等（以下この項において「特定剰余金配当等」という。）である場合の当該二以上の剰余金の配当等を除く。）の支払があつた場合（特定剰余金配当等の支払があつた場合において、当該特定剰余金配当等に係る基準事業年度終了の日から六月を経過する日までに当該基準事業年度の期間内の日をその支払に係る基準日とする剰余金の配当等の支払がないときを含む。）における前項第一号の規定の適用については、同号に定める金額は、第一号に掲げる金額が第二号に掲げる金額を超えることとなる場合の当該超える部分の金額に同項第一号に規定する割合を乗じて計算した金額から第三号及び第四号に掲げる金額を控除した残額とする。

(3) With respect to the application of the provisions of item (i) of the preceding paragraph, in the case where payment has been made for two or more dividends of surplus, etc. whose base dates for the payment are included in the base business year, with regard to a specified foreign subsidiary company, etc. related to a domestic corporation prescribed in Article 66-8(1) of the Act (where payment was made for the said two or more dividends of surplus, etc. on a day within a business year or consolidated business year preceding the applicable business year pertaining to the base business year for the said dividend of surplus, etc. (hereinafter such paid dividend of surplus, etc. shall be referred to as a "specified dividend of surplus, etc." in this paragraph), excluding the said two or more dividends of surplus) (including the cases where payment has been made for a specified dividend of surplus, etc. and payment has not been made for a dividend of surplus, etc. whose base date for payment is included in the

said base business year, up to the day on which six months have elapsed after the final day of the base business year for the said specified dividend of surplus, etc.); the amount specified in item (i) of the preceding paragraph shall be the amount obtained by multiplying the excess amount when the amount listed in item (i) exceeds the amount listed in item (ii) by the ratio prescribed in item (i) of the said paragraph and then deducting therefrom the amounts listed in item (iii) and item (iv):

一 法第六十六条の八第一項第一号に掲げる事実が生じた日（特定剰余金配当等以外の剰余金の配当等の支払がない場合には、当該特定剰余金配当等に係る基準事業年度終了の日から六月を経過する日）を含む当該内国法人の事業年度終了の日までに当該特定外国子会社等が支払った剰余金の配当等（当該基準事業年度の期間内の日とその支払に係る基準日とするものに限る。）の額の合計額

(i) The sum of a dividend of surplus, etc. (limited to that whose base date for payment is included in the said base business year) that the said specified foreign subsidiary company, etc. has paid, up to the final day of the business year of the domestic corporation including the day on which an event listed in Article 66-8(1)(i) of the Act occurred (where no dividend of surplus, etc. other than a specified dividend of surplus, etc. was paid, up to the final day of the business year including the day on which six months have elapsed after the final day of the base business year for the said specified dividend of surplus, etc.)

二 前号の剰余金の配当等の額の合計額につき当該特定外国子会社等の当該基準事業年度の適用対象留保金額の計算上控除される金額の合計額

(ii) The sum of the amounts to be deducted for calculating the amount of eligible retained income for the said base business year of the said specified foreign subsidiary company, etc., with regard to the sum of the dividends of surplus, etc. set forth in the preceding item

三 第一号の剰余金の配当等の額の合計額につき当該特定外国子会社等の当該基準事業年度の課税対象留保金額の計算上控除される金額の合計額

(iii) The sum of the amounts to be deducted for calculating the amount of taxable retained income for the said base business year of the said specified foreign subsidiary company, etc., with regard to the sum of the dividends of surplus, etc. set forth in item (i)

四 第一号の剰余金の配当等の額の合計額につき当該内国法人の法第六十六条の八第一項第一号に掲げる事実が生じた日を含む事業年度前の事業年度又は連結事業年度において同項又は法第六十八条の九十二第一項の規定により損金の額に算入された金額の合計額

(iv) The sum of the amounts included in deductible expenses, pursuant to the provisions of the said paragraph or Article 68-92(1) of the Act, in a business year or consolidated business year preceding the business year of the said domestic corporation that includes the day on which an event listed in

Article 66-8(1)(i) of the Act occurred, with regard to the sum of the dividends of surplus, etc. set forth in item (i).

- 4 法第六十六条の八第一項に規定する内国法人が当該内国法人に係る特定外国子会社等に係る同項に規定する課税済留保金額及び当該内国法人に係る法第六十六条の九の六第一項に規定する特定外国法人（当該特定外国子会社等と同一の外国法人に限る。）に係る法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有する場合には、法第六十六条の八第一項に規定する政令で定めるところにより計算した金額は、同項各号に定める金額から法第六十六条の九の八第一項の規定により損金の額に算入される金額を控除した残額を基礎として前二項の規定により計算した金額を限度とする。

(4) In the case where a domestic corporation prescribed in Article 66-8(1) of the Act holds the taxed amount of retained income prescribed in the said paragraph that pertains to a specified foreign subsidiary company, etc. related to the said domestic corporation, and the taxed amount of retained income prescribed in Article 66-9-8(1) of the Act that pertains to a specified foreign corporation prescribed in Article 66-9-6(1) of the Act (limited to a foreign corporation that is the same as the said specified foreign subsidiary company, etc.) related to the said domestic corporation, the amount calculated as specified by a Cabinet Order prescribed in Article 66-8(1) of the Act shall not exceed the amount calculated pursuant to the provisions of the preceding two paragraphs based on the remaining amount after deducting the amount to be included in deductible expenses pursuant to the provisions of Article 66-9-8(1) of the Act from the amount specified in the items of Article 66-8(1) of the Act.

- 5 法第六十六条の八第三項の規定の適用がある場合の同項の内国法人の同項に規定する適格合併等（次項において「適格合併等」という。）の日を含む事業年度以後の各事業年度における同条第一項の規定の適用については、同条第三項各号に定める課税済留保金額（同条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。）又は個別課税済留保金額（法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。）は、被合併法人、分割法人、現物出資法人又は事後設立法人（次項において「被合併法人等」という。）の次の各号に掲げる事業年度又は連結事業年度の区分に応じ当該内国法人の当該各号に定める事業年度の課税済留保金額とみなす。

(5) With respect to the application of the provisions of Article 66-8(1) of the Act in or after the business year including the day of a qualified merger prescribed in paragraph (3) of the said Article (referred to as a "qualified merger, etc." in the next paragraph) of a domestic corporation set forth in the said paragraph, in the case where the provisions of the said paragraph apply, the taxed amount of retained income specified in the items of the said paragraph (meaning the taxed amount of retained income prescribed in paragraph (1) of the said Article; hereinafter the same shall apply in this Article) or the individually taxed amount of retained income (meaning the individually taxed amount of

retained income prescribed in Article 68-92(1) of the Act; hereinafter the same shall apply in this Article) shall be deemed to be the taxed amount of retained income for a business year of the said domestic corporation specified respectively in the following items for the category of business years or consolidated business years listed in the relevant items of a merged corporation, split corporation, corporation making a capital contribution in kind, or corporation effecting post-formation acquisition of assets and/or liabilities (referred to as a "merged corporation, etc." in the next paragraph):

一 適格合併に係る被合併法人の法第六十六条の八第三項第一号に規定する合併前十年内事業年度（以下この項及び次項において「合併前十年内事業年度」という。）又は適格分割型分割に係る分割法人の同条第三項第二号に規定する分割前十年内事業年度（以下第七項までにおいて「分割前十年内事業年度」という。）（次号に掲げる合併前十年内事業年度又は分割前十年内事業年度を除く。） 当該被合併法人の合併前十年内事業年度開始の日を含む当該内国法人の各事業年度又は当該分割法人の分割前十年内事業年度開始の日を含む当該内国法人の各事業年度

(i) A business year within ten years prior to the merger prescribed in Article 66-8(3)(i) of the Act (hereinafter referred to as a "business year within ten years prior to the merger" in this paragraph and the next paragraph) of a merged corporation pertaining to a qualified merger or a business year within ten years prior to the company split prescribed in paragraph (3)(ii) of the said Article (hereinafter referred to as a "business year within ten years prior to the company split" through to paragraph (7)) of a split corporation pertaining to a qualified split-off-type company split (excluding a business year within ten years prior to the merger or business year within ten years prior to the company split listed in the next item): The relevant business year of the said domestic corporation including the first day of a business year within ten years prior to the merger of the said merged corporation or the relevant business year of the said domestic corporation including the first day of a business year within ten years prior to the company split of the said split corporation

二 適格合併に係る被合併法人の合併前十年内事業年度のうち当該内国法人の当該適格合併の日を含む事業年度（以下この号において「合併事業年度」という。）開始の日以後に開始したもの又は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のうち当該内国法人の当該適格分割型分割の日を含む事業年度（以下この号において「分割承継事業年度」という。）開始の日以後に開始したもの 当該内国法人の合併事業年度又は分割承継事業年度開始の日の前日を含む事業年度

(ii) A business year within ten years prior to the merger of a merged corporation pertaining to a qualified merger that started on or after the first day of the business year including the day of the said qualified merger of the domestic corporation (hereinafter referred to as the "business year of the merger" in this item) or a business year within ten years prior to the

company split of a split corporation pertaining to a qualified split-off-type company split that started on or after the first day of the business year including the day of the said qualified split-off-type company split of the domestic corporation (hereinafter referred to as the "business year of the split succession" in this item): The business year including the day preceding the first day of the business year of the merger or business year of the split succession of the said domestic corporation

三 適格分社型分割等（法第六十六条の八第三項第三号に規定する適格分社型分割等をいう。以下この項及び第八項において同じ。）に係る分割法人等（分割法人、現物出資法人又は事後設立法人をいう。以下この項及び第八項において同じ。）の同号に規定する分割等前十年内事業年度（以下この条において「分割等前十年内事業年度」という。）（次号に掲げる場合に該当するときの分割等前十年内事業年度及び第五号に掲げる分割等前十年内事業年度を除く。） 当該分割法人等の分割等前十年内事業年度開始の日を含む当該内国法人の各事業年度

(iii) A business year within ten years prior to the company split, etc. prescribed in Article 66-8(3)(iii) of the Act (hereinafter referred to as a "business year within ten years prior to the company split, etc." in this Article) of a split corporation, etc. (meaning a split corporation, corporation making a capital contribution in kind , or corporation effecting post-formation acquisition of assets and/or liabilities ; hereinafter the same shall apply in this paragraph and paragraph (8)) pertaining to a qualified spin-off-type company split, etc. (meaning a qualified spin-off-type company split, etc. prescribed in Article 66-8(3)(iii) of the Act; hereinafter the same shall apply in this paragraph and paragraph (8)) (excluding a business year within ten years prior to the company split when falling under the case listed in the next item and a business year within ten years prior to the company split, etc. listed in item (v)): The relevant business year of the said domestic corporation including the first day of a business year within ten years prior to the company split, etc. of the said split corporation, etc.

四 適格分社型分割等に係る分割法人等の当該適格分社型分割等の日を含む事業年度又は連結事業年度開始の日が当該内国法人の当該適格分社型分割等の日を含む事業年度開始の前日である場合の当該分割法人等の分割等前十年内事業年度 当該分割法人等の分割等前十年内事業年度終了の日を含む当該内国法人の各事業年度

(iv) A business year of a split corporation, etc. pertaining to a qualified spin-off-type company split, etc. that includes the day of the said qualified spin-off-type company split, etc. or a business year within ten years prior to the company split, etc. of the split corporation, etc. where the first day of the consolidated business year is before the first day of the business year of the said domestic corporation that includes the day of the said qualified spin-off-type company split, etc.: The relevant business year of the said domestic corporation including the final day of a business year within ten years prior

to the company split, etc. of the said split corporation, etc.

五 適格分社型分割等に係る分割法人等の分割等前十年内事業年度のうち当該内国法人の当該適格分社型分割等の日を含む事業年度（以下この号において「分割承継等事業年度」という。）開始の日以後に開始したもの 当該内国法人の分割承継等事業年度開始の日の前日を含む事業年度

(v) A business year within ten years prior to the company split, etc. of a split corporation, etc. pertaining to a qualified spin-off-type company split, etc. that started on or after the first day of a business year of the said domestic corporation including the day of the said qualified spin-off-type company split, etc. (hereinafter referred to as the "business year of the split succession, etc." in this item): The relevant business year of the said domestic corporation including the day preceding the first day of the business year of the split succession, etc.

6 法第六十六条の八第三項の内国法人の適格合併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又は各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開始の日（以下この項において「内国法人十年前事業年度開始日」という。）が当該適格合併等に係る被合併法人等の合併前十年内事業年度、分割前十年内事業年度又は分割等前十年内事業年度（以下この項において「被合併法人等前十年内事業年度」という。）のうち最も古い事業年度又は連結事業年度開始の日（二以上の被合併法人等が行う適格合併等にあつては、当該開始の日が最も早い被合併法人等の当該事業年度又は連結事業年度開始の日。以下この項において「被合併法人等十年前事業年度開始日」という。）後である場合には、当該被合併法人等十年前事業年度開始日から当該内国法人十年前事業年度開始日（当該適格合併等が当該内国法人を設立するものである場合にあつては、当該内国法人の当該適格合併等の日を含む事業年度開始の日。以下この項において同じ。）の前日までの期間を当該期間に対応する当該被合併法人等十年前事業年度開始日に係る被合併法人等前十年内事業年度ごとに区分したそれぞれの期間（当該前日を含む期間にあつては、当該被合併法人等の当該前日を含む事業年度又は連結事業年度開始の日から当該内国法人十年前事業年度開始日の前日までの期間）は、当該内国法人のそれぞれの事業年度とみなして、前項の規定を適用する。

(6) In the case where the first day of the oldest business year or consolidated business year out of the relevant business years or consolidated business years that started within ten years prior to the first day of the business year including the day of a qualified merger, etc. of a domestic corporation set forth in Article 66-8(3) of the Act (hereinafter referred to as the "first day of the business year of the domestic corporation ten years before" in this paragraph) falls after the first day of the oldest business year or consolidated business year out of a business year within ten years prior to the merger, business year within ten years prior to the company split or business year within ten years prior to the company split, etc. of a merged corporation(s), etc. pertaining to the said qualified merger, etc. (hereinafter referred to as a "business year of

the merged corporation(s), etc. within the preceding ten years" in this paragraph) (in the case of a qualified merger, etc. made among two or more merged corporations, etc., after the first day of the relevant business year or consolidated business year of the merged corporations, etc. whichever started the earliest; hereinafter referred to as the "first day of the business year of the merged corporations, etc. ten years before" in this paragraph), the provisions of the preceding paragraph shall apply by deeming the respective periods classifying the period between the said first day of the business year of the merged corporations, etc. ten years before and the day preceding the said first day of the business year of the domestic corporation ten years before (in the case where the said domestic corporation is to be established through the said qualified merger, etc., the day preceding the first day of the business year of the domestic corporation including the day of the qualified merger, etc.; hereinafter the same shall apply in this paragraph) by the corresponding business year of the merged corporation(s), etc. within the preceding ten years pertaining to the said first day of the business year of the merged corporations, etc. ten years before (for the period including the said preceding day, the period between the first day of the business year or consolidated business year of the said merged corporation, etc. including the said preceding day and the day preceding the said first day of the business year of the domestic corporation ten years before) to be the relevant business year of the said domestic corporation.

7 法第六十六条の八第三項第二号に規定する政令で定めるところにより計算した金額は、次の各号に掲げる課税済留保金額又は個別課税済留保金額の区分に応じ当該各号に定める金額とする。

(7) The amount calculated as specified by a Cabinet Order prescribed in Article 66-8(3)(ii) of the Act shall be the amount specified respectively in the following items for the category of the taxed amount of retained income or individually taxed amount of retained income listed in the relevant items:

一 課税済留保金額 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の課税済留保金額にイに掲げる第三十九条の十六第三項第一号に規定する請求権勘案保有株式等（以下この条において「請求権勘案保有株式等」という。）のうちにロに掲げる請求権勘案保有株式等の占める割合をそれぞれ乗じて計算した金額

(i) The taxed amount of retained income: The amount obtained by multiplying respectively the taxed amount of retained income for a business year within ten years prior to the company split of a split corporation pertaining to a qualified split-off-type company split by the ratio of the shares, etc. for considering the claims held prescribed in Article 39-16(3)(i) (hereinafter referred to as the "shares, etc. for considering the claims held" in this Article) that are listed in (b) out of the shares, etc. for considering the claims held that are listed in (a):

イ 当該適格分割型分割の直前に当該分割法人が保有する当該特定外国子会社等の

請求権勘案保有株式等

(a) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which the split corporation held immediately prior to the said qualified split-off-type company split

ロ 法第六十六条の八第三項の内国法人が当該適格分割型分割により当該分割法人から移転を受ける当該特定外国子会社等の請求権勘案保有株式等

(b) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which are to be transferred from the split corporation to a domestic corporation as set forth in Article 66-8(3) of the Act through the said qualified split-off-type company split

二 個別課税済留保金額 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の個別課税済留保金額にイに掲げる請求権勘案保有株式等のうちにロに掲げる請求権勘案保有株式等の占める割合をそれぞれ乗じて計算した金額

(ii) The individually taxed amount of retained income: The amount obtained by multiplying respectively the individually taxed amount of retained income for a business year within ten years prior to the company split of a split corporation pertaining to a qualified split-off-type company split by the ratio of the shares, etc. for considering the claims held that are listed in (b) out of the shares, etc. for considering the claims held that are listed in (a):

イ 当該適格分割型分割の直前に当該分割法人が保有する当該特定外国子会社等の請求権勘案保有株式等

(a) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which the split corporation held immediately prior to the said qualified split-off-type company split

ロ 法第六十六条の八第三項の内国法人が当該適格分割型分割により当該分割法人から移転を受ける当該特定外国子会社等の請求権勘案保有株式等

(b) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which are to be transferred from the split corporation to a domestic corporation set forth in Article 66-8(3) of the Act through the said qualified split-off-type company split.

8 法第六十六条の八第三項第三号に規定する政令で定めるところにより計算した金額は、次の各号に掲げる課税済留保金額又は個別課税済留保金額の区分に応じ当該各号に定める金額とする。

(8) The amount calculated as specified by a Cabinet Order prescribed in Article 66-8(3)(iii) of the Act shall be the amount specified respectively in the following items for the category of the taxed amount of retained income or individually taxed amount of retained income listed in the relevant items:

一 課税済留保金額 適格分社型分割等に係る分割法人等の分割等前十年内事業年度の課税済留保金額にイに掲げる請求権勘案保有株式等のうちにロに掲げる請求権勘案保有株式等の占める割合をそれぞれ乗じて計算した金額

(i) The taxed amount of retained income: The amount obtained by multiplying

- respectively the taxed amount of retained income for a business year within ten years prior to the company split, etc. of a split corporation, etc. pertaining to a qualified spin-off-type company split, etc. by the ratio of the shares, etc. for considering the claims held that are listed in (b) out of the shares, etc. for considering the claims held that are listed in (a):
- イ 当該適格分社型分割等の直前に当該分割法人等が保有する当該特定外国子会社等の請求権勘案保有株式等
- (a) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which the split corporation, etc. held immediately prior to the said qualified spin-off-type company split, etc.
- ロ 法第六十六条の八第三項の内国法人が当該適格分社型分割等により当該分割法人等から移転を受ける当該特定外国子会社等の請求権勘案保有株式等
- (b) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which are to be transferred from the split corporation, etc. to a domestic corporation set forth in Article 66-8(3) of the Act through the said qualified spin-off-type company split
- 二 個別課税済留保金額 適格分社型分割等に係る分割法人等の分割等前十年内事業年度の個別課税済留保金額にイに掲げる請求権勘案保有株式等のうちにロに掲げる請求権勘案保有株式等の占める割合をそれぞれ乗じて計算した金額
- (ii) The individually taxed amount of retained income: The amount obtained by multiplying respectively the individually taxed amount of retained income for a business year within ten years prior to the company split, etc. of a split corporation, etc. pertaining to a qualified spin-off-type company split, etc. by the ratio of the shares, etc. for considering the claims held that are listed in (b) out of the shares, etc. for considering the claims held that are listed in (a):
- イ 当該適格分社型分割等の直前に当該分割法人等が保有する当該特定外国子会社等の請求権勘案保有株式等
- (a) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which the split corporation, etc. held immediately prior to the said qualified spin-off-type company split, etc.
- ロ 法第六十六条の八第三項の内国法人が当該適格分社型分割等により当該分割法人等から移転を受ける当該特定外国子会社等の請求権勘案保有株式等
- (b) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which are to be transferred from the split corporation, etc. to a domestic corporation set forth in Article 66-8(3) of the Act through the said qualified spin-off-type company split.
- 9 法第六十六条の八第一項の規定の適用を受けた内国法人の利益積立金額の計算については、同項の規定により損金の額に算入された金額は、法人税法施行令第九条第一項第一号イに規定する所得の金額に含まれるものとする。
- (9) The amount included in deductible expenses pursuant to the provisions of

Article 66-8(1) of the Act shall be included in the amount of income prescribed in Article 9(1)(i)(a) of the Order for Enforcement of the Corporation Tax Act for calculating the amount of profit reserve of a domestic corporation subject to the provisions of Article 66-8(1) of the Act.

(外国関係会社の判定等)

(Determination, etc. of Affiliated Foreign Companies)

第三十九条の二十 法第六十六条の六第一項の場合において、外国法人が外国関係会社に該当するかどうかの判定は、当該外国法人の各事業年度終了の時の現況によるものとし、内国法人が同項各号に掲げる法人に該当するかどうかの判定は、これらの法人に係る外国関係会社の各事業年度終了の時の現況による。

Article 39-20 (1) In the case referred to in Article 66-6(1) of the Act, whether or not a foreign corporation falls under the category of an affiliated foreign company shall be determined according to its status at the end of the relevant business year of the said foreign corporation and whether or not a domestic corporation falls under the category of a corporation listed in the items of the said paragraph shall be determined according to its status at the end of the relevant business year of an affiliated foreign company related to such corporation.

2 法第六十六条の六第一項各号に掲げる内国法人が当該内国法人に係る外国関係会社の各事業年度終了の日以後二月を経過する日までの間に合併により解散した場合には、その有する当該外国関係会社の同条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。）でその合併に係る合併法人に引き継がれたものは、その合併法人が当該外国関係会社の各事業年度終了の日において有する直接及び間接保有の株式等の数とみなす。

(2) Where a domestic corporation listed in the items of Article 66-6(1) of the Act has been dissolved through a merger by the day on which two months have elapsed after the final day of the relevant business year of an affiliated foreign company related to the said domestic corporation, the number of the shares, etc. of the said affiliated foreign company prescribed in paragraph (2)(iii) of the said Article which were directly and indirectly held by the domestic corporation (hereinafter referred to as the "number of the shares, etc. directly and indirectly held" in this paragraph) and which have been succeeded to by the merging corporation pertaining to the merger shall be deemed to be the number of the shares, etc. directly and indirectly held by the merging corporation on the final day of the relevant business year of the said affiliated foreign company.

3 法第六十六条の六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益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ないものとする。

(3) The amount included in the gross profits of a domestic corporation subject to

the provisions of Article 66-6(1) of the Act, pursuant to the provisions of the said paragraph, shall not be included in the amount of income, etc. prescribed in the provisions of Article 67(3) and (5) of the Corporation Tax Act for applying these provisions.

4 法第六十六条の六第一項の規定の適用を受けた内国法人の利益積立金額の計算については、同項の規定により益金の額に算入された金額は、法人税法施行令第九条第一項第一号イに規定する所得の金額に含まれないものとする。

(4) The amount included in the gross profits pursuant to the provisions of Article 66-6(1) of the Act shall not be included in the amount of income prescribed in Article 9(1)(i)(a) of the Order for Enforcement of the Corporation Tax Act for calculating the amount of profit reserve of a domestic corporation subject to the provisions of Article 66-6(1) of the Act.

(特殊関係株主等の範囲等)

(Scope, etc. of Specially-related Shareholders, etc.)

第三十九条の二十の八 法第六十六条の九の六第一項に規定する政令で定める特殊の関係のある個人は、次に掲げる個人とする。

Article 39-20-8 (1) An individual who has a special relationship specified by a Cabinet Order prescribed in Article 66-9-6(1) of the Act shall be any of the following:

一 特定株主等（法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。以下この項及び次項において同じ。）に該当する個人と法人税法施行令第四条第一項に規定する特殊の関係のある個人

(i) An individual who has a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with an individual falling under the category of a specially-related shareholder, etc. (meaning a specially-related shareholder, etc. prescribed in Article 66-9-6(2)(i) of the Act; hereinafter the same shall apply in this paragraph and the next paragraph)

二 特定株主等に該当する法人の役員（法人税法第二条第十五号に規定する役員をいう。以下この節において同じ。）

(ii) An officer (meaning an officer prescribed in Article 2(xv) of the Corporation Tax Act; hereinafter the same shall apply in this Section) of a corporation falling under the category of a specially-related shareholder, etc.

三 特殊関係内国法人（法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。以下この節において同じ。）の役員

(iii) An officer of a specially-related domestic corporation (meaning a specially-related domestic corporation prescribed in Article 66-9-6(2)(ii) of the Act; hereinafter the same shall apply in this Section)

四 前二号に掲げる役員に係る法人税法施行令第七十二条の三各号に掲げる者

(iv) A person listed in the items of Article 72-3 of the Order for Enforcement of the Corporation Tax Act related to an officer listed in the preceding two items.

2 法第六十六条の九の六第一項に規定する政令で定める特殊の関係のある法人は、次に掲げる法人とする。

(2) A corporation which has a special relationship specified by a Cabinet Order prescribed in Article 66-9-6(1) of the Act shall be any of the following:

一 特定株主等の一人（個人である特定株主等については、その一人及びこれと前項第一号に規定する特殊の関係のある個人。以下この項において同じ。）が他の法人を支配している場合における当該他の法人

(i) Where one of the specially-related shareholders, etc. (regarding a specially-related shareholder, etc. who is an individual, the said specially-related shareholder, etc. and an individual who has a special relationship with him/her as prescribed in item (i) of the preceding paragraph; hereinafter the same shall apply in this paragraph) governs any other corporation, the said other corporation

二 特定株主等の一人及びこれと前号に規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(ii) Where one of the specially-related shareholders, etc. and a corporation which has a special relationship with him/her as prescribed in the preceding item govern any other corporation, the said other corporation

三 特定株主等の一人及びこれと前二号に規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(iii) Where one of the specially-related shareholders, etc. and a corporation which has a special relationship with him/her as prescribed in the preceding two items govern any other corporation, the said other corporation.

3 法人税法施行令第四条第三項及び第四項の規定は、前項の規定を適用する場合について準用する。

(3) The provisions of Article 4(3) and (4) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis where the provisions of the preceding paragraph shall apply.

4 法第六十六条の九の六第一項に規定する政令で定める関係は、同項に規定する特殊関係株主等（以下この節において「特殊関係株主等」という。）と特殊関係内国法人との間に特殊関係株主等の特殊関係内国法人に係る間接保有株式等保有割合（次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）をいう。）が百分の八十以上である関係がある場合における当該関係とする。

(4) The relationship specified by a Cabinet Order prescribed in Article 66-9-6(1) of the Act shall be the relevant relationship in the case where a specially-related shareholder, etc. prescribed in the said paragraph (hereinafter referred

to as a "specially-related shareholder, etc." in this Section) and a specially-related domestic corporation have a relationship where the ratio of the shares, etc. indirectly held by the specially-related shareholder, etc. pertaining to the specially-related domestic corporation (meaning the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows)) is 80 percent or more:

一 特殊関係内国法人の株主等（法人税法第二条第十四号に規定する株主等をいう。以下この節において同じ。）である外国法人（特殊関係株主等に該当するものを除く。以下この号において同じ。）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。）の総数又は総額（以下この節において「発行済株式等」という。）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。以下この節において同じ。）が特殊関係株主等によつて所有されている場合 当該株主等である外国法人の有する特殊関係内国法人の株式等の数又は金額が当該特殊関係内国法人の発行済株式等のうちに占める割合（当該株主等である外国法人が二以上ある場合には、当該二以上の株主等である外国法人につきそれぞれ計算した割合の合計割合）

(i) Where out of the total number or total amount of shares or capital contributions issued by a foreign corporation (excluding that falling under the category of a specially-related shareholder, etc.; hereinafter the same shall apply in this item) which is a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2(xiv) of the Corporation Tax Act; hereinafter the same shall apply in this Section) of a specially-related domestic corporation (such issued shares or capital contributions shall exclude those held on their own by the said foreign corporation and the total number or total amount of such issued shares or capital contributions shall be referred to as the "issued shares, etc." in this Section), a specially-related shareholder, etc. holds 80 percent or more of the number or the amount of such shares, etc. (meaning shares or capital contributions; hereinafter the same shall apply in this Section): The ratio of the number or the amount of the shares, etc. of the specially-related domestic corporation held by the said foreign corporation which is a shareholder, etc. out of the total issued shares, etc. of the said specially-related domestic corporation (where there are two or more such foreign corporations which are shareholders, etc., the sum of the ratios calculated for each of them)

二 特殊関係内国法人の株主等である法人（前号に掲げる場合に該当する同号の株主等である外国法人及び特殊関係株主等に該当する法人を除く。）と特殊関係株主等との間にこれらの者と株式等の所有を通じて連鎖関係にある一又は二以上の法人（当該株主等である法人が内国法人であり、かつ、当該一又は二以上の法人のすべてが内国法人である場合の当該一又は二以上の内国法人及び特殊関係株主等に該当する法人を除く。以下この号において「出資関連法人」という。）が介在している

場合（出資関連法人及び当該株主等である法人がそれぞれその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特殊関係株主等又は出資関連法人（その発行済株式等の百分の八十以上の数又は金額の株式等が特殊関係株主等又は他の出資関連法人によつて所有されているものに限る。）によつて所有されている場合に限る。） 当該株主等である法人の有する特殊関係内国法人の株式等の数又は金額が当該特殊関係内国法人の発行済株式等のうちに占める割合（当該株主等である法人が二以上ある場合には、当該二以上の株主等である法人につきそれぞれ計算した割合の合計割合）

(ii) Where a single corporation or two or more corporations intervene(s) between a corporation which is a shareholder, etc. of a specially-related domestic corporation (excluding a foreign corporation which is a shareholder, etc. set forth in the preceding item falling under the case listed in the said item and a corporation falling under the category of a specially-related shareholder, etc.) and a specially-related shareholder, etc. and has(have) a linkage with them through holding the shares, etc. (where the said corporation which is a shareholder, etc. is a domestic corporation and the said intervening corporation(s) is a (are all) domestic corporation(s), excluding the said domestic corporation(s) and a corporation falling under the category of a specially-related shareholder, etc.; hereinafter referred to as a "capital contribution-related corporation(s)" in this item) (limited to the case where 80 percent or more of the number or the amount of the issued shares, etc. of each of a capital contribution-related corporation(s) and the said corporation which is a shareholder, etc. are held by a specially-related shareholder, etc. or a capital contribution-related corporation(s) (such specially-related shareholder, etc. or capital contribution-related foreign corporation(s) shall be limited to those 80 percent or more of the number or the amount of whose issued shares, etc. are held by a specially-related shareholder, etc. or other capital contribution-related corporation(s)): The ratio of the number or the amount of the shares, etc. of a specially-related domestic corporation held by the said corporation which is a shareholder, etc. out of the total issued shares, etc. of the said specially-related domestic corporation (where there are two or more such corporations which are shareholders, etc., the sum of the ratios calculated for each of them).

5 法第六十六条の九の六第一項に規定する政令で定める外国法人は、次に掲げる外国法人とする。

(5) A foreign corporation specified by a Cabinet Order prescribed in Article 66-9-6(1) of the Act shall be any of the following:

一 前項に規定する間接保有株式等保有割合が百分の八十以上である場合における同項第一号に規定する株主等である外国法人に該当する外国法人

(i) A foreign corporation falling under the category of a foreign corporation which is a shareholder, etc. prescribed in item (i) of the preceding paragraph,

where the ratio of the shares, etc. held indirectly as prescribed in the preceding paragraph is 80 percent or more

二 前項に規定する間接保有株式等保有割合が百分の八十以上である場合における同項第二号に規定する株主等である法人に該当する外国法人及び同号に規定する出資関連法人に該当する外国法人

(ii) A foreign corporation falling under the category of a foreign corporation which is a shareholder, etc. prescribed in item (ii) of the preceding paragraph and a foreign corporation falling under the category of a capital contribution-related corporation prescribed in the said item, where the ratio of the shares, etc. held indirectly as prescribed in the preceding paragraph is 80 percent or more

三 前二号に掲げる外国法人がその発行済株式等の百分の五十を超える数又は金額の株式等を直接又は間接に保有する外国法人（前二号に掲げる外国法人に該当するもの及び特殊関係株主等に該当するものを除く。）

(iii) A foreign corporation, over 50 percent of the number or the amount of whose issued shares, etc. are held directly or indirectly by a foreign corporation listed in the preceding two items (excluding a foreign corporation falling under the category of a foreign corporation listed in the preceding two items and a foreign corporation falling under the category of a specially-related shareholder, etc.).

6 前項第三号において発行済株式等の百分の五十を超える数又は金額の株式等を直接又は間接に保有するかどうかの判定は、同項第一号及び第二号に掲げる外国法人の他の外国法人（同項第一号又は第二号に掲げる外国法人に該当するもの及び特殊関係株主等に該当するものを除く。以下この項において同じ。）に係る直接保有株式等保有割合（前項第一号及び第二号に掲げる外国法人の有する他の外国法人の株式等の数又は金額が当該他の外国法人の発行済株式等のうちに占める割合をいう。）と同項第一号及び第二号に掲げる外国法人の当該他の外国法人に係る間接保有株式等保有割合（次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）をいう。）とを合計した割合により行うものとする。

(6) In item (iii) of the preceding paragraph, whether or not a foreign corporation directly or indirectly holds over 50 percent of the issued shares, etc. shall be determined based on the sum of the ratio of the shares, etc. held directly by a foreign corporation listed in item (i) and item (ii) of the said paragraph pertaining to any other foreign corporation (excluding a foreign corporation falling under the category of a foreign corporation listed in item (i) or item (ii) of the said paragraph and a foreign corporation falling under the category of a specially-related shareholder, etc.; hereinafter the same shall apply in this paragraph) (such ratio of the shares, etc. held directly shall mean the ratio of the number or the amount of the shares, etc. of any other foreign corporation held by a foreign corporation listed in item (i) and item (ii) of the preceding

paragraph out of the total issued shares, etc. of the said other foreign corporation) and the ratio of the shares, etc. held indirectly by a foreign corporation listed in item (i) and item (ii) of the said paragraph pertaining to the said other foreign corporation (such ratio of the shares, etc. held indirectly shall mean the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows)):

一 当該他の外国法人の株主等である外国法人の発行済株式等の百分の五十を超える数又は金額の株式等が前項第一号及び第二号に掲げる外国法人によつて所有されている場合 当該株主等である外国法人の有する当該他の外国法人の株式等の数又は金額が当該他の外国法人の発行済株式等のうちに占める割合（当該株主等である外国法人が二以上ある場合には、当該二以上の株主等である外国法人につきそれぞれ計算した割合の合計割合）

(i) Where a foreign corporation listed in item (i) and item (ii) of the preceding paragraph holds over 50 percent of the number or the amount of the issued shares, etc. of a foreign corporation which is a shareholder, etc. of the said other foreign corporation: The ratio of the number or the amount of the shares, etc. of the said other foreign corporation held by the said foreign corporation which is a shareholder, etc. out of the total issued shares, etc. of the said other foreign corporation (where there are two or more such foreign corporations which are shareholders, etc., the sum of the ratios calculated for each of them)

二 当該他の外国法人の株主等である外国法人（前号に掲げる場合に該当する同号の株主等である外国法人を除く。）と前項第一号及び第二号に掲げる外国法人との間にこれらの者と株式等の所有を通じて連鎖関係にある一又は二以上の外国法人（以下この号において「出資関連外国法人」という。）が介在している場合（出資関連外国法人及び当該株主等である外国法人がそれぞれその発行済株式等の百分の五十を超える数又は金額の株式等を同項第一号及び第二号に掲げる外国法人又は出資関連外国法人（その発行済株式等の百分の五十を超える数又は金額の株式等が同項第一号及び第二号に掲げる外国法人又は他の出資関連外国法人によつて所有されているものに限る。）によつて所有されている場合に限る。） 当該株主等である外国法人の有する当該他の外国法人の株式等の数又は金額が当該他の外国法人の発行済株式等のうちに占める割合（当該株主等である外国法人が二以上ある場合には、当該二以上の株主等である外国法人につきそれぞれ計算した割合の合計割合）

(ii) Where a single foreign corporation or two or more foreign corporations intervene(s) between a foreign corporation which is a shareholder, etc. of the said other foreign corporation (excluding a foreign corporation which is a shareholder, etc. set forth in the preceding item falling under the case listed in the said item) and a foreign corporation listed in item (i) and item (ii) of the preceding paragraph and has(have) a linkage with them through holding the shares, etc. (hereinafter referred to as a "capital contribution-related

foreign corporation(s)" in this item) (limited to the case where over 50 percent of the number or the amount of the issued shares, etc. of each of a capital contribution-related foreign corporation(s) and the said foreign corporation which is a shareholder, etc. are held by a foreign corporation listed in item (i) and item (ii) of the said paragraph or a capital contribution-related foreign corporation(s) (such foreign corporation or capital contribution-related foreign corporation(s) shall be limited to those over 50 percent of the number or the amount of whose issued shares, etc. are held by a foreign corporation listed in item (i) and item (ii) of the said paragraph or other capital contribution-related corporation(s)): The ratio of the number or the amount of the shares, etc. of the said other foreign corporation held by the said foreign corporation which is a shareholder, etc. out of the total issued shares, etc. of the said other foreign corporation (where there are two or more such foreign corporations which are shareholders, etc., the sum of the ratios calculated for each of them).

7 法第六十六条の九の六第一項に規定する政令で定める外国関係法人は、次に掲げるものとする。

(7) An affiliated foreign corporation specified by a Cabinet Order prescribed in Article 66-9-6(1) of the Act shall be any of the following:

一 法人の所得に対して課される税が存在しない国又は地域に本店又は主たる事務所を有する外国関係法人（法第六十六条の九の六第一項に規定する外国関係法人をいう。以下この節において同じ。）

(i) An affiliated foreign corporation (meaning an affiliated foreign corporation prescribed in Article 66-9-6(1) of the Act; hereinafter the same shall apply in this Section) which has its head office or principal office in a state or territory where there are no taxes imposed on corporate income

二 その各事業年度の所得に対して課される租税の額が当該所得の金額の百分の二十五以下である外国関係法人

(ii) An affiliated foreign corporation whose tax imposed on its income for the relevant business year is 25 percent or less of the said income.

8 第三十九条の十四第二項の規定は、外国関係法人が前項第二号の外国関係法人に該当するかどうかの判定について準用する。

(8) The provisions of Article 39-14(2) shall apply mutatis mutandis to the determination as to whether or not an affiliated foreign corporation falls under the category of an affiliated foreign corporation set forth in item (ii) of the preceding paragraph.

9 法第六十六条の九の六第二項第一号に規定する政令で定める特殊の関係のある個人は、内国法人の株主等と法人税法施行令第四条第一項に規定する特殊の関係のある個人とする。

(9) An individual who has a special relationship specified by a Cabinet Order prescribed in Article 66-9-6(2)(i) of the Act shall be an individual who has a

special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with a shareholder, etc. of a domestic corporation.

10 法第六十六条の九の六第二項第一号に規定する政令で定める特殊の関係のある法人は、次に掲げる法人とする。

(10) A corporation which has a special relationship specified by a Cabinet Order prescribed in Article 66-9-6(2)(i) of the Act shall be any of the following:

一 内国法人の株主等（当該内国法人が自己の株式等を有する場合の当該内国法人を除く。以下この項において「判定株主等」という。）の一人（個人である判定株主等については、その一人及びこれと前項に規定する特殊の関係のある個人。以下この項において同じ。）が他の法人を支配している場合における当該他の法人

(i) Where one of the shareholders, etc. of a domestic corporation (where the said domestic corporation holds its own shares, etc., excluding the said domestic corporation; hereinafter referred to as a "determined shareholder, etc." in this paragraph) (regarding a determined shareholder, etc. who is an individual, the said determined shareholder, etc. and an individual who has a special relationship with him/her as prescribed in the preceding paragraph; hereinafter the same shall apply in this paragraph) governs any other corporation, the said other corporation

二 判定株主等の一人及びこれと前号に規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(ii) Where one of the determined shareholders, etc. and a corporation which has a special relationship with him/her as prescribed in the preceding item govern any other corporation, the said other corporation

三 判定株主等の一人及びこれと前二号に規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(iii) Where one of the determined shareholders, etc. and a corporation which has a special relationship with him/her as prescribed in the preceding two items govern any other corporation, the said other corporation.

11 法人税法施行令第四条第三項及び第四項の規定は、前項の規定を適用する場合について準用する。

(11) The provisions of Article 4(3) and (4) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis where the provisions of the preceding paragraph shall apply.

12 法第六十六条の九の六第二項第二号に規定する政令で定める内国法人は、合併、分割、事業の譲渡その他の事由（以下この項において「特定事由」という。）により、同号に規定する特定内国法人の当該特定事由の直前の資産及び負債のおおむね全部の移転を受けた内国法人とする。

(12) A domestic corporation specified by a Cabinet Order prescribed in Article 66-9-6(2)(ii) of the Act shall be a domestic corporation which has received the transfer of almost all the assets and liabilities of a specified domestic corporation prescribed in the said item immediately prior to a merger, split,

transfer of business or for other reasons (hereinafter referred to as "specified reasons" in this paragraph) due to the said specified reasons.

(特定外国法人の未処分所得の金額の計算)

(Calculation of Undistributed Income of Specified Foreign Corporations)

第三十九条の二十の九 法第六十六条の九の六第二項第三号に規定する政令で定める基準により計算した金額は、同条第一項に規定する特定外国法人（以下この条並びに次条第一項及び第二項において「特定外国法人」という。）の各事業年度の決算に基づく所得の金額につき、第三十九条の十五第一項若しくは第二項又は同条第三項の規定の例により計算した金額とする。

Article 39-20-9 (1) The amount of undistributed income calculated in accordance with the standards specified by a Cabinet Order prescribed in Article 66-9-6(2)(iii) of the Act shall be the amount calculated, pursuant to the provisions of Article 39-15(1) or (2) or paragraph (3) of the said Article, with regard to the income of a specified foreign corporation prescribed in Article 66-9-6(1) of the Act (hereinafter referred to as a "specified foreign corporation" in this Article and paragraph (1) and paragraph (2) of the next Article) in its settlement of accounts for the relevant business year.

2 法第六十六条の九の六第二項第三号に規定する欠損の金額に係る調整を加えた金額は、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、前項の規定により計算した金額（以下この項において「調整所得金額」という。）から当該各事業年度開始の日前七年以内に開始した事業年度（平成十九年十月一日前に開始した事業年度及び特定外国法人（法第四十条の十第一項又は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を含む。）に該当しなかつた事業年度を除く。）において生じた欠損金額（この項又は第三十九条の百二十の九第二項の規定により当該各事業年度前の事業年度において控除されたものを除く。）の合計額（当該合計額が当該各事業年度の調整所得金額を超える場合には、当該調整所得金額）に相当する金額を控除した金額とする。

(2) The amount obtained as a result of an adjustment for the amount of a loss prescribed in Article 66-9-6(2)(iii) of the Act shall be the amount obtained by calculating the amount of income, pursuant to the provisions of the preceding paragraph, with regard to the income of a specified foreign corporation in its settlement of accounts for the relevant business year (hereinafter referred to as the "amount of adjusted income" in this paragraph) and then deducting therefrom the amount equivalent to the sum of the loss incurred in business years that commenced within seven years preceding the first day of the relevant business year (excluding a business year that commenced before October 1, 2007 and a business year during which the corporation did not fall under the category of a specified foreign corporation (including a specified foreign corporation prescribed in Article 40-10(1) or Article 68-93-6(1) of the Act)) (such loss shall exclude the amount deducted in business years preceding

the said relevant business year pursuant to the provisions of this paragraph or Article 39-120-9(2)) (where the said sum of the loss exceeds the amount of adjusted income for the relevant business year, the said amount of adjusted income).

3 前項に規定する欠損金額とは、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いて、第一項の規定により計算した場合に算出される欠損の金額をいう。

(3) A loss prescribed in the preceding paragraph shall be a loss calculated with regard to the amount of income of a specified foreign corporation in its settlement of accounts for the relevant business year, where the calculation has been made pursuant to the provisions of paragraph (1).

4 第三十九条の十五第七項及び第八項の規定は、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、同条第一項又は第二項の規定の例により計算する場合について準用する。

(4) The provisions of Article 39-15(7) and (8) shall apply mutatis mutandis where the amount of income of a specified foreign corporation in its settlement of accounts for the relevant business year is calculated pursuant to the provisions of paragraph (1) or paragraph (2) of the said Article.

(特定外国法人の課税対象留保金額の計算等)

(Calculation, etc. of the Amount of Taxable Retained Income of Specified Foreign Corporations)

第三十九条の二十の十 法第六十六条の九の六第一項の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の額に関する調整を加えた金額は、特定外国法人の各事業年度の同条第二項第三号に規定する未処分所得の金額につき、第三十九条の十六第一項の規定の例により計算した金額とする。

Article 39-20-10 (1) The amount obtained as a result of an adjustment to the amount of undistributed income set forth in Article 66-9-6(1) of the Act for the amount of taxes and a dividend of surplus, etc. on the said undistributed income shall be the amount calculated with regard to the amount of undistributed income prescribed in Article 66-9-6(2)(iii) of the Act for the relevant business year of a specified foreign corporation, pursuant to the provisions of Article 39-16(1).

2 法第六十六条の九の六第一項に規定する政令で定めるところにより計算した金額は、特殊関係株主等である内国法人に係る特定外国法人の各事業年度の適用対象留保金額（同項に規定する適用対象留保金額をいう。以下この節において同じ。）につき、第三十九条の十六第二項から第四項までの規定の例により計算した金額とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article 66-9-6(1) of the Act shall be the amount calculated with regard to the eligible retained income (meaning the eligible retained income prescribed in the said paragraph; hereinafter the same shall apply in this Section) for the relevant business year of a specified foreign corporation related to a domestic

corporation which is a specially-related shareholder, etc., pursuant to the provisions of Article 39-16(2) to (4).

3 第三十九条の十六第五項の規定は、法第六十六条の九の六第二項第四号に規定する間接に有するものとして政令で定める外国法人の株式の数又は出資の金額について準用する。この場合において、第三十九条の十六第五項第一号中「一部が個人」とあるのは「一部が居住者（法第二条第一項第一号の二に規定する居住者をいう。以下この項において同じ。）」と、「当該個人」とあるのは「当該居住者」と、同項第二号中「個人」とあるのは「居住者」と読み替えるものとする。

(3) The provisions of Article 39-16(5) shall apply mutatis mutandis to the number of shares or the amount of capital contributions of a foreign corporation specified by a Cabinet Order as being held indirectly as prescribed in Article 66-9-6(2)(iv) of the Act. In this case, in Article 39-16(5)(i), the term "an individual" shall be deemed to be replaced with "a resident (meaning a resident prescribed in Article 2(1)(i)-2 of the Act; hereinafter the same shall apply in this paragraph);" the term "the said individual" shall be deemed to be replaced with "the said resident;" and in item (ii) of the said paragraph, the term "an individual" shall be deemed to be replaced with "a resident;" and the term "the said individual" shall be deemed to be replaced with "the said resident."

4 法第六十六条の九の六第三項の規定により読み替えて適用する同条第一項の政令で定める費用の額は、同条第三項に規定する特定外国法人の事業に従事する当該特定外国法人の役員及び使用人に係る人件費の額の合計額につき、第三十九条の十六第十項の規定の例により計算した金額とする。

(4) The amount of expenses specified by a Cabinet Order set forth in Article 66-9-6(1) of the Act which is applied by replacing the terms pursuant to the provisions of paragraph (3) of the said Article shall be the amount calculated with regard to the sum of personnel expenses for officers and employees of a specified foreign corporation engaged in the business of the said specified foreign corporation prescribed in paragraph (3) of the said Article, pursuant to the provisions of Article 39-16(10).

(特定外国法人の事業の判定等)

(Determination, etc. of Business of Specified Foreign Corporations)

第三十九条の二十の十一 法第六十六条の九の六第四項第一号に規定する政令で定める者は、次に掲げる者とする。

Article 39-20-11 (1) The person specified by a Cabinet Order prescribed in Article 66-9-6(4)(i) of the Act shall be any of the following:

一 法第六十六条の九の六第四項第一号に掲げる事業を主として行う同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。）に係る特殊関係株主等に該当する連結法人との間に連結完全支配関係がある他の連結法人（当該特定外国法人に係る特殊関係株主等に該当する者を除く。）

(i) Other consolidated corporations which have the consolidated full controlling

- interest with a consolidated corporation falling under the category of a specially-related shareholder, etc. which pertains to a specified foreign corporation prescribed in Article 66-9-6(4) of the Act (hereinafter referred to as a "specified foreign corporation" in this paragraph) mainly engaged in the business listed in item (i) of the said paragraph (such other consolidated corporations shall exclude those falling under the category of specially-related shareholders, etc. pertaining to the said specified foreign corporation)
- 二 法第六十六条の九の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に該当する法人の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国法人に係る特殊関係株主等に該当する者及び前号に掲げる者に該当する者を除く。）
- (ii) A person who holds over 50 percent of the number or the amount of the total issued shares, etc. of a corporation falling under the category of a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Article 66-9-6(4)(i) of the Act (excluding a person falling under the category of a specially-related shareholder, etc. pertaining to the said specified foreign corporation and a person falling under the category of persons listed in the preceding item)
- 三 法第六十六条の九の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に該当する連結法人（当該連結法人が連結子法人である場合には、当該連結法人に係る連結親法人）の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国法人に係る特殊関係株主等に該当する者及び前二号に掲げる者に該当する者を除く。）
- (iii) A person who holds over 50 percent of the number or the amount of the total issued shares, etc. of a consolidated corporation falling under the category of a specially-related shareholder, etc. (where the said consolidated corporation is a consolidated subsidiary corporation, a consolidated parent corporation related to the said consolidated corporation) which pertains to a specified foreign corporation mainly engaged in the business listed in Article 66-9-6(4)(i) of the Act (excluding a person falling under the category of a specially-related shareholder, etc. pertaining to the said specified foreign corporation and a person falling under the category of persons listed in the preceding two items)
- 四 法第六十六条の九の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に係る外国関係法人
- (iv) An affiliated foreign corporation related to a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Article 66-9-6(4)(i) of the Act
- 五 法第六十六条の九の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等と特殊関係内国法人との間に介在する第三十九条の二十の八第四項第二号に規定する株主等である法人又は出資関連法人（第一号又は前号に掲げ

る者に該当する者を除く。)

- (v) A corporation which is a shareholder, etc. prescribed in Article 39-20-8(4)(ii) or capital contribution-related corporation(s) which intervene(s) between a specially-related domestic corporation and a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Article 66-9-6(4)(i) of the Act (excluding a person falling under the category of persons listed in item (i) or the preceding item)

六 次に掲げる者と法第六十六条の九の六第二項第一号に規定する政令で定める特殊の関係のある者（同条第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係内国法人に該当する者及び特殊関係株主等に該当する者並びに前各号に掲げる者に該当する者を除く。）

- (vi) A person who has a special relationship specified by a Cabinet Order prescribed in Article 66-9-6(2)(i) of the Act with those listed as follows (excluding a person falling under the category of a specially-related domestic corporation pertaining to a specified foreign corporation mainly engaged in the business listed in Article 66-9-6(4)(i) of the Act, a person falling under the category of a specially-related shareholder, etc. and a person falling under the category of persons listed in the preceding items):

イ 法第六十六条の九の六第四項第一号に掲げる事業を主として行う特定外国法人

- (a) A specified foreign corporation mainly engaged in the business listed in Article 66-9-6(4)(i) of the Act

ロ 法第六十六条の九の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係内国法人

- (b) A specially-related domestic corporation pertaining to a specified foreign corporation mainly engaged in the business listed in Article 66-9-6(4)(i) of the Act

ハ 法第六十六条の九の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に該当する個人又は法人

- (c) An individual or corporation falling under the category of a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Article 66-9-6(4)(i) of the Act

ニ 前各号に掲げる者

- (d) Those listed in the preceding items.

2 第三十九条の十七第二項及び第三項の規定は、法第六十六条の九の六第四項第一号に規定する政令で定める場合について準用する。この場合において、第三十九条の十七第二項第一号中「法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前項各号」とあるのは、「法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、同条第一項に規定する特殊関係株主等及び第三十九条の二十の十一第一項各号」と読み替えるものとする。

- (2) The provisions of Article 39-17(2) and (3) shall apply mutatis mutandis to the case specified by a Cabinet Order prescribed in Article 66-9-6(4)(i) of the Act.

In this case, the term "those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding items" in Article 39-17(2)(i) shall be deemed to be replaced with "a specially-related domestic corporation prescribed in Article 66-9-6(2)(ii) of the Act, specially-related shareholder, etc. prescribed in paragraph (1) of the said Article and those listed in the items of Article 39-20-11(1)."

3 第三十九条の十七第五項の規定は、法第六十六条の九の六第四項第二号に規定する政令で定める場合について準用する。

(3) The provisions of Article 39-17(5) shall apply mutatis mutandis to the case specified by a Cabinet Order prescribed in Article 66-9-6(4)(ii) of the Act.

(特定外国法人の課税対象留保金額に係る外国法人税額の計算等)

(Calculation, etc. of Foreign Corporation Tax on Taxable Retained Income of Specified Foreign Corporations)

第三十九条の二十の十二 法第六十六条の九の七第一項に規定する政令で定めるところにより計算した金額は、同項に規定する特定外国法人（第三項において「特定外国法人」という。）の適用対象留保金額を有する事業年度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。第三項において同じ。）の額につき、第三十九条の十八第一項の規定の例により計算した金額とする。

Article 39-20-12 (1) The amount calculated as specified by a Cabinet Order prescribed in Article 66-9-7(1) of the Act shall be the amount calculated, pursuant to the provisions of Article 39-18(1), with regard to 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 paragraph (3)) to be imposed on a specified foreign corporation prescribed in Article 66-9-7(1) of the Act (referred to as a "specified foreign corporation" in paragraph (3)) on its income for a business year containing eligible retained income.

2 法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する法人税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とみなして同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場合におけるこれらの規定の適用に関する事項については、第三十九条の十八第二項から第十項まで及び第十二項から第十七項までの規定の例による。

(2) In the case where the provisions of Article 69(1) to (7), (10) and (15) to (18) of the Corporation Tax Act are applied by deeming the calculated amount to be the amount of creditable foreign corporation tax prescribed in paragraph (1) of the said Article payable by a domestic corporation that is a specially-related shareholder, etc. pursuant to the provisions of Article 66-9-7(1) of the Act, the matters concerning the application of these provisions shall be as prescribed in the provisions of Article 39-18(2) to (10) and (12) to (17).

3 法第六十六条の九の七第三項に規定する政令で定める事業年度は、特定外国法人の所得に対して課された外国法人税の額が前項の規定によりその例によるものとされる

第三十九条の十八第三項各号のいずれに該当するかに応じ当該各号に定める事業年度とする。

- (3) The business year specified by a Cabinet Order prescribed in Article 66-9-7(3) of the Act shall be the business year specified respectively in the items of Article 39-18(3), in accordance with the category of the amount of foreign corporation tax imposed on the income of a specified foreign corporation.

(特定外国法人の課税済配当等の額の計算)

(Calculation of Taxed Amount of Dividend, etc. of Specified Foreign Corporations)

第三十九条の二十の十三 法第六十六条の九の八第一項に規定する外国関係法人のうち政令で定めるものは、同項に規定する特定外国法人（以下第三項までにおいて「特定外国法人」という。）に係る控除未済課税済配当等の額（特定外国法人の各事業年度の適用対象留保金額につき第三十九条の二十の十第二項の規定により第三十九条の十六第二項から第四項までの規定の例により計算する場合の同条第三項第三号に規定する控除未済課税済配当等の額をいう。）を有する外国関係法人とする。

Article 39-20-13 (1) The affiliated foreign corporation prescribed in Article 66-9-8(1) of the Act which is specified by a Cabinet Order shall be one of the affiliated foreign corporations which holds the taxed amount of a dividend, etc. before deduction pertaining to a specified foreign corporation prescribed in Article 66-9-8(1) of the Act (hereinafter referred to as a "specified foreign corporation" through to paragraph (3)) (such taxed amount of a dividend, etc. before deduction shall mean the taxed amount of a dividend, etc. before deduction prescribed in Article 39-16(3)(iii), when calculating the amount of eligible retained income for the relevant business year of a specified foreign corporation as prescribed in Article 39-16(2) to (4), pursuant to the provisions of Article 39-20-10(2)).

2 法第六十六条の九の八第一項に規定する政令で定めるところにより計算した金額は、同項に規定する特殊関係株主等である内国法人に係る特定外国法人又は当該内国法人に係る外国関係法人につき同項各号に掲げる事実が生じた場合における同項各号に定める金額につき、第三十九条の十九第二項及び第三項の規定の例により計算した金額とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article 66-9-8(1) of the Act shall be the amount obtained by calculating the amount specified in the items of the said paragraph, where an event listed in the items of the said paragraph has occurred, with regard to a specified foreign corporation related to a domestic corporation which is a specially-related shareholder, etc. or an affiliated foreign corporation related to the said domestic corporation as prescribed in the said paragraph, pursuant to the provisions of Article 39-19(2) and (3).

3 法第六十六条の九の八第一項に規定する特殊関係株主等である内国法人が当該内国

法人に係る特定外国法人に係る同項に規定する課税済留保金額及び当該内国法人に係る法第六十六条の六第一項に規定する特定外国子会社等（当該特定外国法人と同一の外国法人に限る。）に係る法第六十六条の八第一項に規定する課税済留保金額を有する場合には、法第六十六条の九の八第一項に規定する政令で定めるところにより計算した金額は、同項各号に定める金額から法第六十六条の八第一項の規定により損金の額に算入される金額を控除した残額を基礎として前項の規定により計算した金額を限度とする。

(3) In the case where a domestic corporation, which is a specially-related shareholder, etc. prescribed in Article 66-9-8(1) of the Act, holds the taxed amount of retained income prescribed in the said paragraph that pertains to a specified foreign corporation related to the said domestic corporation and the taxed amount of retained income prescribed in Article 66-8(1) of the Act that pertains to a specified foreign subsidiary company, etc. prescribed in Article 66-6(1) of the Act (limited to a foreign corporation that is the same as the said specified foreign corporation) related to the said domestic corporation, the amount calculated as specified by a Cabinet Order prescribed in Article 66-9-8(1) of the Act shall not exceed the amount calculated pursuant to the provisions of the preceding paragraph based on the remaining amount after deducting the amount to be included in deductible expenses pursuant to the provisions of Article 66-8(1) of the Act from the amount specified in the items of Article 66-9-8(1) of the Act.

4 法第六十六条の九の八第三項において準用する法第六十六条の八第三項から第六項までの規定の適用に関する事項については、第三十九条の十九第五項から第八項までの規定の例による。

(4) The matters concerning the application of the provisions of Article 66-8(3) to (6) of the Act which are applied mutatis mutandis pursuant to Article 66-9-8(3) of the Act shall be as prescribed in the provisions of Article 39-19(5) to (8).

5 第三十九条の十九第九項の規定は、法第六十六条の九の八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利益積立金額の計算について準用する。

(5) The provisions of Article 39-19(9) shall apply mutatis mutandis to the calculation of the amount of profit reserve of a domestic corporation which is a specially-related shareholder, etc. subject to the provisions of Article 66-9-8(1) of the Act.

（特定関係の判定等）

(Determination, etc. of Specified Relationship)

第三十九条の二十の十四 法第六十六条の九の六第一項の規定を適用する場合において、内国法人が同条第二項第一号に規定する特定内国法人に該当するかどうかの判定については同条第一項に規定する特定関係の発生の原因となる事実が生ずる直前の現況によるものとし、その後特殊関係株主等と特殊関係内国法人との間に当該特定関係があるかどうかの判定及び外国法人が外国関係法人に該当するかどうかの判定について

は当該特殊関係内国法人の各事業年度終了の時の現況による。

Article 39-20-14 (1) Where the provisions of Article 66-9-6(1) of the Act shall apply, whether or not a domestic corporation falls under the category of a specified domestic corporation prescribed in Article 66-9-6(2)(i) of the Act shall be determined according to its status immediately before an event causing a specified relationship prescribed in paragraph (1) of the said Article occurred, and whether or not the said specified relationship actually exists afterwards between a specially-related shareholder, etc. and a specially-related domestic corporation and whether or not a foreign corporation falls under the category of an affiliated foreign corporation shall be determined according to its status at the end of the relevant business year of the said specially-related domestic corporation.

2 前項の規定により、特殊関係内国法人の各事業年度終了の時に於いて、外国法人が外国関係法人に該当するものと判定された場合には、当該外国関係法人（法第六十六条の九の六第一項に規定する特定外国法人に該当するものに限る。）のその判定された日を含む各事業年度の適用対象留保金額につき、同条の規定を適用する。

(2) Where a foreign corporation has been determined as falling under the category of an affiliated foreign corporation at the end of the relevant business year of a specially-related domestic corporation, pursuant to the provisions of the preceding paragraph, the provisions of Article 66-9-6 of the Act shall apply to the eligible retained income for the relevant business year including the day on which the said affiliated foreign corporation (limited to that falling under the category of a specified foreign corporation prescribed in Article 66-9-6(1) of the Act) was determined as falling under such category.

3 特殊関係内国法人に係る特殊関係株主等である内国法人が当該内国法人に係る外国関係法人の各事業年度終了の日以後二月を経過する日までの間に合併により解散した場合には、その有する当該外国関係法人の法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（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。）でその合併に係る合併法人（当該特殊関係内国法人に係る特殊関係株主等に該当するもの及びその合併により当該内国法人が有する当該外国関係法人の直接及び間接保有の株式等の数の移転を受けることにより当該特殊関係内国法人に係る特殊関係株主等に該当することとなるものに限る。以下この項において同じ。）が移転を受けたものは、その合併法人が当該外国関係法人の各事業年度終了の日において有する直接及び間接保有の株式等の数とみなす。

(3) Where a domestic corporation which is a specially-related shareholder, etc. pertaining to a specially-related domestic corporation has been dissolved through a merger by the day on which two months have elapsed after the final day of the relevant business year of an affiliated foreign corporation related to the said domestic corporation, the number of the shares, etc. of the said affiliated foreign corporation prescribed in Article 66-9-6(2)(iv) of the Act which were directly and indirectly held by the domestic corporation (hereinafter

referred to as the "number of the shares, etc. directly and indirectly held" in this paragraph) and which have been transferred to the merging corporation pertaining to the merger (such merging corporation shall be limited to one falling under the category of a specially-related shareholder, etc. related to the said specially-related domestic corporation and one that proves to fall under the category of a specially-related shareholder, etc. related to the said specially-related domestic corporation by receiving the transfer of the number of the shares, etc. of the said affiliated foreign corporation directly and indirectly held by the said domestic corporation through the merger; hereinafter the same shall apply in this paragraph) shall be deemed to be the number of the shares, etc. directly and indirectly held by the merging corporation on the final day of the relevant business year of the said affiliated foreign corporation.

4 第三十九条の二十第三項及び第四項の規定は、法第六十六条の九の六第一項の規定により特殊関係株主等である内国法人の益金の額に算入された金額がある場合の法人税法第六十七条第三項及び第五項の規定の適用並びに当該内国法人の利益積立金額の計算について準用する。

(4) The provisions of Article 39-20(3) and (4) shall apply mutatis mutandis to the application of the provisions of Article 67(3) and (5) of the Corporation Tax Act and the calculation of the amount of profit reserve of a domestic corporation which is a specially-related shareholder, etc., where there is any amount included in the gross profits of the said domestic corporation pursuant to the provisions of Article 66-9-6(1) of the Act.

5 法人税法施行令第十四条の十第一項から第五項まで及び第七項から第十一項までの規定は、法第六十六条の九の六第八項の規定を同条（第三項、第四項及び第六項を除く。）から法第六十六条の九の九までの規定並びに第三十九条の二十の八から第三十九条の二十の十（第四項を除く。）まで及び第三十九条の二十の十二からこの条までの規定において適用する場合について準用する。

(5) The provisions of Article 14-10(1) to (5) and (7) to (11) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis where the provisions of Article 66-9-6(8) of the Act shall apply under the provisions of the said Article (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 66-9-9 of the Act, Article 39-20-8 to Article 39-20-10 (excluding paragraph (4)), and Article 39-20-12 to this Article.

6 前項に定めるもののほか、法人税法第四条の七に規定する受託法人又は法人課税信託の受益者についての法第六十六条の九の六（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又は第三十九条の二十の八から第三十九条の二十の十（第四項を除く。）まで若しくは第三十九条の二十の十二からこの条までの規定の適用に関し必要な事項は、財務省令で定める。

(6) With regard to a trust corporation or a beneficiary of a trust subject to corporation taxation prescribed in Article 4-7 of the Corporation Tax Act, in

addition to what is specified in the preceding paragraph, other necessary matters concerning the application of the provisions of Article 66-9-6 (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 66-9-9 of the Act, Article 39-20-8 to Article 39-20-10 (excluding paragraph (4)), or Article 39-20-12 to this Article shall be specified by an Ordinance of the Ministry of Finance.

(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で非課税の特例の適用がないもの)

(Interest on Deposits, etc. Settled in the Special International Financial Transactions Account to Which Special Provisions for Tax Exemption are not Applied)

第三十九条の三十 法第六十七条の十一第一項に規定する政令で定める利子は、同項に規定する外国法人が支払を受ける利子でその者の法人税法第百四十一条第一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とする。

Article 39-30 The interest specified by a Cabinet Order prescribed in Article 67-11(1) of the Act shall be the interest to be received by a foreign corporation prescribed in the said paragraph which is attributed to a business that is conducted by the said person in Japan at any fixed place prescribed in Article 141(i) of the Corporation Tax Act.

(特定目的会社に係る課税の特例)

(Special Provisions for Taxation on Specific Purpose Companies)

第三十九条の三十二の二

Article 39-32-2

10 特定目的会社に対する法人税法施行令の規定の適用については、次の表の上欄に掲げる同令の規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句にそれぞれ読み替えるものとする。

(10) With respect to the application of the provisions of the Order for Enforcement of the Corporation Tax Act to a specific purpose company, the terms listed in the middle column of the next table which are used in the provisions listed in the left-hand column of the said table shall be deemed to be replaced with the terms listed in the right-hand column of the said table.

<p>第七十三条第二項 Article 73(2)</p>	<p>次に掲げる規定 the provisions listed as follows</p>	<p>次に掲げる規定及び租税特別措置法第六十七条の十四第一項（特定目的会社に係る課税の特例）の規定 the provisions listed as follows and the provisions of Article 67-14(1) (Special Provisions for Taxation on Specific Purpose Companies) of the Act on Special Measures Concerning Taxation</p>
<p>第四百四十二条第一項 Article 142(1)</p>	<p>所得に対する法人税の額（法第六十七条から第七十条まで（特定同族会社の特別税率及び税額控除）並びに the amount obtained by multiplying the amount of corporation tax on income for the relevant business year of a domestic corporation set forth in the said paragraph (meaning the amount of corporation tax when calculated without applying</p>	<p>所得の金額（租税特別措置法第六十七条の十四第一項（特定目的会社に係る課税の特例）の規定の適用を受ける資産の流動化に関する法律第二条第三項（定義）に規定する特定目的会社（以下「特定目的会社」という。）にあつては、租税特別措置法第六十七条の十四第一項の規定を適用しないで計算した所得の金額）につき法第六十六条第一項（各事業年度の所得に対する法人税の税率）の規定を適用し、かつ、 the amount obtained by multiplying the amount of corporation tax (excluding the amount of additions to tax) when calculated by applying the provisions of Article 66(1) (Tax Rates for Corporation Tax on Income for Relevant Business Year) of the Act and without applying</p>

	法人税の額とし、 ; excluding the amount of additions to tax)	法人税の額 (, with regard to the amount of income for the relevant business year of a domestic corporation set forth in Article 69(1) of the Act (for a specific purpose company prescribed in Article 2(3) (Definitions) of the Act on Securitization of Assets which is subject to the provisions of Article 67-14(1) (Special Provisions for Taxation on Specific Purpose Companies) of the Act on Special Measures Concerning Taxation (hereinafter referred to as a "specific purpose company"), with regard to the amount of income calculated without applying the provisions of the said paragraph)
第百四十二条 第二項 Article 142(2)	及び第六十七条の十三 (組合事業等による損失がある場合の課税の特例) and Article 67-13 (Special Provisions for Taxation where There is Any Amount of Loss Incurred due to Partnership Business, etc.)	、第六十七条の十三 (組合事業等による損失がある場合の課税の特例) 及び第六十七条の十四第一項 , Article 67-13 (Special Provisions for Taxation where There is Any Amount of Loss Incurred due to Partnership Business, etc.) and Article 67-14(1)
第百四十二条 第三項 Article 142(3)	金額 (shall be the tax base (金額 (租税特別措置法第六十七条の十四第一項の規定の適用を受ける特定目的会社にあつては、同項の規定を適用しないで計算した所得の金額とし、 shall be the tax base (for a specific purpose company subject to the provisions of Article 67-14(1) of the Act on Special Measures Concerning Taxation, the amount of income calculated without applying the provisions of the said paragraph,
	金額) where...)	金額とする。) and where...)

第百四十二条の三第四項 Article 142-3(4)) の規定 Article 66-4(3) (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons)) 及び Article 66-4(3) (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons) and Article 67-14(1) (Special Provisions for Taxation on Specific Purpose Companies)
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(投資法人に係る課税の特例)

(Special Provisions for Taxation on Investment Corporations)

第三十九条の三十二の三

Article 39-32-3

9 投資法人に対する法人税法施行令の規定の適用については、次の表の上欄に掲げる同令の規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句にそれぞれ読み替えるものとする。

(9) With respect to the application of the provisions of the Order for Enforcement of the Corporation Tax Act to an investment corporation, the terms listed in the middle column of the next table which are used in the provisions listed in the left-hand column of the said table shall be deemed to be replaced with the terms listed in the right-hand column of the said table.

第七十三条第二項 Article 73(2)	次に掲げる規定 the provisions listed as follows	次に掲げる規定及び租税特別措置法第六十七条の十五第一項(投資法人に係る課税の特例)の規定 the provisions listed as follows and the provisions of Article 67-15(1) (Special Provisions for Taxation on Investment Corporations) of the Act on Special Measures Concerning Taxation
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<p>第百四十二条 第一項 Article 142(1)</p>	<p>所得に対する法人税の額（法第六十七条から第七十条まで（特定同族会社の特別税率及び税額控除）並びに the amount obtained by multiplying the amount of corporation tax on income for the relevant business year of a domestic corporation set forth in the said paragraph (meaning the amount of corporation tax when calculated without applying</p>	<p>所得の金額（租税特別措置法第六十七条の十五第一項（投資法人に係る課税の特例）の規定の適用を受ける投資信託及び投資法人に関する法律第二条第十二項（定義）に規定する投資法人（以下「投資法人」という。）にあつては、租税特別措置法第六十七条の十五第一項の規定を適用しないで計算した所得の金額）につき法第六十六条第一項（各事業年度の所得に対する法人税の税率）の規定を適用し、かつ、 the amount obtained by multiplying the amount of corporation tax (excluding the amount of additions to tax) when calculated by applying the provisions of Article 66(1) (Tax Rates for Corporation Tax on Income for Relevant Business Year) of the Act and without applying</p>
	<p>法人税の額とし、 ; excluding the amount of additions to tax)</p>	<p>法人税の額（ , with regard to the amount of income for the relevant business year of a domestic corporation set forth in Article 69(1) of the Act (for an investment corporation prescribed in Article 2(12) (Definitions) of the Act on Investment Trust and Investment Corporation which is subject to the provisions of Article 67-15(1) (Special Provisions for Taxation on Investment Corporations) of the Act on Special Measures Concerning Taxation (hereinafter referred to as an "investment corporation"), with regard to the amount of income calculated without applying the provisions of the said paragraph)</p>

第百四十二条 第二項 Article 142(2)	及び第六十七条の十三（組合事業等による損失がある場合の課税の特例） and Article 67-13 (Special Provisions for Taxation where There is Any Amount of Loss Incurred due to Partnership Business, etc.)	、第六十七条の十三（組合事業等による損失がある場合の課税の特例）及び第六十七条の十五第一項 , Article 67-13 (Special Provisions for Taxation where There is Any Amount of Loss Incurred due to Partnership Business, etc.) and Article 67-15(1)
第百四十二条 第三項 Article 142(3)	金額（ shall be the tax base（	金額（租税特別措置法第六十七条の十五第一項の規定の適用を受ける投資法人にあつては、同項の規定を適用しないで計算した所得の金額とし、 shall be the tax base (for an investment corporation subject to the provisions of Article 67-15(1) of the Act on Special Measures Concerning Taxation, the amount of income calculated without applying the provisions of the said paragraph, 金額とする。） and where...)
	金額) where...)	
第百四十二条 の三第四項 Article 142-3(4))の規定 Article 66-4(3) (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons))及び第六十七条の十五第一項（投資法人に係る課税の特例）の規定 Article 66-4(3) (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons) and Article 67-15(1) (Special Provisions for Taxation on Investment Corporations)

（民間国外債の利子及び発行差金等で非課税の特例の適用がないもの等）

(Interest on Foreign-issued Company Bonds and Discount on Bonds, etc. to Which Special Provisions for Tax Exemption are not Applied)

第三十九条の三十三 法第六十七条の十六第二項に規定する政令で定める利子又は発行差金は、次に掲げる利子又は発行差金とする。

Article 39-33 (1) The interest or discount on bonds specified by a Cabinet Order prescribed in Article 67-16(2) of the Act shall be the interest or discount on bonds listed as follows:

一 法人税法第百四十一条第一号に掲げる外国法人が支払を受ける利子又は発行差金のうちその者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

(i) The interest or discount on bonds to be received by a foreign corporation listed in Article 141(i) of the Corporation Tax Act which is attributed to a business that is conducted by the said person in Japan at any fixed place prescribed in the said item

二 法人税法第百四十一条第二号又は第三号に掲げる外国法人が支払を受ける利子又は発行差金のうち、その者のこれらの号に規定する事業に帰せられるもの

(ii) The interest or discount on bonds to be received by a foreign corporation listed in Article 141(ii) or (iii) of the Corporation Tax Act which is attributed to the person's business prescribed in these items.

2 法第六十七条の十六第三項に規定する政令で定める償還差益は、次に掲げる償還差益とする。

(2) The profit from the redemption specified by a Cabinet Order prescribed in Article 67-16(3) of the Act shall be the profit from the redemption listed as follows:

一 法人税法第百四十一条第一号に掲げる外国法人が支払を受ける償還差益のうちその者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

(i) The profit from the redemption to be received by a foreign corporation listed in Article 141(i) of the Corporation Tax Act which is attributed to a business that is conducted by the said person in Japan at any fixed place prescribed in the said item

二 法人税法第百四十一条第二号又は第三号に掲げる外国法人が支払を受ける償還差益のうち、その者のこれらの号に規定する事業に帰せられるもの

(ii) The profit from the redemption to be received by a foreign corporation listed in Article 141(ii) or (iii) of the Corporation Tax Act which is attributed to the person's business prescribed in these items.

(分離振替国債の課税の特例)

(Special Provisions for Taxation on Book-entry Transfer National Government Bonds in Separate Trading)

第三十九条の三十三の二 法第六十七条の十七第二項に規定する政令で定める金額は、次の各号に掲げる場合の区分に応じ、当該各号に定める金額とする。

Article 39-33-2 The amount specified by a Cabinet Order prescribed in Article 67-17(2) of the Act shall be the amount specified respectively in the following items for the category of cases listed in the relevant items:

一 外国法人が事業年度終了の時ににおいて法人税法第六十一条の三第一項第一号に規定する売買目的有価証券に該当する分離振替国債（法第六十七条の十七第一項に規定する分離振替国債をいう。以下この条において同じ。）を有する場合において、当該分離振替国債に係る法人税法第六十一条の三第二項に規定する評価損が生じたとき。 当該評価損に相当する金額

(i) Where a foreign corporation holds book-entry transfer national government bonds in separate trading (meaning book-entry transfer national government bonds in separate trading prescribed in Article 67-17(1) of the Act; hereinafter the same shall apply in this Article) that falls under the category of securities for buying and selling prescribed in Article 61-3(1)(i) of the Corporation Tax Act at the end of a business year, and when any valuation loss prescribed in Article 61-3(2) of the Corporation Tax Act has been incurred for the said book-entry transfer national government bonds in separate trading: The amount equivalent to the said valuation loss

二 外国法人が事業年度終了の時に於いて法人税法施行令第百十九条の十四に規定する償還有価証券に該当する分離振替国債を有する場合に於いて、当該分離振替国債に係る同令第百三十九条の二第二項に規定する調整差損が生じたとき。 当該調整差損に相当する金額

(ii) Where a foreign corporation holds book-entry transfer national government bonds in separate trading that falls under the category of securities for redemption prescribed in Article 119-14 of the Order for Enforcement of the Corporation Tax Act at the end of a business year, and when any adjusted loss prescribed in Article 139-2(2) of the said Order has been incurred for the said book-entry transfer national government bonds in separate trading: The amount equivalent to the said adjusted loss

三 外国法人が有する分離振替国債につき法人税法施行令第六十八条第一項第二号イに掲げる事実が生じた場合に於いて、法人税法第三十三条第二項の規定により当該分離振替国債の評価換えをして損金経理によりその帳簿価額を減額したとき。 同項に規定する差額に達するまでの金額に相当する金額

(iii) Where an event listed in Article 68(1)(ii)(a) of the Order for Enforcement of the Corporation Tax Act has occurred with regard to book-entry transfer national government bonds in separate trading held by a foreign corporation, and when their book value has been reduced by reckoning the amount into expense for accounting purpose through changes in the valuation pursuant to the provisions of Article 33(2) of the Corporation Tax Act: The amount equivalent to the amount with the variance prescribed in the said paragraph as the upper limit

四 外国法人が分離振替国債の譲渡をした場合に於いて、当該分離振替国債の譲渡に係る法人税法第六十一条の二第一項に規定する譲渡損失額が生じたとき。 当該譲渡損失額に相当する金額

(iv) Where a foreign corporation has transferred book-entry transfer national government bonds in separate trading, and when any loss on the transfer prescribed in Article 61-2(1) of the Corporation Tax Act has been incurred for the transfer of the said book-entry transfer national government bonds in separate trading: The amount equivalent to the said loss on the transfer

五 外国法人が分離振替国債を有する事業年度に於いて、当該事業年度の所得の金額

の計算上損金の額に算入すべき金額のうち法人税法第二十二條第三項第二号に規定する販売費、一般管理費その他の費用で分離振替国債の保有又は譲渡に係る所得を生ずべき業務と当該所得以外の所得を生ずべき業務との双方に関連して生じたものの額（以下この号において「共通費用の額」という。）がある場合 当該共通費用の額のうち、収入金額、資産の価額、使用人の数その他の基準のうち当該外国法人の行う業務の内容及び費用の性質に照らして合理的と認められる基準により当該分離振替国債の保有又は譲渡に係る所得の金額の計算上の損金の額として配分される費用の額に相当する金額

- (v) Where, in a business year when a foreign corporation holds book-entry transfer national government bonds in separate trading, the amount to be included in deductible expenses for calculating the amount of income for the relevant business year contains the amount of selling expenses, general administrative expenses and any other expenses prescribed in Article 22(3)(ii) of the Corporation Tax Act that arose in connection with both a business that creates income for the holding or transfer of book-entry transfer national government bonds in separate trading and a business that creates income other than the said income (hereinafter referred to as the "amount of common expenses" in this item): The amount equivalent to the part of the said amount of common expenses that is to be appropriated as deductible expenses for calculating the amount of income for the holding or transfer of the said book-entry transfer national government bonds in separate trading, based on the amount of revenue, asset value, the number of employees, and any other standards that are deemed to be rational in light of the details of the business conducted by the said foreign corporation and the nature of the expenses.

(適格合併等の範囲に関する特例)

(Special Provisions Concerning the Scope of Qualified Merger, etc.)

第三十九條の三十四の三 法第六十八條の二の三第一項に規定する政令で定める要件に該当する合併は、次に掲げる要件のすべてに該当する合併とする。

Article 39-34-3 (1) The merger satisfying the requirements specified by a Cabinet Order prescribed in Article 68-2-3(1) of the Act shall be the merger that satisfies all of the following requirements:

一 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。

(i) Any of the principal businesses conducted by a merged corporation before the merger and any of the businesses conducted by a merging corporation before the merger are interrelated

二 合併法人が合併前に継続して営む事業に係る売上金額、収入金額その他の収益の額の合計額が、被合併法人が合併前に継続して営む事業に係るこれらの額の合計額のおおむね二分の一を下回るものでないこと。

(ii) The sum of the amounts of sales, revenue and any other profits from the businesses conducted without interruption by a merging corporation before the merger does not fall below approximately half of the sum of such amounts from the businesses conducted without interruption by a merged corporation before the merger

三 合併法人の合併前に営む主たる事業が次のいずれにも該当しないこと。

(iii) The principal businesses conducted by a merging corporation before the merger do not fall under any of the following:

イ 株式（出資を含む。以下この条において同じ。）又は債券の保有

(a) The holding of shares (including capital contributions; hereinafter the same shall apply in this Article) or bonds

ロ 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。）又は著作権（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

(b) 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 such rights) or copyrights (including publication rights, neighboring rights and any other equivalent rights)

四 合併法人が合併前に我が国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こと。

(iv) Before the merger, a merging corporation has an office, store, factory or any other fixed facility that is considered to be necessary for conducting its principal business in Japan, and takes charge of managing, controlling and operating the business on its own account

五 合併法人の合併前の特定役員（法人税法施行令第四条の二第四項第二号に規定する特定役員をいう。以下この条において同じ。）の過半数が次に掲げる者でないこと。

(v) The majority of specified officers (meaning specified officers prescribed in Article 4-2(4)(ii) of the Order for Enforcement of the Corporation Tax Act; hereinafter the same shall apply in this Article) of a merging corporation before the merger are not those listed as follows:

イ 被合併法人の役員（法人税法第二条第十五号に規定する役員をいう。以下この条において同じ。）若しくは使用人を兼務している者又は当該被合併法人の役員若しくは使用人であつた者

(a) Persons who double as officers (meaning officers prescribed in Article 2(xv) of the Corporation Tax Act; hereinafter the same shall apply in this Article) or employees of a merged corporation or who were formerly officers or employees of the said merged corporation

ロ 合併法人に係る外国親法人（法人税法第二条第十二号の八に規定する政令で定

める関係がある法人（外国法人に限る。）をいう。以下この号において同じ。）の役員若しくは使用人を兼務している者又は当該外国親法人の役員若しくは使用人であつた者

(b) Persons who double as officers or employees of a foreign parent corporation related to a merging corporation (meaning a corporation (limited to a foreign corporation) that has a relationship specified by a Cabinet Order prescribed in Article 2(xii)-8 of the Corporation Tax Act; hereinafter the same shall apply in this item) or who were formerly officers or employees of the said foreign parent corporation

ハ イ又はロに掲げる者と法人税法施行令第四条第一項に規定する特殊の関係のある者

(c) Persons who have a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with a person listed in (a) or (b).

2 法第六十八条の二の三第二項に規定する政令で定める要件に該当する分割は、次に掲げる要件のすべてに該当する分割とする。

(2) The company split satisfying the requirements specified by a Cabinet Order prescribed in Article 68-2-3(2) of the Act shall be the company split that satisfies all of the following requirements:

一 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。

(i) Any of the businesses conducted by a split corporation before the company split, which is to be conducted by a succeeding corporation in the company split as a result of the said company split, and any of the businesses conducted by the succeeding corporation in the company split before the said company split are interrelated

二 分割承継法人が分割前に継続して営む事業に係る売上金額、収入金額その他の収益の額の合計額が、分割法人が分割前に継続して営む事業に係るこれらの額の合計額のおおむね二分の一を下回るものでないこと。

(ii) The sum of the amounts of sales, revenue and any other profits from the businesses conducted without interruption by a succeeding corporation in the company split before the company split does not fall below approximately half of the sum of such amounts from the businesses conducted without interruption by a split corporation before the company split

三 分割承継法人の分割前に営む主たる事業が次のいずれにも該当しないこと。

(iii) The principal businesses conducted by a succeeding corporation in the company split before the company split do not fall under any of the following:

イ 株式又は債券の保有

(a) The holding of shares or bonds

ロ 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权を含む。）又は著作権（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

(b) 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 such rights) or copyrights (including publication rights, neighboring rights and any other equivalent rights)

四 分割承継法人が分割前に我が国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こと。

(iv) Before the company split, a succeeding corporation in the company split has an office, store, factory or any other fixed facility that is considered to be necessary for conducting its principal business in Japan, and takes charge of managing, controlling and operating the business on its own account

五 分割承継法人の分割前の特定役員の過半数が次に掲げる者でないこと。

(v) The majority of specified officers of a succeeding corporation in the company split before the company split are not those listed as follows:

イ 分割法人の役員若しくは使用人を兼務している者又は当該分割法人の役員若しくは使用人であつた者

(a) Persons who double as officers or employees of a split corporation or who were formerly officers or employees of the said split corporation

ロ 分割承継法人に係る外国親法人（法人税法第二条第十二号の十一に規定する政令で定める関係がある法人（外国法人に限る。）をいう。以下この号において同じ。）の役員若しくは使用人を兼務している者又は当該外国親法人の役員若しくは使用人であつた者

(b) Persons who double as officers or employees of a foreign parent corporation related to a succeeding corporation in the company split (meaning a corporation (limited to a foreign corporation) that has a relationship specified by a Cabinet Order prescribed in Article 2(xii)-11 of the Corporation Tax Act; hereinafter the same shall apply in this item) or who were formerly officers or employees of the said foreign parent corporation

ハ イ又はロに掲げる者と法人税法施行令第四条第一項に規定する特殊の関係のある者

(c) Persons who have a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with a person listed in (a) or (b).

3 法第六十八条の二の三第二項第一号に規定する政令で定める分割は、その分割に係る分割法人の当該分割の直前の資産及び負債のおおむね全部が分割承継法人に移転する分割とする。

(3) The company split specified by a Cabinet Order prescribed in Article 68-2-

3(2)(i) of the Act shall be the company split in which almost all of the assets and liabilities pertaining to a split corporation immediately prior to the said company split are to be transferred to a succeeding corporation in the company split.

4 法第六十八条の二の三第三項に規定する政令で定める要件に該当する株式交換は、次に掲げる要件のすべてに該当する株式交換とする。

(4) The share exchange satisfying the requirements specified by a Cabinet Order prescribed in Article 68-2-3(3) of the Act shall be the share exchange that satisfies all of the following requirements:

一 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。

(i) Any of the principal businesses conducted by a wholly owned subsidiary corporation in share exchange before the share exchange and any of the businesses conducted by a fully controlling parent corporation in share exchange before the share exchange are interrelated

二 株式交換完全親法人が株式交換前に継続して営む事業に係る売上金額、収入金額その他の収益の額の合計額が、株式交換完全子法人が株式交換前に継続して営む事業に係るこれらの額の合計額のおおむね二分の一を下回るものでないこと。

(ii) The sum of the amounts of sales, revenue and any other profits from the businesses conducted without interruption by a fully controlling parent corporation in share exchange before the share exchange does not fall below approximately half of the sum of such amounts from the businesses conducted without interruption by a wholly owned subsidiary corporation in share exchange before the share exchange

三 株式交換完全親法人の株式交換前に営む主たる事業が次のいずれにも該当しないこと。

(iii) The principal businesses conducted by a fully controlling parent corporation in share exchange before the share exchange do not fall under any of the following:

イ 株式又は債券の保有

(a) The holding of shares or bonds

ロ 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。）又は著作権（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

(b) 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 such rights) or copyrights (including publication rights, neighboring rights and any other equivalent rights)

四 株式交換完全親法人が株式交換前に我が国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こと。

(iv) Before the share exchange, a fully controlling parent corporation in share exchange has an office, store, factory or any other fixed facility that is considered to be necessary for conducting its principal business in Japan, and takes charge of managing, controlling and operating the business on its own account

五 株式交換完全親法人の株式交換前の特定役員が次に掲げる者でないこと。

(v) The majority of specified officers of a fully controlling parent corporation in share exchange before the share exchange are not those listed as follows:

イ 株式交換完全子法人の役員若しくは使用人を兼務している者又は当該株式交換完全子法人の役員若しくは使用人であつた者

(a) Persons who double as officers or employees of a wholly owned subsidiary corporation in share exchange or who were formerly officers or employees of the said wholly owned subsidiary corporation in share exchange

ロ 株式交換完全親法人に係る外国親法人（法人税法第二条第十二号の十六に規定する政令で定める関係がある法人（外国法人に限る。）をいう。以下この号において同じ。）の役員若しくは使用人を兼務している者又は当該外国親法人の役員若しくは使用人であつた者

(b) Persons who double as officers or employees of a foreign parent corporation related to a fully controlling parent corporation in share exchange (meaning a corporation (limited to a foreign corporation) that has a relationship specified by a Cabinet Order prescribed in Article 2(xii)-16 of the Corporation Tax Act; hereinafter the same shall apply in this item) or who were formerly officers or employees of the said foreign parent corporation

ハ イ又はロに掲げる者と法人税法施行令第四条第一項に規定する特殊の関係のある者

(c) Persons who have a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with a person listed in (a) or (b).

5 法第六十八条の二の三第五項第一号に規定する政令で定める外国法人は、次に掲げるものとする。

(5) The foreign corporation specified by a Cabinet Order prescribed in Article 68-2-3(5)(i) of the Act shall be that listed as follows:

一 法人の所得に対して課される税が存在しない国又は地域に本店又は主たる事務所を有する外国法人

(i) A foreign corporation that has its head office or principal office in a state or territory where there are no taxes imposed on corporate income

二 法第六十八条の二の三第一項から第四項までの合併、分割、株式交換又は現物出資が行われる日を含むその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

業年度のうちいずれかの事業年度において、その事業年度の所得に対して課される租税の額が当該所得の金額の百分の二十五以下であつた外国法人

(ii) A foreign corporation, in any of the business years that started within two years prior to the first day of the business year of the foreign corporation including the date of a merger, company split, share exchange, or capital contribution in kind set forth in Article 68-2-3(1) to (4) of the Act, whose tax imposed on its income for the relevant business year was 25 percent or less of the said income.

6 第三十九条の十四第二項の規定は、外国法人が前項第二号の外国法人に該当するかどうかの判定について準用する。

(6) The provisions of Article 39-14(2) shall apply mutatis mutandis to the determination as to whether or not a foreign corporation falls under the category of a foreign corporation set forth in item (ii) of the preceding paragraph.

7 外国法人が次に掲げる要件のすべてに該当する場合には、第五項各号に掲げる外国法人に含まれないものとする。

(7) A foreign corporation that satisfies all of the following requirements shall not be included in the category of foreign corporations listed in the items of paragraph (5):

一 株式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若しくは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（出版権及び著作権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でないこと。

(i) A corporation's principal businesses do not fall under any of the categories of the holding of shares 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 such rights) or copyrights (including publication rights, neighboring rights and any other equivalent rights), or the lending of vessels or aircraft

二 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こと。

(ii) A corporation 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 on its own account

三 法第六十八条の二の三第一項から第四項までの合併、分割、株式交換又は現物出資が行われる日を含むその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（以下この号において「前二年内事業年度」という。）のうちいずれかの事

業年度において、その行う主たる事業が次に掲げる事業のいずれに該当するかに応じそれぞれ次に定める場合に該当すること。

(iii) In any of the business years that started within two years prior to the first day of the business year of the foreign corporation including the date of a merger, company split, share exchange, or capital contribution in kind set forth in Article 68-2-3(1) to (4) of the Act (hereinafter such business year shall be referred to as a "business year(s) within the preceding two years" in this item), the foreign corporation falls under any of the cases specified respectively as follows for the category of its principal businesses listed as follows:

イ 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 その行う主たる事業が次に掲げる事業のいずれに該当するかに応じそれぞれ次に定める場合

(a) Wholesale business, banking business, trust business, securities business, insurance business, water transportation business or air transportation business: The cases specified respectively as follows for the category of its principal businesses listed as follows:

(1) 卸売業 前二年内事業年度のうちいずれかの事業年度の棚卸資産の販売に係る収入金額（棚卸資産の売買の代理又は媒介に関し受け取る手数料がある場合には、その手数料を受け取る基因となつた売買の取引金額を含む。以下この号において「販売取扱金額」という。）の合計額のうちに関連者以外の者との間の取引に係る販売取扱金額の合計額の占める割合が百分の五十を超える場合又は前二年内事業年度のうちいずれかの事業年度において取得した棚卸資産の取得価額（棚卸資産の売買の代理又は媒介に関し受け取る手数料がある場合には、その手数料を受け取る基因となつた売買の取引金額を含む。以下この号において「仕入取扱金額」という。）の合計額のうちに関連者以外の者との間の取引に係る仕入取扱金額の合計額の占める割合が百分の五十を超える場合

1. Wholesale business: Where, out of the total revenue from selling inventory assets for any of the business years within the preceding two years (where there are any commissions to be received for agent or intermediary services for the buying or selling of inventory assets, such revenues shall include the amount from the transactions for which the said commissions were generated; hereinafter referred to as the "amount of sales transactions" in this item), the ratio of the sum of the amount of sales transactions with a person other than affiliated persons exceeds 50 percent, or out of the sum of the acquisition costs for acquiring inventory assets for any of the business years within the preceding two years (where there are any commissions to be received for agent or intermediary services for the buying or selling of inventory assets, such acquisition costs shall include the amount from the

transactions for which the said commissions were generated;
hereinafter referred to as the "amount of purchase transactions" in this item), the ratio of the sum of the amount of purchase transactions with a person other than affiliated persons exceeds 50 percent

- (2) 銀行業 前二年内事業年度のうちいずれかの事業年度の受入利息の合計額のうちに当該受入利息で関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合又は前二年内事業年度のうちいずれかの事業年度の支払利息の合計額のうちに当該支払利息で関連者以外の者に対して支払うものの合計額が百分の五十を超える場合
2. Banking business: Where, out of the sum of the total interest received for any of the business years within the preceding two years, the ratio of the sum of the said interest to be received from a person other than affiliated persons exceeds 50 percent, or out of the sum of the total interest paid for any of the business years within the preceding two years, the ratio of the sum of the said interest to be paid to a person other than affiliated persons exceeds 50 percent
- (3) 信託業 前二年内事業年度のうちいずれかの事業年度の信託報酬の合計額のうちに当該信託報酬で関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合
3. Trust business: Where, out of the sum of the total trust charge for any of the business years within the preceding two years, the ratio of the sum of the said trust charge to be received from a person other than affiliated persons exceeds 50 percent
- (4) 証券業 前二年内事業年度のうちいずれかの事業年度の受入手数料（有価証券の売買による利益を含む。）の合計額のうちに当該受入手数料で関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合
4. Securities business: Where, out of the sum of the total commissions received (including profits from the buying and selling of securities) for any of the business years within the preceding two years, the ratio of the sum of the said commissions to be received from a person other than affiliated persons exceeds 50 percent
- (5) 保険業 前二年内事業年度のうちいずれかの事業年度の収入保険料の合計額のうちに当該収入保険料で関連者以外の者から収入するもの（当該収入保険料が再保険に係るものである場合には、関連者以外の者が有する資産又は関連者以外の者が負う損害賠償責任を保険の目的とする保険に係る収入保険料に限る。）の合計額の占める割合が百分の五十を超える場合
5. Insurance business: Where, out of the sum of the total premium income for any of the business years within the preceding two years, the ratio of the sum of the said premium income to be received from a person other than affiliated persons (where the said premium income pertains to reinsurance, limited to premium income from insurance for assets

held by a person other than affiliated persons or damages incurred by a person other than affiliated persons) exceeds 50 percent

- (6) 水運業又は航空運送業 前二年内事業年度のうちいずれかの事業年度の船舶の運航及び貸付け又は航空機の運航及び貸付けによる収入金額の合計額のうち当該収入金額で関連者以外の者から収入するものの合計額の占める割合が百分の五十を超える場合

6. Water transportation business or air transportation business: Where, out of the total revenue from the operation or rental of vessels or operation or rental of aircrafts for any of the business years within the preceding two years, the ratio of the sum of the said revenue to be received from a person other than affiliated persons exceeds 50 percent.

ロ イに掲げる事業以外の事業 その行う主たる事業が次に掲げる事業のいずれに該当するかに応じそれぞれ次に定める場合

(b) Business other than those listed in (a): The cases specified respectively as follows for the category of its principal businesses listed as follows:

- (1) 不動産業 主として本店所在地国（本店又は主たる事務所の所在する国又は地域をいう。以下この号において同じ。）にある不動産（不動産の上に存する権利を含む。以下この号において同じ。）の売買、貸付け（当該不動産を使用させる行為を含む。）、当該不動産の売買又は貸付けの代理又は媒介及び当該不動産の管理を行っている場合

1. Real estate business: Where conducting a buying and selling or rental business of real estate (including acts to let others use the said real estate) (real estate shall include the rights thereon; hereinafter the same shall apply in this item) mainly located in the state of the head office (meaning a state or territory where the head office or principal office is located; hereinafter the same shall apply in this item), providing agent or intermediary services for the buying and selling or rental business of the said real estate, and managing the said real estate

- (2) 物品賃貸業 主として本店所在地国において使用に供される物品の貸付けを行っている場合

2. Rental and leasing business: Where conducting a rental business for goods to be provided for use mainly in the state of the head office

- (3) イ並びに（1）及び（2）に掲げる事業以外の事業 主として本店所在地国において行っている場合

3. Business other than those listed in (a) and 1. and 2.: Where conducting a business mainly in the state of the head office.

- 8 外国法人と当該外国法人に係る関連者との間の取引が、当該外国法人に係る関連者以外の者（以下この項において「非関連者」という。）を介在させて間接的に行われている場合には、当該非関連者を介在させることについて相当の理由があると認められる場合を除き、当該外国法人と当該非関連者との間の取引は、当該外国法人と当該

関連者との間において直接行われたものとみなして、前項第三号イの規定を適用する。

(8) Where transactions between a foreign corporation and an affiliated person related to the said foreign corporation are conducted indirectly via a person other than an affiliated person related to the said foreign corporation (hereinafter referred to as a "non-affiliated person" in this paragraph), transactions between the said foreign corporation and the said non-affiliated person shall be deemed to have been conducted directly between the said foreign corporation and the said affiliated person and the provisions of item(iii)(a) of the preceding paragraph shall be applied, except in the case where there are justifiable grounds for having the said non-affiliated person intervene in such transactions.

9 第七項第三号イ及び前項に規定する関連者とは、次に掲げる者をいう。

(9) The affiliated person prescribed in paragraph (7)(iii)(a) and the preceding paragraph shall be that listed as follows:

一 外国法人と他の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（自己が有する自己の株式を除く。以下この条において「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がある場合における当該他の法人（次号に掲げる者に該当するものを除く。）

(i) When there is a relationship between a foreign corporation and any other corporation whereby either of them directly or indirectly holds over 50 percent of the total number or total amount of the other corporation's issued shares or capital contributions (excluding the own shares held by either of the said corporations; hereinafter referred to as the "issued shares, etc." in this Article), the said other corporation (excluding a corporation falling under the category of persons listed in the next item)

二 外国法人と他の法人が同一の者（当該者が個人である場合には、当該個人及びこれと法人税法施行令第四条第一項に規定する特殊の関係のある個人）によつてそれぞれ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直接又は間接に保有される関係がある場合における当該他の法人

(ii) When there is a relationship whereby over 50 percent of the total number or total amount of the issued shares, etc. of a foreign corporation and any other corporation are respectively held directly or indirectly by the same person (where the said person is an individual, the said individual and an individual who has a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with the said individual), the said other corporation.

10 法第六十八条の二の三第五項第二号に規定する政令で定める関係は、次に掲げる関係とする。

(10) The relationship specified by a Cabinet Order prescribed in Article 68-2-3(5)(ii) of the Act shall be the relationship listed as follows:

一 二の内国法人の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直接又は間接に保有する関係がある場合における当該関係（次号に掲げる関係に該当するものを除く。）

(i) When there is a relationship whereby either of two domestic corporations directly or indirectly holds over 50 percent of the total number or total amount of the other domestic corporation's issued shares, etc., the said relationship (excluding relationships falling under the category of relationships listed in the next item)

二 二の内国法人が同一の者（当該者が個人である場合には、当該個人及びこれと法人税法施行令第四条第一項に規定する特殊の関係のある個人）によつてそれぞれ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直接又は間接に保有される関係がある場合における当該二の内国法人の関係

(ii) When there is a relationship whereby over 50 percent of the total number or total amount of the issued shares, etc. of two domestic corporations are respectively held directly or indirectly by the same person (where the said person is an individual, the said individual and an individual who has a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with the said individual), the relationship between the said two domestic corporations.

1 1 前項各号に掲げる関係があるかどうかの判定は、法第六十八条の二の三第一項から第三項までの合併、分割又は株式交換の直前の現況による。

(11) Whether or not there is any relationship listed in the items of the preceding paragraph shall be determined according to its status immediately prior to a merger, company split or share exchange set forth in Article 68-2-3(1) to (3) of the Act.

1 2 第三十九条の十二第二項及び第三項の規定は、第九項又は第十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、同条第二項及び第三項中「百分の五十以上の」とあるのは、「百分の五十を超える」と読み替えるものとする。

(12) The provisions of Article 39-12(2) and (3) shall apply mutatis mutandis where the provisions of paragraph (9) or paragraph (10) shall apply. In this case the term "50 percent or more" in paragraph (2) and paragraph (3) of the said Article shall be deemed to be replaced with "over 50 percent."

1 3 法第六十八条の二の三第五項第三号に規定する政令で定める特殊の関係のある非居住者は、法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と第三十九条の十四第三項に規定する特殊の関係のある同号に規定する非居住者とする。

(13) A nonresident who has a special relationship specified by a Cabinet Order prescribed in Article 68-2-3(5)(iii) of the Act shall be a nonresident prescribed in Article 2(1)(i)-2 of the Act who has a special relationship prescribed in Article 39-14(3) with a resident or domestic corporation prescribed in the said item.

1 4 法第六十八条の二の三第五項第四号に規定する政令で定める関係は、次に掲げる

関係とする。

(14) The relationship specified by a Cabinet Order prescribed in Article 68-2-3(5)(iv) of the Act shall be the relationship listed as follows:

一 外国法人と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がある場合における当該関係（次号に掲げる関係に該当するものを除く。）

(i) When there is a relationship between a foreign corporation and a domestic corporation whereby the said foreign corporation directly or indirectly holds 80 percent or more of the total number or total amount of the said domestic corporation's issued shares, etc., the said relationship (excluding relationships falling under the category of relationships listed in the next item)

二 外国法人と内国法人が同一の者（当該者が個人である場合には、当該個人及びこれと法人税法施行令第四条第一項に規定する特殊の関係のある個人）によつてそれぞれそ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される関係がある場合における当該外国法人と内国法人の関係

(ii) When there is a relationship whereby 80 percent or more of the total number or total amount of the issued shares, etc. of a foreign corporation and a domestic corporation are respectively held directly or indirectly by the same person (where the said person is an individual, the said individual and an individual who has a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with the said individual), the relationship between the said foreign corporation and domestic corporation.

15 第三十九条の十二第二項及び第三項の規定は、前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、同条第二項及び第三項中「百分の五十以上」とあるのは、「百分の八十以上」と読み替えるものとする。

(15) The provisions of Article 39-12(2) and (3) shall apply mutatis mutandis where the provisions of the preceding paragraph shall apply. In this case the term "50 percent or more" in paragraph (2) and paragraph (3) of the said Article shall be replaced with "80 percent or more."

16 その合併、分割又は株式交換が第一項各号、第二項各号又は第三項各号に掲げる要件に該当するかどうかの判定に関する事項その他前各項の規定の適用に関し必要な事項は、財務省令で定める。

(16) Matters concerning the determination as to whether or not the merger, company split or share exchange satisfies the requirements listed in the items of paragraph (1), the items of paragraph (2) or the items of paragraph (3) and any other matters necessary for the application of the provisions of the preceding items shall be specified by an Ordinance of the Ministry of Finance.

(特定の合併等が行われた場合の株主等の課税の特例)

(Special Provisions for Taxation on Shareholders, etc. in the Event of Specified Merger, etc.)

第三十九条の三十五 法人税法施行令第百十九条の七の二第一項の規定は法第六十八条の三第一項に規定する政令で定める関係について、同令第百十九条の七の二第三項の規定は法第六十八条の三第三項に規定する政令で定める関係について、それぞれ準用する。

Article 39-35 (1) The provisions of Article 119-7-2(1) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis to the relationship specified by a Cabinet Order prescribed in Article 68-3(1) of the Act; and the provisions of Article 119-7-2(3) of the said Order shall apply mutatis mutandis to the relationship specified by a Cabinet Order prescribed in Article 68-3(3) of the Act, respectively.

2 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。）により法第六十八条の三第一項に規定する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（法第六十八条の二の三第五項第一号に規定する特定軽減課税外国法人をいう。第四項において同じ。）の株式に該当するときは、その交付を受けた株式の取得価額については、法人税法施行令第百十九条第一項第五号（法人税法第百四十二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。

(2) Where a corporation has, as a result of a merger (limited to a merger that does not fall under the category of a 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 specified by a Cabinet Order prescribed in Article 68-3(1) of the Act, when 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 Article 68-2-3(5)(i) of the Act; hereinafter the same shall apply in paragraph (4)), the provisions of Article 119(1)(v) of the Order for Enforcement of the Corporation Tax Act (including the cases where it is applicable to the calculation made pursuant to the provisions of Article 142 of the Corporation Tax Act) shall not apply to the acquisition costs of the provided shares.

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法第六十八条の三第二項に規定する特定分割型分割により同項に規定する特定外国親法人の株式の交付を受けた場合には、その交付を受けた株式の取得価額については、法人税法施行令第百十九条第一項第六号（法人税法第百四十二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 specified split-off-type company split prescribed in Article 68-3(2) of the Act which was 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 specified foreign parent corporation prescribed in the said paragraph, the provisions of Article 119(1)(vi) of the Order for Enforcement of the Corporation Tax Act (including the cases where it is applicable to the calculation made pursuant to the provisions of Article 142 of the Corporation Tax Act) shall not apply to the acquisition costs of the provided shares.

4 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。）により法第六十八条の三第三項に規定する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、その交付を受けた株式の取得価額については、法人税法施行令第百十九条第一項第八号（法人税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。

(4) Where a corporation has, as a result of a share exchange (limited to a share exchange that does not fall under the category of a 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 specified by a Cabinet Order prescribed in Article 68-3(3) of the Act, when the shares of the said foreign corporation are shares of a specified foreign corporation with less tax burden, the provisions of Article 119(1)(viii) of the Order for Enforcement of the Corporation Tax Act (including the cases where it is applicable to the calculation made pursuant to the provisions of Article 142 of the Corporation Tax Act) shall not apply to the acquisition costs of the provided shares.

5 外国法人が旧株（当該外国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法第六十八条の三第二項に規定する特定分割型分割により同項に規定する特定外国親法人の株式の交付を受けた場合において、当該外国法人の法人税法第四百二十二条に規定する国内源泉所得に係る所得の金額につき、同項の規定により読み替えられた同法第六十一条の二第四項の規定に準じて計算するときは、法人税法施行令第百八十八条第一項第十七号の規定は、適用しない。

(5) Where a foreign corporation has, as a result of a specified split-off-type company split prescribed in Article 68-3(2) of the Act which was 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 specified foreign parent corporation prescribed in the said paragraph, the provisions of Article 188(1)(xvii) of the Order for Enforcement of the Corporation Tax Act shall not apply to the calculation made, with regard to the amount of the said foreign corporation's income categorized as domestic source income prescribed in Article 142 of the Corporation Tax Act, in accordance with the provisions of Article 61-2(4) of the said Act whose terms are replaced under the provisions of the said paragraph.

(特定目的信託に係る受託法人の課税の特例)

(Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts)

第三十九条の三十五の二

Article 39-35-2

9 法第六十八条の三の二第一項の規定の適用がある場合における法人税法施行令の規定の適用については、次の表の上欄に掲げる同令の規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句にそれぞれ読み替えるものとする。

(9) With respect to the application of the provisions of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 68-3-2(1) of the Act shall apply, the terms listed in the middle column of the next table which are used in the provisions listed in the left-hand column of the said table shall be deemed to be replaced with the terms listed in the right-hand column of the said table.

七十三条第二項 Article 73(2)	次に掲げる規定 the provisions listed as follows	次に掲げる規定及び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 the provisions listed as follows and the provisions of Article 68-3-2(1) (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts) of the Act on Special Measures Concerning Taxation
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<p>第百四十二条 第一項 Article 142(1)</p>	<p>所得に対する法人税の額（法第六十七条から第七十条まで（特定同族会社の特別税率及び税額控除）並びに the amount obtained by multiplying the amount of corporation tax on income for the relevant business year of a domestic corporation set forth in the said paragraph (meaning the amount of corporation tax when calculated without applying</p>	<p>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法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法第四条の七（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（第三項において「特定目的信託に係る受託法人」という。）にあつては、租税特別措置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）につき法第六十六条第一項（各事業年度の所得に対する法人税の税率）の規定を適用し、かつ、 the amount obtained by multiplying the amount of corporation tax (excluding the amount of additions to tax) when calculated by applying the provisions of Article 66(1) (Tax Rates for Corporation Tax on Income for Relevant Business Year) of the Act and without applying</p>
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	<p>法人税の額とし、 ; excluding the amount of additions to tax)</p>	<p>法人税の額 (, with regard to the amount of income for the relevant business year of a domestic corporation set forth in Article 69(1) of the Act (for a trust corporation prescribed in Article 4-7 (Application of This Act to Trust Corporations, etc.) of the Act for the special purpose trust listed in Article 2(xxix)-2(e) (Definitions) of the Act which is subject to the provisions of Article 68-3-2(1) (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts) of the Act on Special Measures Concerning Taxation (referred to as a "trust corporation for special purpose trusts" in paragraph (3)), with regard to the amount of income calculated without applying the provisions of Article 68-3-2(1) of the said Act)</p>
<p>第百四十二条第二項 Article 142(2)</p>	<p>及び第六十七条の十三 (組合事業等による損失がある場合の課税の特例) and Article 67-13 (Special Provisions for Taxation where There is Any Amount of Loss Incurred due to Partnership Business, etc.)</p>	<p>、第六十七条の十三 (組合事業等による損失がある場合の課税の特例) 及び第六十八条の三の二第一項 , Article 67-13 (Special Provisions for Taxation where There is Any Amount of Loss Incurred due to Partnership Business, etc.) and Article 68-3-2(1)</p>

第百四十二条 第三項 Article 142(3)	金額 (shall be the tax base (金額 (租税特別措置法第六十八条の三の二第一項の規定の適用を受ける特定目的信託に係る受託法人にあつては、同項の規定を適用しないで計算した所得の金額とし、 shall be the tax base (for a trust corporation for special purpose trusts subject to the provisions of Article 68-3-2(1) of the Act on Special Measures Concerning Taxation, the amount of income calculated without applying the provisions of the said paragraph,
	金額) where...)	金額とする。) and where...)
第百四十二条 の三第四項 Article 142-3(4)) の規定 Article 66-4(3) (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons)) 及び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 Article 66-4(3) (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons) and Article 68-3-2(1) (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts)

10 第一項から前項（同項の表の第七十三条第二項の項に係る部分に限る。）までの規定は、法第六十八条の三の二第八項において準用する同条第一項、第二項、第四項、第六項及び第七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規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句にそれぞれ読み替えるものとする。

(10) The provisions of paragraph (1) to the preceding paragraph (limited to the part pertaining to the row of Article 73(2) of the table in the said paragraph) shall apply mutatis mutandis when applying the provisions of Article 68-3-2(1), (2), (4), (6) and (7) of the Act which shall apply mutatis mutandis pursuant to paragraph (8) of the said Article. In this case, the terms listed in the middle column of the next table which are used in the provisions listed in the left-hand column of the said table shall be deemed to be replaced with the terms listed in the right-hand column of the said table.

<p>第二項 Paragraph (2)</p>	<p>第五十七条第一項、第五十八条第一項及び第五十九条第二項の規定 calculated without applying the provisions of the said paragraph and Article 57(1), Article 58(1) and Article 59(2) of the Corporation Tax Act</p>	<p>第一百四十二条の規定により同法第一百四十一条に規定する国内源泉所得に係る所得につき同法第五十七条第一項、第五十八条第一項及び第五十九条第二項の規定に準じて計算する場合におけるこれらの規定 calculated without applying the provisions of Article 57(1), Article 58(1) and Article 59(2) of the Corporation Tax Act in the case where the calculation is made, with regard to the income categorized as domestic source income prescribed in Article 141 of the said Act, in accordance with these provisions, pursuant to the provisions of Article 68-3-2(1) of the Act and Article 142 of the Corporation Tax Act</p>
	<p>事業年度の所得 income for the relevant business year</p>	<p>国内源泉所得に係る所得 income categorized as domestic source income</p>
<p>第五項 Paragraph (5)</p>	<p>同条第一項 paragraph (1) of the said Article</p>	<p>同条第八項 Paragraph (8) of the said Article</p>
<p>前項の表の第七十三条第二項の項 Row of Article 73(2) of the table in the preceding paragraph</p>	<p>第七十三条第二項 Article 73(2)</p>	<p>法人税法第一百四十二条の規定により同法第一百四十一条に規定する国内源泉所得に係る所得につき第七十三条第二項の規定に準じて計算する場合における同項 the said paragraph in the case where the calculation is made, with regard to the income categorized as domestic source income prescribed in Article 141 of the Corporation Tax Act, in accordance with the provisions of Article 73(2), pursuant to the provisions of Article 142 of the Corporation Tax Act</p>

<p>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） Article 68-3-2(1) (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts)</p>	<p>第六十八条の三の二第八項（特定目的信託に係る受託法人の課税の特例）において準用する同条第一項 paragraph (1) of the said Article which is applied mutatis mutandis pursuant to Article 68-3-2(8) (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts)</p>
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（特定投資信託に係る受託法人の課税の特例）

(Special Provisions for Taxation on Trust Corporations for Special Investment Trusts)

第三十九条の三十五の三

Article 39-35-3

8 法第六十八条の三の三第一項の規定の適用がある場合における法人税法施行令の規定の適用については、次の表の上欄に掲げる同令の規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句にそれぞれ読み替えるものとする。

(8) With respect to the application of the provisions of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 68-3-3(1) of the Act shall apply, the terms listed in the middle column of the next table which are used in the provisions listed in the left-hand column of the said table shall be deemed to be replaced with the terms listed in the right-hand column of the said table.

<p>第七十三条第二項 Article 73(2)</p>	<p>次に掲げる規定 the provisions listed as follows</p>	<p>次に掲げる規定及び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 the provisions listed as follows and the provisions of Article 68-3-3(1) (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts) of the Act on Special Measures Concerning Taxation</p>
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<p>第百四十二条 第一項 Article 142(1)</p>	<p>所得に対する法人税の額（法第六十七条から第七十条まで（特定同族会社の特別税率及び税額控除）並びに the amount obtained by multiplying the amount of corporation tax on income for the relevant business year of a domestic corporation set forth in the said paragraph (meaning the amount of corporation tax when calculated without applying</p>	<p>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法第四条の七（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（第三項において「特定投資信託に係る受託法人」という。）にあつては、租税特別措置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）につき法第六十六条第一項（各事業年度の所得に対する法人税の税率）の規定を適用し、かつ、 the amount obtained by multiplying the amount of corporation tax (excluding the amount of additions to tax) when calculated by applying the provisions of Article 66(1) (Tax Rates for Corporation Tax on Income for Relevant Business Year) of the Act and without applying</p>
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	<p>法人税の額とし、 ; excluding the amount of additions to tax)</p>	<p>法人税の額 (, with regard to the amount of income for the relevant business year of a domestic corporation set forth in Article 69(1) of the Act (for a trust corporation prescribed in Article 4-7 (Application of This Act to Trust Corporations, etc.) of the Act for the special investment trust prescribed in Article 68-3-3(1) (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts) of the Act on Special Measures Concerning Taxation which is subject to the provisions of the said paragraph (referred to as a "trust corporation for special investment trusts" in paragraph (3)), with regard to the amount of income calculated without applying the provisions of Article 68-3-3(1) of the said Act)</p>
<p>第百四十二条 第二項 Article 142(2)</p>	<p>及び第六十七条の十三 (組合事業等による損失がある場合の課税の特例) and Article 67-13 (Special Provisions for Taxation where There is Any Amount of Loss Incurred due to Partnership Business, etc.)</p>	<p>、第六十七条の十三 (組合事業等による損失がある場合の課税の特例) 及び第六十八条の三の三第一項 , Article 67-13 (Special Provisions for Taxation where There is Any Amount of Loss Incurred due to Partnership Business, etc.) and Article 68-3-3(1)</p>

第百四十二条 第三項 Article 142(3)	金額 (shall be the tax base (金額 (租税特別措置法第六十八条の三の三第一項の規定の適用を受ける特定投資信託に係る受託法人にあつては、同項の規定を適用しないで計算した所得の金額とし、 shall be the tax base (for a trust corporation for special investment trusts subject to the provisions of Article 68-3-3(1) of the Act on Special Measures Concerning Taxation, the amount of income calculated without applying the provisions of the said paragraph,
	金額) where...)	金額とする。) and where...)
第百四十二条 の三第四項 Article 142-3(4))の規定 Article 66-4(3) (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons))及び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 Article 66-4(3) (Special Provisions for Taxation on Transactions with Foreign Affiliated Persons) and Article 68-3-3(1) (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts)

9 第一項から前項 (同項の表の第七十三条第二項の項に係る部分に限る。)までの規定は、法第六十八条の三の三第八項において準用する同条第一項、第二項、第四項、第六項及び第七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規定中同表の中欄に掲げる字句は、同表の下欄に掲げる字句にそれぞれ読み替えるものとする。

(9) The provisions of paragraph (1) to the preceding paragraph (limited to the part pertaining to the row of Article 73(2) of the table in the said paragraph) shall apply mutatis mutandis when applying the provisions of Article 68-3-3(1), (2), (4), (6) and (7) of the Act which shall apply mutatis mutandis pursuant to paragraph (8) of the said Article. In this case, the terms listed in the middle column of the next table which are used in the provisions listed in the left-hand column of the said table shall be deemed to be replaced with the terms listed in the right-hand column of the said table.

第一項 Paragraph (1)	(法第六十八条の三の三第一項 trust corporation prescribed in Article 68-3-3(1) of the Act	(法第六十八条の三の三第八項 trust corporation prescribed in Article 68-3-3(8) of the Act
第二項 Paragraph (2)	第五十七条第一項、第五十八条 第一項及び第五十九条第二項の 規定 calculated without applying the provisions of the said paragraph and Article 57(1), Article 58(1) and Article 59(2) of the Corporation Tax Act	第一百四十二条の規定により同法 第一百四十一条に規定する国内源 泉所得に係る所得につき同法第 五十七条第一項、第五十八条第 一項及び第五十九条第二項の規 定に準じて計算する場合におけ るこれらの規定 calculated without applying the provisions of Article 57(1), Article 58(1) and Article 59(2) of the Corporation Tax Act in the case where the calculation is made, with regard to the income categorized as domestic source income prescribed in Article 141 of the said Act, in accordance with these provisions, pursuant to the provisions of Article 68-3-2(1) of the Act and Article 142 of the Corporation Tax Act
	事業年度の所得 income for the relevant business year	国内源泉所得に係る所得 income categorized as domestic source income
前項の表の第 七十三条第二 項の項 Row of Article 73(2) of the table in the preceding paragraph	第七十三条第二項 Article 73(2)	法人税法第一百四十二条の規定に より同法第一百四十一条に規定す る国内源泉所得に係る所得につ き第七十三条第二項の規定に準 じて計算する場合における同項 the said paragraph in the case where the calculation is made, with regard to the income categorized as domestic source income prescribed in Article 141 of the Corporation Tax Act, in accordance with the provisions of Article 73(2), pursuant to the provisions of Article 142 of the Corporation Tax Act

<p>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） Article 68-3-3(1) (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts)</p>	<p>第六十八条の三の三第八項（特定投資信託に係る受託法人の課税の特例）において準用する同条第一項 paragraph (1) of the said Article which is applied mutatis mutandis pursuant to Article 68-3-3(8) (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts)</p>
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（連結法人の国外関連者との取引に係る課税の特例）

(Special Provisions for Taxation on Transactions of Consolidated Corporations with Foreign Affiliated Persons)

第三十九条の百十二 法第六十八条の八十八第一項に規定する政令で定める特殊の関係は、次に掲げる関係とする。

Article 39-112 (1) The special relationship specified by a Cabinet Order prescribed in Article 68-88(1) of the Act shall be the relationship listed as follows:

一 二の法人の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（自己が有する自己の株式又は出資を除く。）の総数又は総額（以下第三項までにおいて「発行済株式等」という。）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

(i) A relationship whereby either of two corporations directly or indirectly holds 50 percent or more of the total number or total amount of the other corporation's issued shares or capital contributions (excluding the own shares held by either of the said two corporations; hereinafter referred to as the "issued shares, etc." through to paragraph (3))

二 二の法人が同一の者（当該者が個人である場合には、当該個人及びこれと法人税法第二条第十号に規定する政令で定める特殊の関係のある個人。第五号において同じ。）によつてそれぞれその発行済株式等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される場合における当該二の法人の関係（前号に掲げる関係に該当するものを除く。）

(ii) Where 50 percent or more of the total number or total amount of the issued shares, etc. of two corporations are respectively held directly or indirectly by the same person (where the said person is an individual, the said individual and an individual who has a special relationship specified by a Cabinet

Order prescribed in Article 2(x) of the Corporation Tax Act with the said individual; the same shall apply in item (v)), the relationship between the said two corporations (excluding relationships falling under the category or relationships listed in the preceding item)

三 次に掲げる事実その他これに類する事実（次号及び第五号において「特定事実」という。）が存在することにより二の法人のいずれか一方の法人が他方の法人の事業の方針の全部又は一部につき実質的に決定できる関係（前二号に掲げる関係に該当するものを除く。）

(iii) A relationship whereby the existence of the facts listed as follows or any other facts equivalent thereto (referred to as a "specified fact" in the next item and item (v)) enables either of two corporations to determine substantially the whole or a part of the other corporation's business policies (excluding relationships falling under the category of relationships listed in the preceding two items):

イ 当該他方の法人の役員二分の一以上又は代表する権限を有する役員が、当該一方の法人の役員若しくは使用人を兼務している者又は当該一方の法人の役員若しくは使用人であつた者であること。

(a) The fact that 50 percent or more of the officers or officers with the representative authority of the said other corporation are persons who double as officers or employees of the said one of the two corporations or who were formerly officers or employees of the said one of the two corporations

ロ 当該他方の法人がその事業活動の相当部分を当該一方の法人との取引に依存して行っていること。

(b) The fact that the said other corporation depends on transactions with the said one of the two corporations for a considerable part of its business activities

ハ 当該他方の法人がその事業活動に必要とされる資金の相当部分を当該一方の法人からの借入れにより、又は当該一方の法人の保証を受けて調達していること。

(c) The fact that the said other corporation has borrowed a considerable part of the funds necessary for its business activities from the said one of the two corporations or has procured a considerable part of the funds necessary for its business activities by obtaining guarantees from the said one of the two corporations

四 一の法人と次に掲げるいずれかの法人との関係（前三号に掲げる関係に該当するものを除く。）

(iv) The relationship between a single corporation and any of the corporations listed as follows (excluding relationships falling under the category of relationships listed in the preceding three items):

イ 当該一の法人が、その発行済株式等の百分の五十以上の数若しくは金額の株式若しくは出資を直接若しくは間接に保有し、又は特定事実が存在することにより

- その事業の方針の全部若しくは一部につき実質的に決定できる関係にある法人
- (a) A corporation in a relationship whereby 50 percent or more of the number or the amount of its issued shares, etc. are held directly or indirectly by the said single corporation or the whole or a part of its business policies can be substantially determined by the said single corporation due to the existence of a specified fact
- ロ イ又はハに掲げる法人が、その発行済株式等の百分の五十以上の数若しくは金額の株式若しくは出資を直接若しくは間接に保有し、又は特定事実が存在することによりその事業の方針の全部若しくは一部につき実質的に決定できる関係にある法人
- (b) A corporation in a relationship whereby 50 percent or more of the number or the amount of its issued shares, etc. are held directly or indirectly by a corporation listed in (a) or (c) or the whole or a part of its business policies can be substantially determined by the said corporation due to the existence of a specified fact
- ハ ロに掲げる法人が、その発行済株式等の百分の五十以上の数若しくは金額の株式若しくは出資を直接若しくは間接に保有し、又は特定事実が存在することによりその事業の方針の全部若しくは一部につき実質的に決定できる関係にある法人
- (c) A corporation in a relationship whereby 50 percent or more of the number or the amount of its issued shares, etc. are held directly or indirectly by a corporation listed in (b) or the whole or a part of its business policies can be substantially determined by the said corporation due to the existence of a specified fact
- 五 二の法人がそれぞれ次に掲げるいずれかの法人に該当する場合における当該二の法人の関係（イに規定する一の者が同一の者である場合に限るものとし、前各号に掲げる関係に該当するものを除く。）
- (v) The relationship between two corporations whereby the two corporations respectively fall under the category of any of the corporations listed as follows (limited to the case where a single person prescribed in (a) is the same person and excluding relationships falling under the category of relationships listed in the preceding items):
- イ 一の者が、その発行済株式等の百分の五十以上の数若しくは金額の株式若しくは出資を直接若しくは間接に保有し、又は特定事実が存在することによりその事業の方針の全部若しくは一部につき実質的に決定できる関係にある法人
- (a) A corporation in a relationship whereby 50 percent or more of the number or the amount of its issued shares, etc. are held directly or indirectly by a single person or the whole or a part of its business policies can be substantially determined by the said person due to the existence of a specified fact
- ロ イ又はハに掲げる法人が、その発行済株式等の百分の五十以上の数若しくは金額の株式若しくは出資を直接若しくは間接に保有し、又は特定事実が存在するこ

とによりその事業の方針の全部若しくは一部につき実質的に決定できる関係にある法人

(b) A corporation in a relationship whereby 50 percent or more of the number or the amount of its issued shares, etc. are held directly or indirectly by a corporation listed in (a) or (c) or the whole or a part of its business policies can be substantially determined by the said corporation due to the existence of a specified fact

ハ ロに掲げる法人が、その発行済株式等の百分の五十以上の数若しくは金額の株式若しくは出資を直接若しくは間接に保有し、又は特定事実が存在することによりその事業の方針の全部若しくは一部につき実質的に決定できる関係にある法人

(c) A corporation in a relationship whereby 50 percent or more of the number or the amount of its issued shares, etc. are held directly or indirectly by a corporation listed in (b) or the whole or a part of its business policies can be substantially determined by the said corporation due to the existence of a specified fact.

2 前項第一号の場合において、一方の法人が他方の法人の発行済株式等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かどうかの判定は、当該一方の法人の当該他方の法人に係る直接保有の株式等の保有割合（当該一方の法人の有する当該他方の法人の株式又は出資の数又は金額が当該他方の法人の発行済株式等のうちに占める割合をいう。）と当該一方の法人の当該他方の法人に係る間接保有の株式等の保有割合とを合計した割合により行うものとする。

(2) In the case referred to in item (i) of the preceding paragraph, whether or not one of the said two corporations directly or indirectly holds 50 percent or more of the number or the amount of the other corporation's issued shares, etc. shall be determined according to the ratio obtained by adding the ownership ratio for the shares, etc. pertaining to the said other corporation held directly by the said one of the two corporations (meaning the ratio of the number or the amount of the said other corporation's shares or capital contributions held by the said one of the two corporations out of the total issued shares, etc. of the said other corporation) and the ownership ratio for the shares, etc. pertaining to the said other corporation held indirectly by the said one of the two corporations.

3 前項に規定する間接保有の株式等の保有割合とは、次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）をいう。

(3) The ownership ratio for the shares, etc. held indirectly that is prescribed in the preceding paragraph shall be the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows):

一 前項の他方の法人の株主等（法人税法第二条第十四号に規定する株主等をいう。

次号において同じ。) である法人の発行済株式等の百分の五十以上の数又は金額の株式又は出資が同項の一方の法人により所有されている場合 当該株主等である法人の有する当該他方の法人の株式又は出資の数又は金額が当該他方の法人の発行済株式等のうちに占める割合 (当該株主等である法人が二以上ある場合には、当該二以上の株主等である法人につきそれぞれ計算した割合の合計割合)

- (i) Where 50 percent or more of the number or the amount of the issued shares, etc. of a corporation which is a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2(xiv) of the Corporation Act; the same shall apply in the next item) of the other corporation set forth in the preceding paragraph are held by the said one of the two corporations set forth in the preceding paragraph: The ratio of the number or the amount of shares or capital contributions of the said other corporation held by the said corporation which is a shareholder, etc. out of the total issued shares, etc. of the said other corporation (where there are two or more such corporations which are shareholders, etc., the sum of the ratios calculated for each of them)

二 前項の他方の法人の株主等である法人 (前号に掲げる場合に該当する同号の株主等である法人を除く。) と同項の一方の法人との間にこれらの者と発行済株式等の所有を通じて連鎖関係にある一又は二以上の法人 (以下この号において「出資関連法人」という。) が介在している場合 (出資関連法人及び当該株主等である法人がそれぞれその発行済株式等の百分の五十以上の数又は金額の株式又は出資を当該一方の法人又は出資関連法人 (その発行済株式等の百分の五十以上の数又は金額の株式又は出資が当該一方の法人又は他の出資関連法人によつて所有されているものに限る。) によつて所有されている場合に限る。) 当該株主等である法人の有する当該他方の法人の株式又は出資の数又は金額が当該他方の法人の発行済株式等のうちに占める割合 (当該株主等である法人が二以上ある場合には、当該二以上の株主等である法人につきそれぞれ計算した割合の合計割合)

- (ii) Where a single corporation or two or more corporations intervene(s) between a corporation which is a shareholder, etc. of the other corporation set forth in the preceding paragraph (excluding a corporation which is a shareholder, etc. set forth in the preceding item falling under the case listed in the said item) and the said one of the two corporations set forth in the preceding paragraph and has(have) a linkage with them through holding the issued shares, etc. (hereinafter such intervening corporation(s) shall be referred to as a "capital contribution-related corporation(s)" in this item) (limited to the case where 50 percent or more of the number or the amount of the issued shares, etc. of each of a capital contribution-related corporation(s) and the said corporation which is a shareholder, etc. are held by the said one of the two corporations or a capital contribution-related corporation(s) (such one of the two corporations or capital contribution-related foreign corporation(s) shall be limited to those 50 percent or more of the number or the amount of whose issued shares, etc. are held by the said one of the two

corporations or other capital contribution-related corporation(s)): The ratio of the number or the amount of shares or capital contributions of the said other corporation held by the said corporation which is a shareholder, etc. out of the total issued shares, etc. of the said other corporation (where there are two or more such corporations which are shareholders, etc., the sum of the ratios calculated for each of them).

4 第二項の規定は、第一項第二号、第四号及び第五号の直接又は間接に保有される関係の判定について準用する。

(4) The provisions of paragraph (2) shall apply mutatis mutandis to the determination of a relationship whereby the shares, etc. are directly or indirectly held as set forth in item (ii), item (iv) and item (v) of paragraph (1).

5 法第六十八条の八十八第二項第一号ロに規定する政令で定める通常の利益率は、同条第一項に規定する国外関連取引（以下この条において「国外関連取引」という。）に係る棚卸資産と同種又は類似の棚卸資産を、特殊の関係（同項に規定する特殊の関係をいう。）にない者（以下第七項までにおいて「非関連者」という。）から購入した者（以下この項及び第七項第二号において「再販売者」という。）が当該同種又は類似の棚卸資産を非関連者に対して販売した取引（以下この項において「比較対象取引」という。）に係る当該再販売者の売上総利益の額（当該比較対象取引に係る棚卸資産の販売による収入金額の合計額から当該比較対象取引に係る棚卸資産の原価の額の合計額を控除した金額をいう。）の当該収入金額の合計額に対する割合とする。ただし、比較対象取引と当該国外関連取引に係る棚卸資産の買手が当該棚卸資産を非関連者に対して販売した取引とが売手の果たす機能その他において差異がある場合には、その差異により生ずる割合の差につき必要な調整を加えた後の割合とする。

(5) The normal profit margin specified by a Cabinet Order prescribed in Article 68-88(2)(i)(b) of the Act shall be the ratio of the amount of gross profits gained by a person who purchased the same or similar inventory assets as those for a foreign affiliated transaction prescribed in paragraph (1) of the said Article (hereinafter referred to as a "foreign affiliated transaction" in this Article) from a person who is not in a special relationship (meaning a special relationship prescribed in the said paragraph) (hereinafter such person who is not in such special relationship shall be referred to as a "non-affiliated person" through to paragraph (7) and such person who purchased such inventory assets shall be referred to as a "reseller" in this paragraph and paragraph (7)(ii)) through a transaction to sell the said same or similar inventory assets to a non-affiliated person (hereinafter referred to as a "comparison purpose transaction" in this paragraph) (such gross profits shall mean the amount obtained by deducting the sum of the costs of the said inventory assets for a comparison purpose transaction from the total revenue arising from the sale of the said inventory assets for a comparison purpose transaction) against the sum of the said revenue; provided, however, that where functions performed by the selling side or any other matters differ between a comparison purpose transaction and a

transaction in which the purchasing side of the said inventory assets for a foreign affiliated transaction sold the inventory assets to a non-affiliated person, such normal profit margin shall be the ratio after making the necessary adjustment for the differences in ratios caused by such disparity.

- 6 法第六十八条の八十八第二項第一号ハに規定する政令で定める通常の利益率は、国外関連取引に係る棚卸資産と同種又は類似の棚卸資産を、購入（非関連者からの購入に限る。）、製造その他の行為により取得した者（以下この項及び次項第三号において「販売者」という。）が当該同種又は類似の棚卸資産を非関連者に対して販売した取引（以下この項において「比較対象取引」という。）に係る当該販売者の売上総利益の額（当該比較対象取引に係る棚卸資産の販売による収入金額の合計額から当該比較対象取引に係る棚卸資産の原価の額の合計額を控除した金額をいう。）の当該原価の額の合計額に対する割合とする。ただし、比較対象取引と当該国外関連取引とが売手の果たす機能その他において差異がある場合には、その差異により生ずる割合の差につき必要な調整を加えた後の割合とする。

(6) The normal profit margin specified by a Cabinet Order prescribed in Article 68-88(2)(i)(c) of the Act shall be the ratio of the amount of gross profits gained by a person who acquired the same or similar inventory assets as those for a foreign affiliated transaction through the purchase (limited to a purchase from a non-affiliated person), manufacture or any other acts (hereinafter such person shall be referred to as a "seller" in this paragraph and item (iii) of the next paragraph) through a transaction to sell the said same or similar inventory assets to a non-affiliated person (hereinafter referred to as a "comparison purpose transaction" in this paragraph) (such gross profits shall mean the amount obtained by deducting the sum of the costs of the said inventory assets for a comparison purpose transaction from the total revenue arising from the sale of the said inventory assets for a comparison purpose transaction) against the sum of the said costs; provided, however, that where functions performed by the selling side or any other matters differ between a comparison purpose transaction and the said foreign affiliated transaction, such normal profit margin shall be the ratio after making a necessary adjustment for the differences in ratios caused by such disparity.

- 7 法第六十八条の八十八第二項第一号ニに規定する政令で定める方法は、次に掲げる方法とする。

(7) The method specified by a Cabinet Order prescribed in Article 68-88(2)(i)(d) of the Act shall be the method listed as follows:

- 一 国外関連取引に係る棚卸資産の法第六十八条の八十八第一項の連結法人又は当該連結法人に係る同項に規定する国外関連者による購入、製造、販売その他の行為に係る所得が、当該棚卸資産に係るこれらの行為のためにこれらの者が支出した費用の額、使用した固定資産の価額その他これらの者が当該所得の発生に寄与した程度を推測するに足りる要因に応じて当該連結法人及び当該国外関連者に帰属するものと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

(i) The method which uses, as the amount of consideration for a foreign affiliated transaction, the amount calculated by deeming that the income, which arises from the purchase, manufacture, sale or any other acts conducted with regard to inventory assets for the said foreign affiliated transaction by a consolidated corporation set forth in Article 68-88(1) of the Act or a foreign affiliated person prescribed in the said paragraph who is related to the said consolidated corporation, is to be attributed to the said consolidated corporation or foreign affiliated person, in accordance with the factors sufficient to estimate the amount of expenses or the value of fixed assets that such persons have spent or used for conducting such acts or any other levels of such persons' contribution to the said income

二 国外関連取引に係る棚卸資産の買手が非関連者に対して当該棚卸資産を販売した対価の額（以下この号において「再販売価格」という。）から、当該再販売価格にイに掲げる金額のロに掲げる金額に対する割合（再販売者が当該棚卸資産と同種又は類似の棚卸資産を非関連者に対して販売した取引（以下この号において「比較対象取引」という。）と当該国外関連取引に係る棚卸資産の買手が当該棚卸資産を非関連者に対して販売した取引とが売手の果たす機能その他において差異がある場合には、その差異により生ずる割合の差につき必要な調整を加えた後の割合）を乗じて計算した金額に当該国外関連取引に係る棚卸資産の販売のために要した販売費及び一般管理費の額を加算した金額を控除した金額をもって当該国外関連取引の対価の額とする方法

(ii) The method which uses, as the amount of consideration for a foreign affiliated transaction, the remaining amount of consideration gained by the purchasing side of inventory assets for a foreign affiliated transaction for having sold the said inventory assets to a non-affiliated person (hereinafter such amount of consideration shall be referred to as the "resale price" in this item) after deducting the amount obtained by multiplying the said resale price by the ratio of the amount listed in (a) against the amount listed in (b) (where functions performed by the selling side or any other matters differ between a transaction in which a reseller has sold the same or similar inventory assets as the said inventory assets to a non-affiliated person (hereinafter referred to as a "comparison purpose transaction" in this item) and a transaction in which the purchasing side of the said inventory assets for a foreign affiliated transaction sold the inventory assets to a non-affiliated person, by the ratio after making a necessary adjustment for the differences in ratios caused by such disparity) and then adding the selling expenses and general administrative expenses needed for the sale of the said inventory assets for a foreign affiliated transaction:

イ 当該比較対象取引に係る棚卸資産の販売による営業利益の額の合計額

(a) The sum of the operating profits arising from the sale of the said inventory assets for a comparison purpose transaction

ロ 当該比較対象取引に係る棚卸資産の販売による収入金額の合計額

(b) The total revenue arising from the sale of the said inventory assets for a comparison purpose transaction

三 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（以下この号において「取得原価の額」という。）に、イに掲げる金額にロに掲げる金額のハに掲げる金額に対する割合（販売者が当該棚卸資産と同種又は類似の棚卸資産を非関連者に対して販売した取引（以下この号において「比較対象取引」という。）と当該国外関連取引とが売手の果たす機能その他において差異がある場合には、その差異により生ずる割合の差につき必要な調整を加えた後の割合）を乗じて計算した金額及びイ（２）に掲げる金額の合計額を加算した金額をもって当該国外関連取引の対価の額とする方法

(iii) The method which uses, as the amount of consideration for a foreign affiliated transaction, the amount obtained by adding the amount of the costs spent by the selling side of inventory assets for a foreign affiliated transaction for acquiring the inventory assets through the purchase, manufacture or any other acts (hereinafter referred to as the "amount of acquisition costs" in this item), the amount obtained by multiplying the amount listed in (a) by the ratio of the amount listed in (b) against the amount listed in (c) (where functions performed by the selling side or any other matters differ between a transaction in which a seller sold the same or similar inventory assets as the said inventory assets to a non-affiliated person (hereinafter referred to as a "comparison purpose transaction" in this item) and the said foreign affiliated transaction, by the ratio after making a necessary adjustment for the differences in ratios caused by such disparity), and the sum of the amounts listed in (a)2.:

イ 次に掲げる金額の合計額

(a) The sum of the amounts listed as follows:

(1) 当該取得原価の額

1. The amount of the said acquisition costs

(2) 当該国外関連取引に係る棚卸資産の販売のために要した販売費及び一般管理費の額

2. The amount of the selling expenses and general administrative expenses needed for the sale of the said inventory assets for a foreign affiliated transaction

ロ 当該比較対象取引に係る棚卸資産の販売による営業利益の額の合計額

(b) The sum of the operating profits arising from the sale of the said inventory assets for a comparison purpose transaction

ハ 当該比較対象取引に係る棚卸資産の販売による収入金額の合計額からロに掲げる金額を控除した金額

(c) The amount obtained by deducting the amount listed in (b) from the total revenue arising from the sale of the said inventory assets for a comparison

purpose transaction

四 前二号に掲げる方法に準ずる方法

(iv) The method equivalent to those listed in the preceding two items.

8 法第六十八条の八十八第五項に規定する政令で定める場合は、同項の連結法人と同項の非関連者（以下この項及び次項において「非関連者」という。）との間の取引の対象となる資産が同条第五項の当該連結法人に係る国外関連者に販売、譲渡、貸付け又は提供されることが当該取引を行つた時において契約その他によりあらかじめ定まっている場合で、かつ、当該販売、譲渡、貸付け又は提供に係る対価の額が当該連結法人と当該国外関連者との間で実質的に決定されていると認められる場合及び同項の当該連結法人に係る国外関連者と非関連者との間の取引の対象となる資産が同項の連結法人に販売、譲渡、貸付け又は提供されることが当該取引を行つた時において契約その他によりあらかじめ定まっている場合で、かつ、当該販売、譲渡、貸付け又は提供に係る対価の額が当該連結法人と当該国外関連者との間で実質的に決定されていると認められる場合とする。

(8) The case specified by a Cabinet Order prescribed in Article 68-88(5) of the Act shall be the case where it has been determined in advance at the time of a transaction between a consolidated corporation set forth in the said paragraph and a non-affiliated person set forth in the said paragraph (hereinafter referred to as a "non-affiliated person" in this paragraph and the next paragraph), under a contract or the like, that the assets for the said transaction are to be sold, transferred, lent or provided to a foreign affiliated person related to the said consolidated corporation set forth in paragraph (5) of the said Article and where the amount of consideration for the said sale, transfer, lending or provision is deemed to have been substantially determined between the said consolidated corporation and the said foreign affiliated person, and the case where it has been determined in advance at the time of a transaction between a foreign affiliated person related to the said consolidated corporation set forth in the said paragraph and a non-affiliated person, under a contract or the like, that the assets for the said transaction are to be sold, transferred, lent or provided to a consolidated corporation set forth in the said paragraph and where the amount of consideration for the said sale, transfer, lending or provision is deemed to have been substantially determined between the said consolidated corporation and the said foreign affiliated person.

9 法第六十八条の八十八第五項の規定により国外関連取引とみなされた取引に係る同条第一項に規定する独立企業間価格は、同条第二項の規定にかかわらず、当該取引が前項の連結法人と同項の当該連結法人に係る国外関連者との間で行われたものとみなして同条第二項の規定を適用した場合に算定される金額に、当該連結法人と当該国外関連者との取引が非関連者を通じて行われることにより生ずる対価の額の差につき必要な調整を加えた金額とする。

(9) Notwithstanding the provisions of Article 68-88(2) of the Act, the arm's length price prescribed in paragraph (1) of the said Article for a transaction that was

deemed to be a foreign affiliated transaction under the provisions of paragraph (5) of the said Article shall be the amount calculated by applying the provisions of paragraph (2) of the said Article by deeming that the said transaction has been conducted between a consolidated corporation set forth in the preceding paragraph and a foreign affiliated person related to the said consolidated corporation set forth in the said paragraph and by making a necessary adjustment with regard to the differences in the amount of consideration caused when a transaction between the said consolidated corporation and the said foreign affiliated person is conducted via a non-affiliated person.

10 法第六十八条の八十八第六項第一号に規定す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は、同号に規定する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同号の国外関連取引が行われた日を含む事業年度又はこれに準ずる期間内の当該事業に係る売上総利益の額（当該事業年度又はこれに準ずる期間内の棚卸資産の販売による収入金額の合計額（当該事業が棚卸資産の販売に係る事業以外の事業である場合には、当該事業に係る収入金額の合計額。以下この項において「総収入金額」という。）から当該棚卸資産の原価の額の合計額（当該事業が棚卸資産の販売に係る事業以外の事業である場合には、これに準ずる原価の額又は費用の額の合計額。以下この項において「総原価の額」という。）を控除した金額をいう。）の総収入金額又は総原価の額に対する割合とする。

(10) The gross profit margin prescribed in Article 68-88(6)(i) of the Act or any other ratio specified by a Cabinet Order as a ratio equivalent thereto shall be the ratio of the amount of gross profits gained by a corporation which is engaged in the same type of business and whose size and other details are similar as prescribed in the said item through the said business for a business year including the day on which a foreign affiliated transaction set forth in the said item was conducted or for any other period equivalent thereto (such amount of gross profits shall mean the amount obtained by deducting the sum of the costs of inventory assets for the relevant business year or any other period equivalent thereto (where the said business is other than that pertaining to the sale of inventory assets, the sum of equivalent costs or expenses; hereinafter referred to as the "amount of gross costs" in this paragraph) from the total revenue arising from the sale of the said inventory assets (where the said business is other than that pertaining to the sale of inventory assets, the total revenue pertaining to the said business; hereinafter referred to as the "amount of gross revenue" in this paragraph)) against the amount of gross revenue or gross costs.

11 法第六十八条の八十八第六項第二号に規定する同条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は、国外関連取引が棚卸資産の販売又は購入である場合にあつては第一号から第四号までに掲げる方法とし、国外関連取引が棚卸資産の販売又は購入以外の取引である場合にあつては第一号又は第五号に掲

げる方法とする。

(11) The method specified by a Cabinet Order as the method similar to the method specified by a Cabinet Order prescribed in Article 68-88(2)(i)(d) of the Act or the method listed in paragraph (2)(ii)(b) of the said Article (limited to the method equal to that specified by the said Cabinet Order) as prescribed in paragraph (6)(ii) of the said Article shall be the method listed in item (i) to item (iv), in the case where a foreign affiliated transaction is for the sale or purchase of inventory assets, and the method listed in item (i) or item (v), in the case where a foreign affiliated transaction is for other than the sale or purchase of inventory assets:

一 法第六十八条の八十八第六項の連結法人及び当該連結法人の同項の国外関連取引に係る国外関連者（同条第一項に規定する国外関連者をいう。）の属する企業集団の財産及び損益の状況を連結して記載した計算書類による当該国外関連取引が行われた日を含む事業年度又はこれに準ずる期間の当該国外関連取引に係る事業に係る所得（当該計算書類において当該事業に係る所得が他の事業に係る所得と区分されていない場合には、当該事業を含む事業に係る所得とする。以下この号において同じ。）が、これらの者が支出した当該国外関連取引に係る事業に係る費用の額、使用した固定資産の価額（当該計算書類において当該事業に係る費用の額又は固定資産の価額が他の事業に係る費用の額又は固定資産の価額と区分されていない場合には、当該事業を含む事業に係る費用の額又は固定資産の価額とする。）その他これらの者が当該所得の発生に寄与した程度を推測するに足りる要因に応じてこれらの者に帰属するものと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

(i) The method which uses, as the amount of consideration for a foreign affiliated transaction, the amount calculated by deeming that the income, which arises from a business pertaining to a foreign affiliated transaction set forth in Article 68-88(6) of the Act for the business year including the date on which the said foreign affiliated transaction was conducted, based on financial statements containing the consolidated status of property and profits and losses of a corporate group which includes the said consolidated corporation and a foreign affiliated person (meaning a foreign affiliated person prescribed in paragraph (1) of the said Article) pertaining to the said foreign affiliated transaction conducted by the said consolidated corporation (where the income arising from the said business is not recorded separately from the income arising from other businesses in the said financial statements, the income arising from businesses including the said business; hereinafter the same shall apply in this item), or for any other period equivalent thereto, is to be attributed to such persons, in accordance with the factors sufficient to estimate the amount of expenses or the value of fixed assets that such persons have spent or used for conducting the said foreign affiliated transaction (where the amount of expenses or the value of fixed

assets spent or used for the said business is not recorded separately from the amount of expenses or the value of fixed assets spent or used for other businesses in the said financial statements, the amount of expenses or the value of fixed assets spent or used for businesses including the said business) or any other levels of such persons' contribution to the said income

二 国外関連取引に係る棚卸資産の買手が非関連者（法第六十八条の八十八第一項に規定する特殊の関係にない者をいう。）に対して当該棚卸資産を販売した対価の額（以下この号において「再販売価格」という。）から、当該再販売価格にイに掲げる金額のロに掲げる金額に対する割合を乗じて計算した金額に当該国外関連取引に係る棚卸資産の販売のために要した販売費及び一般管理費の額を加算した金額を控除した金額をもって当該国外関連取引の対価の額とする方法

(ii) The method which uses, as the amount of consideration for a foreign affiliated transaction, the remaining amount of consideration gained by the purchasing side of inventory assets for a foreign affiliated transaction for having sold the said inventory assets to a non-affiliated person (meaning a person who is not in a special relationship therewith as prescribed in Article 68-88(1) of the Act) (hereinafter such amount of consideration shall be referred to as the "resale price" in this item) after deducting the amount obtained by multiplying the said resale price by the ratio of the amount listed in (a) against the amount listed in (b) and then adding the selling expenses and general administrative expenses needed for the sale of the said inventory assets for a foreign affiliated transaction:

イ 当該国外関連取引に係る事業と同種又は類似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（以下この号において「比較対象事業」という。）の当該国外関連取引が行われた日を含む事業年度又はこれに準ずる期間（以下この号において「比較対象事業年度」という。）の当該比較対象事業に係る棚卸資産の販売による営業利益の額の合計額

(a) The sum of the operating profits gained by a corporation which is engaged in the same or similar type of business as those pertaining to the said foreign affiliated transaction and whose size and other details are similar (hereinafter referred to as a "comparison purpose business" in this item) through the sale of inventory assets for the said comparison purpose business for a business year including the day on which the said foreign affiliated transaction was conducted or for any other period equivalent thereto (hereinafter referred to as a "comparison purpose business year" in this item)

ロ 当該比較対象事業年度の当該比較対象事業に係る棚卸資産の販売による収入金額の合計額

(b) The total revenue arising from the sale of the said inventory assets for a comparison purpose business for the said comparison purpose business year

三 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（以下この号において「取得原価の額」という。）に、イに掲げる金額にロに掲げる金額のハに掲げる金額に対する割合を乗じて計算した金額及びイ（２）に掲げる金額の合計額を加算した金額をもって当該国外関連取引の対価の額とする方法

(iii) The method which uses, as the amount of consideration for a foreign affiliated transaction, the amount obtained by adding the amount of the costs spent by the selling side of inventory assets for the foreign affiliated transaction for acquiring the inventory assets through the purchase, manufacture or any other acts (hereinafter referred to as the "amount of acquisition costs" in this item), the amount obtained by multiplying the amount listed in (a) by the ratio of the amount listed in (b) against the amount listed in (c), and the sum of the amounts listed in (a)2.:

イ 次に掲げる金額の合計額

(a) The sum of the amounts listed as follows:

(1) 当該取得原価の額

1. The amount of the said acquisition costs

(2) 当該国外関連取引に係る棚卸資産の販売のために要した販売費及び一般管理費の額

2. The amount of the selling expenses and general administrative expenses needed for the sale of the said inventory assets for the foreign affiliated transaction

ロ 当該国外関連取引に係る事業と同種又は類似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（以下この号において「比較対象事業」という。）の当該国外関連取引が行われた日を含む事業年度又はこれに準ずる期間（以下この号において「比較対象事業年度」という。）の当該比較対象事業に係る棚卸資産の販売による営業利益の額の合計額

(b) The sum of the operating profits gained by a corporation which is engaged in the same or similar type of business as those pertaining to the said foreign affiliated transaction and whose size and other details are similar (hereinafter referred to as a "comparison purpose business" in this item) through the sale of inventory assets for the said comparison purpose business for a business year including the day on which the said foreign affiliated transaction was conducted or for any other period equivalent thereto (hereinafter referred to as a "comparison purpose business year" in this item)

ハ 当該比較対象事業年度の当該比較対象事業に係る棚卸資産の販売による収入金額の合計額からロに掲げる金額を控除した金額

(c) The amount obtained by deducting the amount listed in (b) from the total revenue arising from the sale of the said inventory assets for the comparison purpose business for the said comparison purpose business year

四 前二号に掲げる方法に準ずる方法

(iv) The method equivalent to those listed in the preceding two items

五 前三号に掲げる方法と同等の方法

(v) The method equal to those listed in the preceding three items

1 2 法第六十八条の八十八第十九項に規定する政令で定める要件は、次に掲げる要件とする。

(12) The requirements specified by a Cabinet Order prescribed in Article 68-88(19) of the Act shall be the requirements listed as follows:

一 法第六十八条の八十八第十九項に規定する国外関連取引に係る同項に規定する独立企業間価格につき財務大臣が同項に規定する租税条約の我が国以外の締約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。

(i) With regard to the arm's length price prescribed in Article 68-88(19) of the Act which pertains to a foreign affiliated transaction prescribed in the said paragraph, the Minister of Finance has reached an agreement, under a tax convention prescribed in the said paragraph, with the competent authority of a contracting state other than Japan of the said tax convention

二 前号の我が国以外の締約国が、同号の合意に基づき法第六十八条の八十八第十九項に規定する国外関連者に係る租税を減額し、かつ、その減額により還付をする金額に、還付加算金に相当する金額のうちその計算の基礎となる期間で財務大臣と当該我が国以外の締約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付さないこと。

(ii) The contracting state other than Japan set forth in the preceding item reduces a tax for a foreign affiliated person prescribed in Article 68-88(19) of the Act, based on the agreement set forth in the preceding item, and does not add to the amount to be refunded due to the said tax reduction, the part of the amount equivalent to the interest on refund that corresponds to the base period for the calculation for which the Minister of Finance has reached an agreement with the competent authority of the said contracting state other than Japan.

1 3 法第六十八条の八十八第十九項に規定する納付すべき法人税に係る延滞税は、同条第一項の規定を適用した場合に納付すべき法人税の額から同項の規定の適用がなかったとした場合に納付すべき法人税の額に相当する金額を控除した金額に係る延滞税とする。

(13) The delinquent tax imposed with regard to the corporation tax payable as prescribed in Article 68-88(19) of the Act shall be the delinquent tax to be imposed on the amount obtained by deducting the amount equivalent to the corporation tax payable where the provisions of paragraph (1) of the said Article do not apply from the corporation tax payable where the provisions of the said paragraph apply.

1 4 法第六十八条の八十八第一項、第二項第一号イ若しくはロ若しくは第五項の規定又は第五項の規定を適用する場合において、これらの規定に規定する特殊の関係が存

在するかどうかの判定は、それぞれの取引が行われた時の現況によるものとする。

(14) Where the provisions of Article 68-88(1), (2)(i)(a) or (b), or (5) of the Act or the provisions of paragraph (5) shall apply, the existence or not of any special relationship prescribed in these provisions shall be determined according to its status at the time when respective transactions were conducted.

15 法第六十八条の八十八第三項の規定の適用がある場合における法人税法施行令第百五十五条の十六の規定の適用については、同条中「第八十一条の六第一項又は第二項（連結法人の寄附金の損金不算入額の計算）」とあるのは「第八十一条の六第一項若しくは第二項（連結法人の寄附金の損金不算入額の計算）又は租税特別措置法第六十八条の八十八第三項（連結法人の国外関連者との取引に係る課税の特例）」と、同条第二号中「第八十一条の六第二項」とあるのは「第八十一条の六第二項又は租税特別措置法第六十八条の八十八第三項」とする。

(15) With respect to the application of Article 155-16 of the Order for Enforcement of the Corporation Tax Act where the provisions of Article 68-88(3) of the Act shall apply, the term "Article 81-6(1) or (2) (Calculation of the Amount of Contributions Expended by Consolidated Corporations to be Excluded from Deductible Expenses) of the Act" in the said Article shall be deemed to be replaced with "Article 81-6(1) or (2) (Calculation of the Amount of Contributions Expended by Consolidated Corporations to be Excluded from Deductible Expenses) of the Act or Article 68-88(3) (Special Provisions for Taxation on Transactions of Consolidated Corporations with Foreign Affiliated Persons) of the Act on Special Measures Concerning Taxation;" and the term "Article 81-6(2) of the Act" in item (ii) of the said Article shall be deemed to be replaced with "Article 81-6(2) of the Act or Article 68-88(3) of the Act on Special Measures Concerning Taxation."

(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申請手続等)
(Application Procedures, etc. for Grace of Tax Payment under the Special Provisions for Taxation on Transactions of Consolidated Corporations with Foreign Affiliated Persons)

第三十九条の百十二の二 法第六十八条の八十八の二第一項に規定する法人税の額及び当該法人税の額に係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は、次に掲げる金額の合計額とする。

Article 39-112-2 (1) The amount calculated as specified by a Cabinet Order as the amount of corporation tax and additional tax for the said corporation tax prescribed in Article 68-88-2(1) of the Act shall be the sum of the amounts listed as follows:

一 法第六十八条の八十八の二第一項に規定する申立てに係る更正決定（法第六十八条の八十八第十六項第一号に掲げる更正決定をいう。以下この号及び第三項第二号において同じ。）により納付すべき法人税の額（次号において「更正決定に係る法人税の額」という。）から、当該更正決定のうち法第六十八条の八十八の二第一項

に規定する法人税の額に係る部分がなかつたものとして計算した場合に納付すべきものとされる法人税の額（次号において「猶予対象以外の法人税の額」という。）を控除した金額

- (i) The amount obtained by deducting the amount of corporation tax payable where the calculation has been made by deeming that the reassessment or determination for the objection prescribed in Article 68-88-2(1) of the Act (meaning the reassessment or determination listed in Article 68-88(16)(i) of the Act; hereinafter the same shall apply in this item and paragraph (3)(ii)) does not cover the part pertaining to the corporation tax prescribed in Article 68-88-2(1) of the Act (referred to as the "amount of corporation tax not under grace" in the next item) from the amount of corporation tax payable based on the said reassessment or determination (referred to as the "amount of corporation tax based on the reassessment or determination" in the next item)

二 更正決定に係る法人税の額を基礎として課することとされる加算税（国税通則法第六十九条に規定する加算税をいう。以下この号において同じ。）の額から、猶予対象以外の法人税の額を基礎として課することとされる加算税の額を控除した金額

- (ii) The amount obtained by deducting the amount of additional tax (meaning additional tax prescribed in Article 69 of the Act on General Rules for National Taxes; hereinafter the same shall apply in this item) to be imposed based on the amount of corporation tax not under grace from the amount of additional tax to be imposed based on the amount of corporation tax based on the reassessment or determination.

2 法第六十八条の八十八の二第一項に規定する合意がない場合その他の政令で定める場合は次の各号に掲げる場合とし、同項に規定する政令で定める日は国税庁長官が当該各号に掲げる場合に該当する旨を通知した日とする。

- (2) The case where there is no agreement prescribed in Article 68-88-2(1) of the Act or any other case specified by a Cabinet Order shall be the case listed respectively in the following items and the date specified by a Cabinet Order prescribed in the said paragraph shall be the date on which the Commissioner of the National Tax Agency notified the fact that the case falls under any of those listed in the relevant items:

一 法第六十八条の八十八の二第一項に規定する協議（以下この項において「相互協議」という。）を継続した場合であつても同条第一項の合意（次号及び第三号において「合意」という。）に至らないと国税庁長官が認める場合（同条第五項各号に掲げる場合を除く。）において、国税庁長官が当該相互協議に係る条約相手国（第一条の三第一項第二号に規定する租税条約の我が国以外の締約国をいう。次号において同じ。）の権限ある当局に当該相互協議の終了の申入れをし、当該権限ある当局の同意を得たとき。

- (i) Where the Commissioner of the National Tax Agency finds that an agreement set forth in Article 68-88-2(1) of the Act (referred to as an

"agreement" in the next item and item (iii)) cannot be reached even if the consultation prescribed in the said paragraph (hereinafter referred to as a "mutual consultation" in this paragraph) is continued (excluding the case listed in the items of Article 68-88-2(5) of the Act), when he/she has made a request for the termination of the said mutual consultation to the competent authority of the other contracting state pertaining to the said mutual consultation (meaning a contracting state other than Japan of a tax convention prescribed in Article 1-3(1)(ii); the same shall apply in the next item) and has obtained consent from the said competent authority

二 相互協議を継続した場合であつても合意に至らないと当該相互協議に係る条約相手国の権限ある当局が認める場合において、国税庁長官が当該権限ある当局から当該相互協議の終了の申入れを受け、国税庁長官が同意をしたとき。

(ii) Where the competent authority of the other contracting state pertaining to a consultation finds that an agreement cannot be reached even if the said mutual consultation were continued, when the Commissioner of the National Tax Agency has received a request for the termination of the said mutual consultation from the said competent authority and has given his/her consent

三 法第六十八条の八十八の二第一項に規定する法人税の額に関し合意が行われた場合において、当該合意の内容が当該法人税の額を変更するものでないとき。

(iii) Where an agreement has been reached on the amount of corporation tax prescribed in Article 68-88-2(1) of the Act, when the said agreement is not to change the said amount of corporation tax.

3 法第六十八条の八十八の二第一項の規定による納税の猶予を受けようとする者は、次に掲げる事項を記載した申請書に、同項の申立てをしたことを証する書類その他の財務省令で定めるものを添付し、これを国税通則法第四十六条第一項に規定する税務署長等に提出しなければならない。

(3) A person intending to receive a grace of tax payment under the provisions of Article 68-88-2(1) of the Act shall submit a written application containing the matters listed as follows along with a document certifying that he/she has filed an objection set forth in the said paragraph and other documents specified by an Ordinance of the Ministry of Finance to the district director, etc. prescribed in Article 46(1) of the Act on General Rules for National Taxes:

一 当該猶予を受けようとする法人の名称及び納税地（その納税地と本店又は主たる事務所の所在地とが異なる場合には、名称及び納税地並びにその本店又は主たる事務所の所在地）

(i) The name and place for tax payment of a corporation intending to receive the said grace of tax payment (where the place for tax payment and the location of its head office or principal office are different, the corporation's name, place for tax payment and location of the head office or principal office)

二 納付すべき更正決定に係る法人税の事業年度、納期限及び金額

(ii) The business year, due date and the amount of payable corporation tax based on the reassessment or determination

三 前号の金額のうち当該猶予を受けようとする金額

(iii) The amount for which the corporation intends to receive a grace of tax payment out of the amount set forth in the preceding item

四 当該猶予を受けようとする金額が五十万円を超える場合には、その申請時に提供しようとする国税通則法第五十条各号に掲げる担保の種類、数量、価額及び所在（その担保が保証人の保証であるときは、保証人の名称又は氏名及び本店若しくは主たる事務所の所在地又は住所若しくは居所）その他担保に関し参考となるべき事項（担保を提供することができない特別の事情があるときは、その事情）

(iv) Where the said amount for which the corporation intends to receive a grace of tax payment exceeds 500,000 yen, the type, amount, value and location of the security listed in the items of Article 50 of the Act on General Rules for National Taxes which it intends to provide at the time of filing the application (when the security is a guarantee by a guarantor, the guarantor's name and the location, address or domicile of his/her head office or principal office) and any other matters for reference concerning the security (where there is any special circumstance whereby the corporation cannot provide security, the said circumstance).

4 法第六十八条の八十八の二第一項の規定による納税の猶予を受けた法人税についての国税通則法施行令第二十三条第一項の規定の適用については、同項中「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」とする。

(4) With respect to the application of the provisions of Article 23(1) of the Order for Enforcement of the Act on General Rules for National Taxes, regarding the corporation tax for which a grace of tax payment has been received pursuant to the provisions of Article 68-88-2(1) of the Act, the term "or national tax" in Article 23(1) of the said Order shall be deemed to be replaced with "(including a grace of tax payment under the provisions of Article 68-88-2(1) (Grace of Tax Payment under the Special Provisions for Taxation on Transactions of Consolidated Corporations with Foreign Affiliated Persons) of the Act on Special Measures Concerning Taxation) or national tax."

第二十六節 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 26 Special Provisions for Taxation on Interest on Liabilities, etc.
Payable by Consolidated Corporations to Foreign Controlling
Shareholders, etc.

(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)
(Special Provisions for Taxation on Interest on Liabilities, etc. Payable by

Consolidated Corporations to Foreign Controlling Shareholders, etc.)

第三十九条の百十三 法第六十八条の八十九第一項に規定する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、次の各号に掲げる場合の区分に応じ当該各号に定める金額とする。

Article 39-113 (1) The amount calculated as specified by a Cabinet Order as the amount equivalent to the excess part prescribed in Article 68-89(1) of the Act shall be the amount specified respectively in the following items for the category of cases listed in the relevant items:

一 イに掲げる金額からロに掲げる金額を控除した残額がハに掲げる金額以下である場合 当該連結法人が当該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（法第六十八条の八十九第四項第一号に規定する国外支配株主等をいう。以下この条において同じ。）及び資金供与者等（同項第二号に規定する資金供与者等をいう。以下この条において同じ。）に支払う第十四項各号に掲げる費用（第十三項第二号又は第三号に規定する場合において、これらの号の資金に係る負債の利子が当該利子の支払を受ける者の課税対象所得（法第六十八条の八十九第四項第九号に規定する課税対象所得をいう。ロにおいて同じ。）に含まれるときに、支払うものに限る。）の金額（次号において「課税対象所得に係る保証料等の金額」という。）に、イに掲げる金額からハに掲げる金額を控除した残額（次号及び次項において「平均負債残高超過額」という。）をロに掲げる金額で除して得た割合を乗じて計算した金額

(i) Where the remaining amount after deducting the amount listed in (b) from the amount listed in (a) is equivalent to or less than the amount listed in (c): The amount obtained by calculating the amount of expenses listed in the items of paragraph (14) which the said consolidated corporation pays for the relevant consolidated business year to a foreign controlling shareholder, etc. (meaning a foreign controlling shareholder, etc. prescribed in Article 68-89(4)(i) of the Act; hereinafter the same shall apply in this Article) and a fund provider, etc. (meaning a fund provider, etc. prescribed in item (ii) of the said paragraph; hereinafter the same shall apply in this Article) related to the said consolidated corporation (such expense shall be limited to what is to be paid, in the case prescribed in item (ii) or item (iii) of paragraph (13), when the interest on liabilities pertaining to the funds set forth in those items is included in the taxable income (meaning the taxable income prescribed in Article 68-89(4)(ix) of the Act; the same shall apply in (b)) of the person who is to receive payment of the said interest; such amount of expenses shall be referred to as the "amount of guarantee charge, etc. for the taxable income" in the next item) and then multiplying the said amount of expenses by the ratio obtained by dividing the remaining amount after deducting the amount listed in (c) from the amount listed in (a) (such remaining amount shall be referred to as the "amount exceeding the average balance of liabilities" in the next item and the next paragraph) by the

amount listed in (b):

イ 当該連結法人の当該連結事業年度の当該国外支配株主等及び資金供与者等に対する負債（法第六十八条の八十九第四項第四号に規定する国外支配株主等及び資金供与者等に対する負債をいう。以下この条において同じ。）に係る平均負債残高（同項第五号に規定する平均負債残高をいう。以下この条において同じ。）

(a) The average balance of liabilities (meaning the average balance of liabilities prescribed in Article 68-89(4)(v) of the Act; hereinafter the same shall apply in this Article) regarding the liabilities owed, for the relevant consolidated business year of the said consolidated corporation, to the said foreign controlling shareholder, etc. and fund provider, etc. (meaning the liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. prescribed in item (iv) of the said paragraph; hereinafter the same shall apply in this Article)

ロ 資金供与者等に対する法第六十八条の八十九第四項第四号に規定する政令で定める負債（当該負債の利子が当該利子の支払を受ける者の課税対象所得に含まれるものに係るものに限る。）に係る平均負債残高

(b) The average balance of liabilities regarding the liabilities specified by a Cabinet Order prescribed in Article 68-89(4)(iv) of the Act owed to a fund provider, etc. (limited to the liabilities regarding those whose interest is included in the taxable income of a person who is to receive payment of the said interest)

ハ 当該連結法人の当該連結事業年度に係る国外支配株主等の資本持分（法第六十八条の八十九第四項第六号に規定する国外支配株主等の資本持分をいう。第四項及び第七項において同じ。）に、三（当該連結法人が同条第三項の規定の適用を受ける場合には同項に規定する倍数。次項において同じ。）を乗じて計算した金額

(c) The amount obtained by multiplying the equity interest held by a foreign controlling shareholder, etc. for the relevant consolidated business year of the said consolidated corporation (meaning the equity interest held by a foreign controlling shareholder, etc. prescribed in Article 68-89(4)(vi) of the Act; the same shall apply in paragraph (4) and paragraph (7)) by three (where the said consolidated corporation receives the application of the provisions of paragraph (3) of the said Article, by the multiple number prescribed in the said paragraph)

二 前号イに掲げる金額から同号ロに掲げる金額を控除した残額が同号ハに掲げる金額を超える場合 次に掲げる金額の合計額

(ii) Where the remaining amount after deducting the amount listed in (b) from the amount listed in (a) of the preceding item exceeds the amount listed in

(c): The sum of the amounts listed as follows:

イ 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（法第六十八条の八十九第四項第三号に規定する負債の

利子等をいう。以下この条において同じ。)の額から課税対象所得に係る保証料等の金額を控除した残額に、平均負債残高超過額から前号ロに掲げる金額を控除した残額を同号イに掲げる金額から同号ロに掲げる金額を控除した残額で除して得た割合を乗じて計算した金額

- (a) The amount obtained by deducting the amount of guarantee charge, etc. for the taxable income from the amount of interest on liabilities, etc. (meaning the interest on liabilities, etc. prescribed in Article 68-89(4)(iii) of the Act; hereinafter the same shall apply in this Article) that the said consolidated corporation pays for the relevant consolidated business year to the said foreign controlling shareholder, etc. and fund provider, etc. and then multiplying the remaining amount after deduction by the ratio obtained by dividing the remaining amount after deducting the amount listed in (b) of the preceding item from the amount exceeding the average balance of liabilities by the remaining amount after deducting the amount listed in (b) of the said item from the amount listed in (a) of the said item

ロ 課税対象所得に係る保証料等の金額

- (b) The amount of guarantee charge, etc. for the taxable income.

- 2 当該連結法人の当該連結事業年度の法第六十八条の八十九第一項に規定する総負債に係る平均負債残高から当該連結法人の当該連結事業年度に係る自己資本の額（同条第四項第七号に規定する自己資本の額をいう。以下この条において同じ。）に三を乗じて得た金額を控除した残額が、当該連結法人の当該連結事業年度に係る平均負債残高超過額よりも少ない場合における前項の規定の適用については、同項第一号中「イに掲げる金額からロに掲げる金額を控除した残額がハに掲げる金額」とあるのは「当該連結法人の当該連結事業年度の法第六十八条の八十九第一項に規定する総負債に係る平均負債残高から当該連結法人の当該連結事業年度に係る同条第四項第七号に規定する自己資本の額に三を乗じて得た金額を控除した残額（以下この項において「総負債平均負債残高超過額」という。）がロに掲げる金額」と、「法第六十八条の八十九第四項第一号」とあるのは「同条第四項第一号」と、「イに掲げる金額からハに掲げる金額を控除した残額（次号及び次項において「平均負債残高超過額」という。）」とあるのは「総負債平均負債残高超過額」と、同項第二号中「前号イに掲げる金額から同号ロに掲げる金額を控除した残額が同号ハに掲げる金額」とあるのは「総負債平均負債残高超過額が前号ロに掲げる金額」と、「平均負債残高超過額」とあるのは「総負債平均負債残高超過額」とする。

- (2) With respect to the application of the provisions of the preceding paragraph where the remaining amount after deducting the amount obtained by multiplying the amount of equity capital (meaning the amount of equity capital prescribed in Article 68-89 (4)(vii) of the Act; hereinafter the same shall apply in this Article) for the relevant consolidated business year of the said consolidated corporation by three from the average balance of liabilities regarding the total liabilities prescribed in Article 68-89(1) of the Act for the relevant consolidated business year of the said consolidated corporation is less

than the amount exceeding the average balance of liabilities for the relevant consolidated business year of the said consolidated corporation, in item (i) of the preceding paragraph, the term "the remaining amount after deducting the amount listed in (b) from the amount listed in (a) is equivalent to or less than the amount listed in (c)" shall be deemed to be replaced with "the remaining amount after deducting the amount obtained by multiplying the amount of equity capital prescribed in Article 68-89(4)(vii) of the Act for the relevant consolidated business year of the said consolidated corporation by three from the average balance of liabilities regarding the total liabilities prescribed in Article 68-89(1) of the Act for the relevant consolidated business year of the said consolidated corporation (hereinafter such remaining amount shall be referred to as "the amount exceeding the average balance of the total liabilities" in this paragraph) is equivalent to or less than the amount listed in (c);" the term "Article 68-89(4)(i) of the Act" shall be deemed to be replaced with "paragraph (4)(i) of the said Article;" and the term "remaining amount after deducting the amount listed in (c) from the amount listed in (a) (such remaining amount shall be referred to as the "amount exceeding the average balance of liabilities" in the next item and the next paragraph)" shall be deemed to be replaced with "the amount exceeding the average balance of the total liabilities;" and in item (ii) of the said paragraph, the term "the remaining amount after deducting the amount listed in (b) from the amount listed in (a) of the preceding item exceeds the amount listed in (c)" shall be deemed to be replaced with "the amount exceeding the average balance of the total liabilities exceeds the amount listed in (c);" and the term "the amount exceeding the average balance of liabilities" shall be deemed to be replaced with "the amount exceeding the average balance of the total liabilities."

3 法第六十八条の八十九第一項の規定を適用する場合において、同項に規定する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は、当該連結法人が当該連結事業年度において費用として計上する金額によるものとする。

(3) Where the provisions of Article 68-89(1) of the Act shall apply, the amount of interest on liabilities, etc. to be paid by a consolidated corporation prescribed in the said paragraph to the said foreign controlling shareholder, etc. and fund provider, etc. for the relevant consolidated business year shall be based on the amount posted by the said consolidated corporation as an expense for the relevant consolidated business year.

4 当該連結法人に係る国外支配株主等が二以上ある場合における法第六十八条の八十九第一項の規定の適用については、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、国外支配株主等の資本持分又は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は、それぞれ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、国外支配株主等の資本持分又は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を合計した金額によるものとする。

(4) With respect to the application of the provisions of Article 68-89(1) of the Act where there are two or more foreign controlling shareholders, etc. related to the said consolidated corporation, the average balance of liabilities regarding the liabilities owed to foreign controlling shareholders, etc. and fund providers, etc., equity interest held by foreign controlling shareholders, etc. and the amount of interest on liabilities, etc. to be paid to foreign controlling shareholders, etc. and fund providers, etc. shall be based on the sum of the average balance of liabilities regarding the liabilities owed to foreign controlling shareholders, etc. and fund providers, etc., equity interest held by foreign controlling shareholders, etc. and the amount of interest on liabilities, etc. to be paid to foreign controlling shareholders, etc. and fund providers, etc., respectively.

5 法第六十八条の八十九第二項に規定す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から控除する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（法第六十八条の八十九第四項第八号に規定する特定債券現先取引等をいう。次項及び第八項において同じ。）に係るものに係る平均負債残高（当該平均負債残高が当該特定債券現先取引等に係る資産に係る平均資産残高（当該連結事業年度の当該資産の帳簿価額の平均的な残高として合理的な方法により計算した金額をいう。次項において同じ。）を超える場合には、当該平均資産残高。第八項において「調整後平均負債残高」という。）とする。

(5) The average balance of liabilities pertaining to a specified bond transaction with a repurchase/resale agreement, etc. which is calculated as specified by a Cabinet Order and is to be deducted from the average balance of liabilities regarding the liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. prescribed in Article 68-89(2) of the Act shall be the average balance of liabilities regarding the liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. related to the said consolidated corporation which pertain to a specified bond transaction with a repurchase/resale agreement, etc. (meaning a specified bond transaction with a repurchase/resale agreement, etc. prescribed in Article 68-89(4)(viii) of the Act; the same shall apply in the next paragraph and paragraph (8)) (where the said average balance of liabilities exceeds the average balance of assets regarding assets pertaining to a specified bond transaction with a repurchase/resale agreement, etc. (the average balance of assets shall mean the amount calculated by a reasonable method as the average balance of the said assets' book value for the relevant consolidated business year; the same shall apply in the next paragraph), such calculated average balance of liabilities shall be the said average balance of assets; such average balance of assets shall be referred to as the "average balance of liabilities after adjustment" in paragraph (8)).

6 法第六十八条の八十九第二項に規定する当該連結事業年度の総負債に係る平均負債残高から控除する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は、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。第十項において同じ。）のうち、特定債券現先取引等に係るものに係る平均負債残高（当該平均負債残高が当該特定債券現先取引等に係る資産に係る平均資産残高を超える場合には、当該平均資産残高）とする。

(6) The average balance of liabilities pertaining to a specified bond transaction with a repurchase/resale agreement, etc. which is calculated as specified by a Cabinet Order and is to be deducted from the average balance of liabilities regarding the total liabilities for the relevant consolidated business year prescribed in Article 68-89(2) of the Act shall be the average balance of liabilities regarding the total liabilities for the relevant consolidated business year (limited to those which are to be the cause of payment of interest on liabilities, etc.; the same shall apply in paragraph (10)) which pertain to a specified bond transaction with a repurchase/resale agreement, etc. (where the said average balance of liabilities exceeds the average balance of assets regarding assets pertaining to a specified bond transaction with a repurchase/resale agreement, etc., such calculated average balance of liabilities shall be the said average balance of assets).

7 法第六十八条の八十九第二項に規定する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に係る倍数は、同項に規定す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から同項に規定する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当該連結法人に係る国外支配株主等の資本持分で除して計算した倍数とし、同項に規定する政令で定めるところにより計算した自己資本の額に係る倍数は、同項に規定する当該連結事業年度の総負債に係る平均負債残高から同項に規定する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当該連結法人の自己資本の額で除して計算した倍数とする。

(7) The multiple number applicable to the equity interest held by a foreign controlling shareholder, etc. which is calculated as specified by a Cabinet Order prescribed in Article 68-89(2) of the Act shall be the multiple number obtained by calculating the average balance of liabilities by deducting the average balance of liabilities pertaining to a specified bond transaction with a repurchase/resale agreement, etc. calculated as specified by a Cabinet Order prescribed in the said paragraph from the average balance of liabilities regarding the liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. prescribed in the said paragraph and then dividing the calculated average balance of liabilities by the equity interest held by the foreign controlling shareholder, etc. related to the said consolidated corporation; and the multiple number applicable to the amount of equity capital which is calculated as specified by a Cabinet Order prescribed in the

said paragraph shall be the multiple number obtained by calculating the average balance of liabilities by deducting the average balance of liabilities pertaining to a specified bond transaction with a repurchase/resale agreement, etc. calculated as specified by a Cabinet Order prescribed in the said paragraph from the average balance of liabilities regarding the total liabilities for the relevant consolidated business year prescribed in the said paragraph and then dividing the calculated average balance of liabilities by the amount of equity capital of the said consolidated corporation.

8 法第六十八条の八十九第二項に規定す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控除する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支払う負債の利子等の額のうち特定債券現先取引等に係るものに、調整後平均負債残高を当該特定債券現先取引等に係る負債に係る平均負債残高で除して得た割合を乗じて計算した金額とする。

(8) The amount of interest on liabilities, etc. pertaining to a specified bond transaction with a repurchase/resale agreement, etc. which is calculated as specified by a Cabinet Order and is to be deducted from the amount of interest on liabilities, etc. to be paid to a foreign controlling shareholder, etc. and a fund provider, etc. prescribed in Article 68-89(2) of the Act shall be the amount obtained by multiplying the amount of interest on liabilities, etc. to be paid to a foreign controlling shareholder, etc. and a fund provider, etc. related to the said consolidated corporation which pertain to a specified bond transaction with a repurchase/resale agreement, etc. by the ratio obtained by dividing the average balance of liabilities after adjustment by the average balance of liabilities regarding the liabilities pertaining to the said specified bond transaction with a repurchase/resale agreement, etc.

9 法第六十八条の八十九第二項の規定の適用を受ける場合における第一項から第四項までの規定の適用については、第一項第一号中「)の金額」とあるのは「)の金額から、当該金額のうち特定債券現先取引等（同条第四項第八号に規定する特定債券現先取引等をいう。以下この号において同じ。）に係るものに、当該金額に係る負債に係る調整後平均負債残高（第五項に規定する調整後平均負債残高をいう。以下この号において同じ。）を当該金額に係る負債で特定債券現先取引等に係るものに係る平均負債残高（同条第四項第五号に規定する平均負債残高をいう。以下この条において同じ。）で除して得た割合を乗じて計算した金額を控除した残額」と、同号イ中「平均負債残高（同項第五号に規定する平均負債残高をいう。以下この条において同じ。）」とあるのは「平均負債残高から調整後平均負債残高を控除した残額」と、同号ロ中「平均負債残高」とあるのは「平均負債残高から当該負債に係る調整後平均負債残高を控除した残額」と、同号ハ中「三（）」とあるのは「二（）」と、同項第二号イ中「課税対象所得に係る保証料等の金額を控除した残額」とあるのは「、同条第二項に規定する特定債券現先取引等に係る負債の利子等の額及び課税対象所得に係る保証料等の金額の合計額を控除した残額」と、第二項中「平均負債残高から」とあるのは

「平均負債残高から第六項に規定する特定債券現先取引等に係るものに係る平均負債残高及び」と、「三を乗じて得た金額」とあるのは「二を乗じて得た金額の合計額」とする。

- (9) With respect to the application of the provisions of paragraph (1) to paragraph (4) in the case where the provisions of Article 68-89(2) of the Act are applied, the term "and then multiplying the said amount of expenses by the ratio" in paragraph (1)(i) shall be deemed to be replaced with ", then deducting the amount obtained by multiplying the part of the said amount of expenses that pertains to a specified bond transaction with a repurchase/resale agreement, etc. (meaning a specified bond transaction with a repurchase/resale agreement, etc. prescribed in Article 68-89(4)(viii) of the Act; hereinafter the same shall apply in this item) by the ratio obtained by dividing the average balance of liabilities after adjustment (meaning the average balance of liabilities after adjustment prescribed in paragraph (5); hereinafter the same shall apply in this item) regarding the liabilities for the said amount by the average balance of liabilities regarding the liabilities for the said amount which pertains to a specified bond transaction with a repurchase/resale agreement, etc., and then multiplying the remaining amount after deduction by the ratio;" the term "The average balance of liabilities (meaning the average balance of liabilities prescribed in item (v) of the said paragraph; hereinafter the same shall apply in this Article)" in (a) of paragraph (1)(i) shall be deemed to be replaced with "The remaining amount after deducting the average balance of liabilities after adjustment from the average balance of liabilities;" the term "The average balance of liabilities" in (b) of the said item shall be deemed to be replaced with "The remaining amount after deducting the average balance of liabilities after adjustment regarding the said liabilities from the average balance of liabilities;" the term "three" in (c) of the said item shall be deemed to be replaced with "two;" the term "The amount obtained by deducting the amount of guarantee charge, etc. for the taxable income" in (a) of paragraph (1)(ii) shall be deemed to be replaced with "The amount obtained by deducting the sum of the amount of interest on liabilities, etc. pertaining to a specified bond transaction with a repurchase/resale agreement, etc. prescribed in paragraph (2) of the said Article and the amount of guarantee charge, etc. for the taxable income;" the term "where the remaining amount after deducting the amount" in paragraph (2) shall be deemed to be replaced with "where the remaining amount after deducting the sum of the average balance of liabilities regarding the average balance of liabilities which pertain to a specified bond transaction with a repurchase/resale agreement, etc. prescribed in paragraph (6) and the amount;" and the term "by three" in the said paragraph shall be deemed to be replaced with "by two."

10 法第六十八条の八十九第三項に規定する政令で定める比率は、同項の規定の適用

を受けようとする連結法人（以下この項において「適用法人」という。）の当該連結事業年度終了の日以前三年内に終了した同条第三項の事業規模その他の状況が類似する内国法人の各事業年度又は各連結事業年度のうちいずれかの事業年度又は連結事業年度終了の日における総負債の額（当該適用法人が同条第二項の規定の適用を受ける場合にあつては、財務省令で定める金額を控除した残額）の同日における資本金、法定準備金及び剰余金の合計額に対する比率とする。この場合において、当該比率に小数点以下二位未満の端数があるときは、これを切り上げるものとする。

(10) The percentage specified by a Cabinet Order prescribed in Article 68-89(3) of the Act shall be the percentage of the amount of the total liabilities of a domestic corporation whose business size set forth in paragraph (3) of the said Article and other details are similar to those of a consolidated corporation which seeks the application of the provisions of the said paragraph (hereinafter referred to as an "applicable corporation" in this paragraph) on the final day of any of the said domestic corporation's relevant business years or consolidated business years that ended within three years until the final day of the applicable corporation's relevant consolidated business year (where the said applicable corporation receives the application of the provisions of paragraph (2) of the said Article, the percentage of the remaining amount of the total liabilities after deducting the amount specified by an Ordinance of the Ministry of Finance) against the sum of the amounts of stated capital, statutory reserve, and surplus on the same day. In this case, where there are any fractions after two decimal places, they shall be rounded up.

1 1 法第六十八条の八十九第四項第一号に規定する政令で定める特殊の関係は、次に掲げる関係とする。

(11) The special relationship specified by a Cabinet Order prescribed in Article 68-89(4)(i) of the Act shall be the relationship listed as follows:

一 当該連結法人がその発行済株式又は出資（その有する自己の株式又は出資を除く。）の総数又は総額（以下この条において「発行済株式等」という。）の百分の五十以上の株式又は出資の数又は金額（以下この条において「株式等」という。）を直接又は間接に保有される関係

(i) A relationship whereby out of the total number or total amount of issued shares or capital contributions of the said consolidated corporation (excluding its own shares or capital contributions held by the said corporation) (hereinafter referred to as the "issued shares, etc." in this Article), 50 percent or more of shares or capital contributions (hereinafter referred to as the "shares, etc." in this Article) are held directly or indirectly by a foreign controlling shareholder, etc.

二 当該連結法人と外国法人が同一の者（当該者が個人である場合には、当該個人と法人税法施行令第四条第一項に規定する特殊の関係のある個人を含む。）によつてそれぞれその発行済株式等の百分の五十以上の株式等を直接又は間接に保有される場合における当該連結法人と当該外国法人の関係（前号に掲げる関係に該当するも

のを除く。)

(ii) Where 50 percent or more of the issued shares, etc. of the said consolidated corporation and a foreign corporation are respectively held directly or indirectly by the same person (where the said person is an individual, including an individual who has a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with the said individual), the relationship between the said consolidated corporation and the said foreign corporation (excluding any relationship falling under that listed in the preceding item)

三 当該連結法人与非居住者（法第二条第一項第一号の二に規定する非居住者をいう。）又は外国法人（以下この号において「非居住者等」という。）との間に次に掲げる事実その他これに類する事実が存在することにより、当該非居住者等が当該連結法人の事業の方針の全部又は一部につき実質的に決定できる関係（前二号に掲げる関係に該当するものを除く。）

(iii) A relationship whereby the existence of the facts listed as follows or any other facts equivalent thereto between the said consolidated corporation and a nonresident (meaning a nonresident prescribed in Article 2(1)(i)-2 of the Act) or a foreign corporation (hereinafter such nonresident or foreign corporation shall be referred to as a "nonresident, etc." in this item) enables the said nonresident, etc. to determine substantially the whole or a part of the said consolidated corporation's business policies (excluding any relationship falling under that listed in the preceding two items):

イ 当該連結法人がその事業活動の相当部分を当該非居住者等との取引に依存して行っていること。

(a) The fact that the said consolidated corporation depends on transactions with the said nonresident, etc. for a considerable part of its business activities

ロ 当該連結法人がその事業活動に必要とされる資金の相当部分を当該非居住者等からの借入れにより、又は当該非居住者等の保証を受けて調達していること。

(b) The fact that the said consolidated corporation has borrowed a considerable part of the funds necessary for its business activities from the said nonresident, etc. or has procured a considerable part of the funds necessary for its business activities by obtaining guarantees from the said nonresident, etc.

ハ 当該連結法人の役員二分の一以上又は代表する権限を有する役員が、当該外国法人の役員若しくは使用人を兼務している者又は当該外国法人の役員若しくは使用人であつた者であること。

(c) The fact that 50 percent or more of the officers or officers with the representative authority of the said consolidated corporation are persons who double as the said foreign corporation's officers or employees or who were formerly the said foreign corporation's officers or employees.

1 2 前条第二項及び第三項の規定は、前項第一号及び第二号の発行済株式等の百分の五十以上の株式等を直接又は間接に保有されるかどうかの判定について準用する。

(12) The provisions of paragraph (2) and paragraph (3) of the preceding Article shall apply mutatis mutandis to the determination as to whether or not 50 percent or more of the issued shares, etc. set forth in item (i) and item (ii) of the preceding paragraph are held directly or indirectly.

1 3 法第六十八条の八十九第四項第二号に規定する連結法人に資金を供与する者及び当該資金の供与に係る者として政令で定める者は、次に掲げる者とする。

(13) 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 as prescribed in Article 68-89(4)(ii) of the Act shall be any of the following:

一 当該連結法人に係る国外支配株主等が第三者を通じて当該連結法人に対して資金を供与したと認められる場合における当該第三者

(i) Where it is found that a foreign controlling shareholder, etc. related to the said consolidated corporation has provided the said consolidated corporation with funds via a third party: The said third party

二 当該連結法人に係る国外支配株主等が第三者に対して当該連結法人の債務の保証をすることにより、当該第三者が当該連結法人に対して資金を供与したと認められる場合における当該第三者

(ii) Where it is found that a foreign controlling shareholder, etc. related to the said consolidated corporation has offered guarantees for the said consolidated corporation's liabilities to a third party and thereby the said third party has provided the said consolidated corporation with funds: The said third party

三 当該連結法人に係る国外支配株主等から当該連結法人に貸し付けられた債券（当該国外支配株主等が当該連結法人の債務の保証をすることにより、第三者から当該連結法人に貸し付けられた債券を含む。）が、他の第三者に、担保として提供され、債券現先取引（法第四十二条の二第一項に規定する債券現先取引をいう。）で譲渡され、又は現金担保付債券貸借取引（法第六十六条の五第四項第八号に規定する現金担保付債券貸借取引をいう。）で貸し付けられることにより、当該他の第三者が当該連結法人に対して資金を供与したと認められる場合における当該第三者及び他の第三者

(iii) Where it is found that bonds lent by a foreign controlling shareholder, etc. related to the said consolidated corporation to the said consolidated corporation (including bonds lent by a third party to the said consolidated corporation based on guarantees for the said consolidated corporation's liabilities offered by the said foreign controlling shareholder, etc.) have been provided to any other third party as security and have been transferred in a bond transaction with a repurchase/resale agreement (meaning a bond transaction with a repurchase/resale agreement prescribed in Article 42-2(1) of the Act) or lent in a cash-secured bond lending transaction (meaning a

cash-secured bond lending transaction prescribed in Article 66-5(4)(viii) of the Act) and thereby the said other third party has provided the said consolidated corporation with funds: The said third party and other third party.

1 4 法第六十八条の八十九第四項第三号に規定する政令で定める費用は、次に掲げるものとする。

(14) The expense specified by a Cabinet Order prescribed in Article 68-89(4)(iii) of the Act shall be the expense listed as follows:

一 前項第二号に規定する場合において、同号の連結法人が当該連結法人に係る国外支配株主等に支払う同号の債務の保証料

(i) In the case prescribed in item (ii) of the preceding paragraph, the guarantee charge for the liabilities set forth in the said item which a consolidated corporation set forth in the said item pays to a foreign controlling shareholder, etc. related to the said consolidated corporation

二 前項第三号に規定する場合において、同号の連結法人が当該連結法人に係る国外支配株主等に支払う同号の債券の使用料若しくは同号の債務の保証料又は同号の第三者に支払う同号の債券の使用料

(ii) In the case prescribed in item (iii) of the preceding paragraph, the charge for bonds set forth in the said item or guarantee charge for the liabilities set forth in the said item which a consolidated corporation set forth in the said item pays to a foreign controlling shareholder, etc. related to the said consolidated corporation or the charge for bonds set forth in the said item which the said consolidated corporation pays to a third party set forth in the said item.

1 5 法第六十八条の八十九第四項第四号に規定する政令で定める負債は、第十三項各号に規定する場合における当該各号の資金に係る負債とする。

(15) The liabilities specified by a Cabinet Order prescribed in Article 68-89(4)(iv) of the Act shall be the liabilities set forth in the items of paragraph (13) in the cases prescribed in the relevant items.

1 6 法第六十八条の八十九第四項第五号に規定する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は、当該連結事業年度の負債の帳簿価額の平均的な残高として合理的な方法により計算した金額とする。

(16) The amount calculated as specified by a Cabinet Order as the average amount of liabilities prescribed in Article 68-89(4)(v) of the Act shall be the amount calculated by a reasonable method as the average balance of the book value of the liabilities for the relevant consolidated business year.

1 7 法第六十八条の八十九第四項第六号に規定する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は、当該連結法人の当該連結事業年度に係る自己資本の額に、当該連結事業年度終了の日において国外支配株主等の有する当該連結法人に係る直接及び間接保有の株式等が当該連結法人の発行済株式等のうちに占める割合を乗じて計算した金額とする。

(17) The amount calculated as specified by a Cabinet Order as the interest on a consolidated corporation's net assets held by a foreign controlling shareholder, etc. as prescribed in Article 68-89(4)(vi) of the Act shall be the amount obtained by multiplying the amount of equity capital for the relevant consolidated business year of the said consolidated corporation by the ratio of the shares, etc. regarding the said consolidated corporation held directly or indirectly by a foreign controlling shareholder, etc. on the final day of the relevant consolidated business year out of the said consolidated corporation's issued shares, etc.

18 前項に規定する直接及び間接保有の株式等とは、当該連結法人に係る国外支配株主等が直接に保有する当該連結法人の株式等及び当該国外支配株主等が間接に保有する当該連結法人の株式等（当該連結法人の発行済株式等に、次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）を乗じて計算した株式等をいう。）の総数又は合計額をいう。

(18) The shares, etc. held directly or indirectly as prescribed in the preceding paragraph shall be the total number or the sum of the said consolidated corporation's shares, etc. held directly by a foreign controlling shareholder, etc. related to the said consolidated corporation and the said consolidated corporation's shares, etc. held indirectly by the said foreign controlling shareholder, etc. (meaning the shares, etc. calculated by multiplying the said consolidated corporation's issued shares, etc. by the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows)):

一 当該連結法人の株主等（法人税法第二条第十四号に規定する株主等をいう。以下この号及び第二十二項において同じ。）である他の内国法人の発行済株式等の全部又は一部が当該連結法人に係る国外支配株主等により保有されている場合 当該国外支配株主等の当該他の内国法人に係る持株割合（株主等の有する株式等がその発行済株式等のうちに占める割合をいう。以下この項及び第二十二項において同じ。）に当該他の内国法人の当該連結法人に係る持株割合を乗じて計算した割合（当該他の内国法人が二以上ある場合には、当該二以上の他の内国法人につきそれぞれ計算した割合の合計割合）

(i) Where the whole or a part of the issued shares, etc. of any other domestic corporation which is a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2(xiv) of the Corporation Tax Act; hereinafter the same shall apply in this item and paragraph (22)) of the said consolidated corporation are held by a foreign controlling shareholder, etc. related to the said consolidated corporation: The ratio obtained by multiplying the said foreign controlling shareholder, etc.'s ratio of shareholding (meaning the ratio of the shares, etc. held by a shareholder, etc. out of the total issued

shares, etc.; hereinafter the same shall apply in this paragraph and paragraph (22)) pertaining to the said other domestic corporation by the said other domestic corporation's ratio of shareholding pertaining to the said consolidated corporation (where there are two or more other domestic corporations, the sum of the ratios calculated for each of them)

二 当該連結法人と当該連結法人に係る国外支配株主等によりその発行済株式等の全部又は一部が保有されている他の内国法人との間に介在する一又は二以上の内国法人（以下この項において「出資関連内国法人」という。）がいる場合であつて、当該国外支配株主等、当該他の内国法人、出資関連内国法人及び当該連結法人が株式等の保有を通じて連鎖関係にある場合 当該国外支配株主等の当該他の内国法人に係る持株割合、当該他の内国法人の出資関連内国法人に係る持株割合、出資関連内国法人の他の出資関連内国法人に係る持株割合及び出資関連内国法人の当該連結法人に係る持株割合を順次乗じて計算した割合（当該連鎖関係が二以上ある場合には、当該二以上の連鎖関係につきそれぞれ計算した割合の合計割合）

(ii) Where a single domestic corporation or two or more domestic corporations intervene(s) between the said consolidated corporation and any other domestic corporation, the whole or a part of whose issued shares, etc. are held by a foreign controlling shareholder, etc. related to the said consolidated corporation (hereinafter such intervening domestic corporation(s) shall be referred to as a "capital contribution-related domestic corporation(s)" in this paragraph) and the said foreign controlling shareholder, etc., the said other domestic corporation, capital contribution-related domestic corporation(s) and the said consolidated corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the said foreign controlling shareholder, etc.'s ratio of shareholding pertaining to the said other domestic corporation sequentially by the said other domestic corporation's ratio of shareholding pertaining to the capital contribution-related domestic corporation(s), by the capital contribution-related domestic corporation's(s') ratio of shareholding pertaining to other capital contribution-related domestic corporation(s), and by the capital contribution-related domestic corporation's(s') ratio of shareholding pertaining to the said consolidated corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

19 当該連結法人と当該連結法人に係る国外支配株主等とが第十一項第二号に掲げる関係にある場合において、同号に規定する同一の者が法第二条第一項第一号の二に規定する居住者又は他の内国法人であるときは、当該同一の者を当該連結法人に係る国外支配株主等とみなして、前二項の規定を適用するものとする。

(19) Where the said consolidated corporation and a foreign controlling shareholder, etc. related to the said consolidated corporation are in a relationship listed in paragraph (11)(ii), when the same person prescribed in the said item is a resident or any other domestic corporation prescribed in

Article 2(1)(i)-2 of the Act, the provisions of the preceding two paragraphs shall be applied by deeming the said same person to be a foreign controlling shareholder, etc. related to the said consolidated corporation.

20 法第六十八条の八十九第四項第七号に規定する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は、第一号に掲げる金額から第二号に掲げる金額を控除した残額（当該残額が当該連結法人の当該連結事業年度終了の日における法人税法第二条第十七号の二に規定する連結個別資本金等の額（当該連結個別資本金等の額が資本金の額又は出資金の額に満たない場合には、当該資本金の額又は出資金の額。以下この項及び第二十二項において「連結個別資本金等の額」という。）に満たない場合には、当該連結個別資本金等の額）とする。

(20) The amount calculated as specified by a Cabinet Order as the amount of net assets prescribed in Article 68-89(4)(vii) of the Act shall be the remaining amount after deducting the amount listed in item (ii) from the amount listed in item (i) (where the said remaining amount does not reach the amount of consolidated individual stated capital, etc. prescribed in Article 2(xvii)-2 of the Corporation Tax Act on the final day of the relevant consolidated business year of the said consolidated corporation (where the said amount of consolidated individual stated capital, etc. does not reach the amount of stated capital or capital contributions, the said amount of stated capital or capital contributions; hereinafter referred to as the "amount of consolidated individual stated capital, etc." in this paragraph and paragraph (22)), such calculated amount shall be the said amount of consolidated individual stated capital, etc.):

一 当該連結法人の当該連結事業年度の総資産の帳簿価額（固定資産の帳簿価額を損金経理により減額することに代えて剰余金の処分により積立金として積み立てている金額及び法第五十二条の三又は第六十八条の四十一の規定により特別償却準備金として積み立てている金額（剰余金の処分により積立金として積み立てている金額に限る。）を控除した残額）の平均的な残高として合理的な方法により計算した金額

(i) The amount calculated by a reasonable method as the average balance of the book value of the total assets for the relevant consolidated business year of the said consolidated corporation (such book value shall mean the remaining amount after deducting the amount reserved as a reserve fund by the appropriation of surplus and the amount reserved as a reserve for special depreciation pursuant to the provisions of Article 52-3 or Article 68-41 of the Act (limited to the amount reserved as a reserve fund by the appropriation of surplus) in lieu of reducing the book value of fixed assets by reckoning the amount into expense for accounting purpose)

二 当該連結法人の当該連結事業年度の総負債の帳簿価額の平均的な残高として合理的な方法により計算した金額

(ii) The amount calculated by a reasonable method as the average balance of

the book value of the total liabilities for the relevant consolidated business year of the said consolidated corporation.

2 1 第五項、第十六項及び前項の帳簿価額は、当該連結法人がその会計帳簿に記載した資産又は負債の金額によるものとする。

(21) The book value set forth in paragraph (5) and paragraph (16) and the preceding paragraph shall be based on the amount of assets or liabilities that the said domestic corporation entered in its accounting books.

2 2 当該連結法人と当該連結法人に係る国外支配株主等との間に当該連結法人の株主等である他の内国法人又は出資関連内国法人（当該連結法人と当該他の内国法人との間にこれらの者と株式等の保有を通じて連鎖関係にある一又は二以上の内国法人をいう。次項において同じ。）が介在している場合において、当該連結法人の当該連結事業年度終了の日における連結個別資本金等の額に当該他の内国法人又は出資関連内国法人の当該連結法人に係る持株割合を乗じて計算した金額が当該他の内国法人又は出資関連内国法人の同日における第三十九条の十三第二十二項に規定する資本金等の額（法人税法第二条第十六号に規定する連結申告法人に該当する法人にあつては、連結個別資本金等の額）を超えるときは、当該連結法人に係る自己資本の額は、当該自己資本の額から、その超える金額と当該他の内国法人又は出資関連内国法人の同日における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額とのいずれか少ない金額（次項において「控除対象金額」という。）を控除した残額とする。

(22) Where any other domestic corporation which is a shareholder, etc. of the said consolidated corporation or a capital contribution-related domestic corporation(s) (meaning a single domestic corporation or two or more domestic corporations which have a linkage with the said consolidated corporation and the said other domestic corporation through holding the shares, etc.; the same shall apply in the next paragraph) intervene(s) between the said consolidated corporation and a foreign controlling shareholder, etc. related to the said consolidated corporation, when the amount obtained by multiplying the amount of consolidated individual stated capital, etc. on the final day of the relevant consolidated business year of the said consolidated corporation by the ratio of shareholding pertaining to the said consolidated corporation of the said other domestic corporation or capital contribution-related domestic corporation(s) exceeds the amount of stated capital, etc. prescribed in Article 39-13(22) of the said other domestic corporation or capital contribution-related domestic corporation(s) on the same day (for a corporation falling under the category of a corporation subject to corporation tax on consolidated income prescribed in Article 2(xvi) of the Corporation Tax Act, when such amount exceeds the amount of consolidated individual stated capital, etc.), the amount of equity capital pertaining to the said consolidated corporation shall be the remaining amount after deducting from the said amount of equity capital, either of the smaller amount of the said excess amount and the amount of the liabilities owed by the said other domestic corporation or capital contribution-

related domestic corporation(s) to a foreign controlling shareholder, etc. and a fund provider, etc. related to the said consolidated corporation on the same day (referred to as the "creditable amount" in the next paragraph).

23 前項に規定する場合において、同項の出資関連内国法人が同項の当該連結法人であるとした場合に当該出資関連内国法人に係る控除対象金額があるときは、当該出資関連内国法人の同項の資本金等の額は、当該資本金等の額から当該控除対象金額を控除した残額とし、当該出資関連内国法人の同項の国外支配株主等及び資金供与者等に対する負債の額は、当該国外支配株主等及び資金供与者等に対する負債の額に当該控除対象金額を加算した金額とする。

(23) In the case prescribed in the preceding paragraph, when deeming a capital contribution-related domestic corporation(s) set forth in the said paragraph to be the said consolidated corporation set forth in the said paragraph and if there is any creditable amount pertaining to the said capital contribution-related domestic corporation(s), the amount of stated capital, etc. set forth in the said paragraph of the said capital contribution-related domestic corporation(s) shall be the remaining amount after deducting the said creditable amount from the said amount of stated capital, etc.; and the amount of the liabilities owed by the said capital contribution-related domestic corporation(s) to a foreign controlling shareholder, etc. and a fund provider, etc. set forth in the said paragraph shall be the amount obtained by adding the amount of the liabilities owed to the said foreign controlling shareholder, etc. and fund provider, etc. and the said creditable amount.

24 法第六十八条の八十九第一項の規定の適用がある場合における法人税法施行令第一百五十五条の八の規定の適用については、同条第一項及び第二項中「の額の合計額」とあるのは「の額の合計額（租税特別措置法第六十八条の八十九第一項（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）の規定により損金の額に算入されない金額がある場合には、当該金額を控除した残額）」と、「第一号に掲げる金額の」とあるのは「第一号に掲げる金額（租税特別措置法第六十八条の八十九第一項の規定により損金の額に算入されない金額がある場合には、租税特別措置法施行令第三十九条の百十三第一項第一号（連結法人の国外支配株主等に支払う負債の利子等の損金不算入額の計算）（同条第九項の規定により読み替えて適用する場合を含む。）に規定する平均負債残高超過額に相当する金額（同条第二項の規定により同条第一項の規定を読み替えて適用する場合にあつては、同条第二項の規定により読み替えて適用する同号に規定する総負債平均負債残高超過額に相当する金額）を控除した残額）」とする。

(24) With respect to the application of the provisions of Article 155-8 of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 68-89(1) of the Act apply, the term "the sum of the amount of interest on liabilities prescribed in the said paragraph to be paid for the relevant business year" in Article 155-8(1) of the said Order shall be deemed to be replaced with "the sum of the amount of interest on liabilities prescribed in the

said paragraph to be paid for the relevant business year (where there is any amount that shall not be included in deductible expenses pursuant to the provisions of Article 68-89(1) (Special Provisions for Taxation on Interest on Liabilities, etc. Payable by Consolidated Corporations to Foreign Controlling Shareholders, etc.) of the Act on Special Measures Concerning Taxation, such sum shall be the remaining amount after deducting the said amount);" the term "the sum of the amount of interest on liabilities that a domestic corporation set forth in the said paragraph pays for the business year set forth in the said paragraph" in paragraph (2) of the said Article shall be deemed to be replaced with "the sum of the amount of interest on liabilities that a domestic corporation set forth in the said paragraph pays for the business year set forth in the said paragraph (where there is any amount that shall not be included in deductible expenses pursuant to the provisions of Article 68-89(1) (Special Provisions for Taxation on Interest on Liabilities, etc. Payable by Consolidated Corporations to Foreign Controlling Shareholders, etc.) of the Act on Special Measures Concerning Taxation, such sum shall be the remaining amount after deducting the said amount);" the term "the amount listed in item (i)" in paragraph (1) and paragraph (2) of the said Article shall be deemed to be replaced with "the amount listed in item (i) (where there is any amount that shall not be included in deductible expenses pursuant to the provisions of Article 68-89(1) of the Act on Special Measures Concerning Taxation, such amount shall be the remaining amount after deducting the amount equivalent to the amount exceeding the average balance of liabilities prescribed in Article 39-113(1)(i) (Calculation of the Amount of Interest on Liabilities, etc. Payable by Consolidated Corporations to Foreign Controlling Shareholders, etc. to be Excluded from Deductible Expenses) of the Order for Enforcement of the Act on Special Measures Concerning Taxation (including the cases where it is applied by replacing the terms under the provisions of paragraph (9) of the said Article) (in the case where the provisions of paragraph (1) of the said Article are applied by replacing the terms under the provisions of paragraph (2) of the said Article, after deducting the amount equivalent to the amount exceeding the average balance of the total liabilities prescribed in the said item which is applied by replacing the terms under the provisions of paragraph (2) of the said Article))."

第二十七節 連結法人の特定外国子会社等に係る所得の課税の特例

Section 27 Special Provisions for Taxation on Income of Specified Foreign Subsidiary Companies, etc. of Consolidated Corporations

(連結法人に係る特定外国子会社等の範囲)

(Scope of Specified Foreign Subsidiary Companies, etc. Related to Consolidated

Corporations)

第三十九条の百十四 法第六十八条の九十第一項に規定する政令で定める外国関係会社は、次に掲げるものとする。

Article 39-114 (1) The affiliated foreign company specified by a Cabinet Order prescribed in Article 68-90(1) of the Act shall be any of the following:

一 法人の所得に対して課される税が存在しない国又は地域に本店又は主たる事務所を有する外国関係会社（法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をいう。以下この節において同じ。）

(i) An affiliated foreign company that has its head office or principal office in a state or territory where there are no taxes imposed on corporate income (meaning an affiliated foreign company prescribed in Article 68-90(2)(i) of the Act; hereinafter the same shall apply in this Section)

二 その各事業年度の所得に対して課される租税の額が当該所得の金額の百分の二十五以下である外国関係会社

(ii) An affiliated foreign company whose tax imposed on its income for the relevant business year is 25 percent or less of the said income.

2 外国関係会社が前項第二号の外国関係会社に該当するかどうかの判定については、次に定めるところによる。

(2) Whether or not an affiliated foreign company falls under the category of an affiliated foreign company set forth in item (ii) of the preceding paragraph shall be determined as specified as follows:

一 前項第二号の所得の金額は、当該外国関係会社の当該各事業年度の決算に基づく所得の金額につき、その本店又は主たる事務所の所在する国又は地域（以下この節において「本店所在地国」という。）の外国法人税（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。以下この節において同じ。）に関する法令（当該外国法人税に関する法令が二以上ある場合には、そのうち主たる外国法人税に関する法令をいう。以下この項において「本店所在地国の法令」という。）の規定により計算した所得の金額に当該所得の金額に係るイからホまでに掲げる金額の合計額を加算した金額から当該所得の金額に係るへに掲げる金額を控除した残額とする。

(i) The amount of income set forth in item (ii) of the preceding paragraph shall be the amount obtained by adding the amount of income calculated pursuant to the provisions of the laws and regulations concerning foreign corporation taxes (meaning foreign corporation taxes prescribed in Article 69(1) of the Corporation Tax Act; hereinafter the same shall apply in this Section) of the state or territory where the said affiliated foreign company's head office or principal office is located (hereinafter referred to as the "state of the head office" in this Section) (where there are two or more laws and regulations concerning the said foreign corporation taxes, pursuant to the provisions of the principal ones; hereinafter referred to as the "laws and regulations of the state of the head office" in this paragraph) with regard to the said affiliated foreign company's income in its settlement of accounts for the relevant

business year and the sum of the amounts listed in (a) to (e) pertaining to the said calculated amount of income and then deducting therefrom the amount listed in (f) pertaining to the said calculated amount of income:

イ その本店所在地国の法令により外国法人税の課税標準に含まれないこととされる所得の金額（次に掲げる金額を除く。）

(a) The amount of income which shall not be included in the foreign corporation tax base under the laws and regulations of the state of the head office (excluding the amounts listed as follows):

(1) その本店所在地国に所在する法人から受ける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（以下この節において「剰余金の配当等」という。）の額（法第六十八条の九十二第一項第二号に定める金額を含む。以下この項において「配当等の額」という。）

1. The amount of a dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 23(1)(i) of the Corporation Tax Act (hereinafter referred to as a "dividend of surplus, etc." in this Section) to be received from a corporation located in the state of the head office (including the amount specified in Article 68-92(1)(ii) of the Act; hereinafter referred to as the "amount of a dividend, etc." in this paragraph)

(2) その本店所在地国以外の国又は地域に所在する法人から受ける配当等の額でその有する株式等（株式又は出資をいう。以下この節において同じ。）の数又は金額の当該法人の発行済株式又は出資（自己が有する自己の株式等を除く。）の総数又は総額（以下この節において「発行済株式等」という。）のうちを占める割合が当該本店所在地国の法令に定められた割合以上であることを要件として課税標準に含まれないこととされるもの

2. The amount of a dividend, etc. to be received from a corporation located in a state or territory other than the state of the head office, which shall not be included in the foreign corporation tax base on condition that the ratio of the shares, etc. (meaning shares or capital contributions; hereinafter the same shall apply in this Section) held by the affiliated foreign company out of the total number or total amount of the said corporation's issued shares or capital contributions (excluding its own shares held by the said corporation) (hereinafter referred to as the "issued shares, etc." in this Section) is not less than the ratio specified by the said laws and regulations of the state of the head office

ロ その支払う配当等の額で損金の額に算入している金額

(b) The amount of a dividend, etc. that the affiliated foreign company shall pay and which is included in deductible expenses

ハ その納付する外国法人税の額で損金の額に算入している金額

(c) The amount of foreign corporation tax that the affiliated foreign company

shall pay and which is included in deductible expenses

ニ その積み立てた法第五十七条の五第一項又は第五十七条の六第一項の異常危険準備金に類する準備金（以下この項及び次条第二項において「保険準備金」という。）の額のうち損金の額に算入している金額で法第五十七条の五又は第五十七条の六の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(d) The amount equivalent to the amount of reserve belonging to the reserve for casualty set forth in Article 57-5(1) or Article 57-6(1) of the Act (hereinafter referred to as the "insurance reserve" in this paragraph and paragraph (2) of the next Article) that the affiliated foreign company has saved and which is included in deductible expenses, which shall not be included in deductible expenses when the provisions of Article 57-5 or Article 57-6 of the Act shall be applied

ホ その積み立てた保険準備金（法第五十七条の五又は第五十七条の六の規定の例によるものとした場合に積み立てられるものに限る。）につき益金の額に算入した金額がこれらの規定の例によるものとした場合に益金の額に算入すべき金額に相当する金額に満たない場合におけるその満たない部分の金額

(e) Where the amount of the insurance reserve that has been saved by the affiliated foreign company and has been included in gross profits (limited to the insurance reserve that shall be saved when the provisions of Article 57-5 or Article 57-6 of the Act shall be applied) does not reach the amount to be included in gross profits when these provisions shall be applied, the amount of the said shortfall

へ その還付を受ける外国法人税の額で益金の額に算入している金額

(f) The amount of foreign corporation tax that shall be refunded to the affiliated foreign company and which is included in gross profits

二 前項第二号の租税の額は、次に掲げる金額の合計額とする。

(ii) The amount of tax set forth in item (ii) of the preceding paragraph shall be the sum of the amounts listed as follows:

イ 当該外国関係会社の当該各事業年度の決算に基づく所得の金額につき、その本店所在地国又は本店所在地国以外の国若しくは地域において課される外国法人税の額（その本店所在地国の法令により当該外国関係会社が納付したものとみなしてその本店所在地国の外国法人税の額から控除されるものを含むものとし、前号イ（２）に掲げる金額に対して課されるものを除く。）

(a) The amount of foreign corporation tax to be imposed on the amount of the affiliated foreign company's income in its settlement of accounts for the relevant business year in the state of the head office or in a state or territory other than the state of the head office (including the amount to be deducted from the foreign corporation tax in the state of the head office by deeming that the said affiliated foreign company has paid the said amount under the laws and regulations of the state of the head office and excluding

the amount of foreign corporation tax to be imposed on the amount listed in (a)2. of the preceding item)

ロ 当該外国関係会社が当該各事業年度においてその本店所在地国において軽減され、又は免除された外国法人税の額で、当該外国関係会社に係る内国法人が法人税法第六十九条第八項又は第八十一条の十五第八項の規定の適用を受ける場合に第一条の三第一項第二号に規定する租税条約の規定により当該外国関係会社が納付したものとみなされるもの

(b) The amount of foreign corporation tax reduced or exempted for the affiliated foreign company for the relevant business year in the state of the head office and which is deemed to have been paid by the said affiliated foreign company pursuant to the provisions of a tax convention prescribed in Article 1-3(1)(ii) in the case where a domestic corporation related to the said affiliated foreign company is subject to the provisions of Article 69(8) or Article 81-15(8) of the Corporation Tax Act

三 その本店所在地国の外国法人税の税率が所得の額に応じて高くなる場合には、前号イの外国法人税の額は、これらの税率をこれらの税率のうち最も高い税率であるものとして算定した外国法人税の額とすることができる。

(iii) Where foreign corporation tax rates of the state of the head office increase in accordance with the amount of income, the amount of foreign corporation tax set forth in (a) of the preceding item shall be the amount calculated based on the highest rates out of such tax rates

四 前項第二号の所得の金額が欠損の金額となる場合には、その行う主たる事業に係る収入金額（当該収入金額が第一号イ（１）又は（２）に掲げる金額である場合には、当該収入金額以外の収入金額）から所得が生じたとした場合にその所得に対して適用されるその本店所在地国の外国法人税の税率により判定するものとする。

(iv) Where the amount of income set forth in item (ii) of the preceding paragraph proves to be a loss, the amount of foreign corporation tax shall be determined based on the foreign corporation tax rate to be applied in the state of the head office to any income that arises from revenue pertaining to the affiliated foreign company's principal business (in the case where the said revenue falls under the category of the amount listed in 1. or 2. of item (i)(a), revenue other than the said revenue)

（連結法人に係る特定外国子会社等の未処分所得の金額の計算）

(Calculation of Undistributed Income of Specified Foreign Subsidiary

Companies, etc. Related to Consolidated Corporations)

第三十九条の百十五 法第六十八条の九十第二項第二号に規定する政令で定める基準により計算した金額は、同条第一項に規定する特定外国子会社等（以下この条及び次条第一項から第三項までにおいて「特定外国子会社等」という。）の各事業年度の決算に基づく所得の金額に係る第一号に掲げる金額及び第二号に掲げる金額の合計額から当該所得の金額に係る第三号に掲げる金額を控除した残額（当該所得の金額に係る第

一号に掲げる金額が欠損の金額である場合には、当該所得の金額に係る第二号に掲げる金額から当該欠損の金額と当該所得の金額に係る第三号に掲げる金額との合計額を控除した残額) とする。

Article 39-115 (1) The amount of undistributed income calculated in accordance with the standards specified by a Cabinet Order prescribed in Article 68-90(2)(ii) of the Act shall be the remaining amount after deducting the amount listed in item (iii) pertaining to the income of a specified foreign subsidiary company, etc. prescribed in paragraph (1) of the said Article (hereinafter referred to as a "specified foreign subsidiary company, etc." in this Article and paragraph (1) to paragraph (3) of the next Article) in its settlement of accounts for the relevant business year from the sum of the amount listed in item (i) and the amount listed in item (ii) pertaining to the said income (where the amount listed in item (i) pertaining to the said income is a loss, the said amount of undistributed income shall be the remaining amount after deducting the sum of the said amount of loss and the amount listed in item (iii) pertaining to the said income from the amount listed in item (ii) pertaining to the said income):

一 当該各事業年度の決算に基づく所得の金額につき、法人税法第二編第一章第一節第二款から第十款まで（同法第二十三条、第二十六条第一項から第四項まで、第二十八条、第三十八条から第四十一条まで、第五十五条第三項、第五十七条、第五十八条、第五十九条及び第六十一条の十一から第六十一条の十三までを除く。）の規定並びに法第四十三条、第四十五条の二、第五十二条の二、第五十七条の五、第五十七条の六、第五十七条の八、第五十七条の十、第六十一条の四、第六十五条の七から第六十五条の九まで（法第六十五条の七第一項の表の第十九号に係る部分に限る。）、第六十六条の四第三項、第六十七条の十二及び第六十七条の十三の規定（以下この号において「本邦法令の規定」という。）の例に準じて計算した場合に算出される所得の金額又は欠損の金額（当該特定外国子会社等に係る法第六十八条の九十第一項各号に掲げる連結法人（当該連結法人との間に連結完全支配関係がある他の連結法人を含む。）又は法第六十六条の六第一項各号に掲げる内国法人との間の取引につき法第六十八条の八十八第一項又は第六十六条の四第一項の規定の適用がある場合には、当該取引がこれらの規定に規定する独立企業間価格で行われたものとして本邦法令の規定の例に準じて計算した場合に算出される所得の金額又は欠損の金額）

(i) The amount of income or loss calculated, with regard to the income of a specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year, in accordance with the provisions of Part II, Chapter I, Section 1, Subsections 2 to 10 of the Corporation Tax Act (excluding Article 23, Article 26(1) to (4), Article 28, Article 38 to Article 41, Article 55(3), Article 57, Article 58, Article 59, and Article 61-11 to Article 61-13 of the said Act) and the provisions of Article 43, Article 45-2, Article 52-2, Article 57-5, Article 57-6, Article 57-8, Article 57-10, Article 61-4, Article 65-7 to Article 65-9 (limited to the part pertaining to item (xix) of the

table in Article 65-7(1) of the Act), Article 66-4(3), Article 67-12 and Article 67-13 of the Act (hereinafter referred to as the "provisions of the laws and regulations of Japan" in this item) (where the provisions of paragraph 68-88(1) or Article 66-4(1) of the Act are applied to a transaction with a consolidated corporation listed in the items of Article 68-90(1) of the Act (including other consolidated corporations which have the consolidated full controlling interest with the said consolidated corporation) or a domestic corporation listed in the items of Article 66-6(1) of the Act that is related to the said specified foreign subsidiary company, etc., the amount of income or loss calculated in accordance with the provisions of the laws and regulations of Japan by deeming that the transaction was carried out at the arm's length price prescribed in these provisions)

二 当該各事業年度において納付する法人所得税（本店所在地国若しくは本店所在地国以外の国若しくは地域又はこれらの国若しくは地域の地方公共団体により法人の所得を課税標準として課される税（これらの国若しくは地域又はこれらの国若しくは地域の地方公共団体により課される法人税法施行令第百四十一条第二項各号に掲げる税を含む。）及びこれに附帯して課される法人税法第二条第四十五号に規定する附帯税（利子税を除く。）に相当する税その他当該附帯税に相当する税に類する税をいう。以下この節において同じ。）の額

(ii) The amount of corporate income tax payable in the relevant business year (meaning taxes to be imposed based on the amount of the corporation's income in the state of the head office or in a state or territory other than the state of the head office or by local entities in such state or territory including the state of the head office (including taxes listed in the items of Article 141(2) of the Order for Enforcement of the Corporation Tax Act to be imposed in such state or territory or by local entities in such state or territory) and taxes equivalent to incidental taxes to be imposed incidentally as prescribed in Article 2(xlv) of the Corporation Tax Act (excluding interest tax) and other taxes similar to the tax equivalent to the said incidental taxes; hereinafter the same shall apply in this Section)

三 当該各事業年度において還付を受ける法人所得税の額

(iii) The amount of corporate income tax to be refunded in the relevant business year.

2 法第六十八条の九十第一項各号に掲げる連結法人は、前項の規定にかかわらず、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、当該特定外国子会社等の本店所在地国の法人所得税に関する法令（当該法人所得税に関する法令が二以上ある場合には、そのうち主たる法人所得税に関する法令をいう。以下この項において「本店所在地国の法令」という。）の規定により計算した所得の金額（当該特定外国子会社等と当該連結法人（当該連結法人との間に連結完全支配関係がある他の連結法人を含む。）又は法第六十六条の六第一項各号に掲げる内国法人との間の取引につき法第六十八条の八十八第一項又は第六十六条の四第一項の規定の適用がある場合には、

当該取引が同項に規定する独立企業間価格で行われたものとして本店所在地国の法令の規定により計算した場合に算出される所得の金額)に当該所得の金額に係る第一号から第十三号までに掲げる金額の合計額を加算した金額から当該所得の金額に係る第十四号から第十六号までに掲げる金額の合計額を控除した残額(本店所在地国の法令の規定により計算した金額が欠損の金額となる場合には、当該計算した金額に係る第一号から第十三号までに掲げる金額の合計額から当該欠損の金額に当該計算した金額に係る第十四号から第十六号までに掲げる金額の合計額を加算した金額を控除した残額)をもって法第六十八条の九十第二項第二号に規定する政令で定める基準により計算した金額とすることができる。ただし、当該他の連結法人が当該特定外国子会社等に係る当該計算した金額につき前項の規定の適用を受けない場合に限る。

(2) Notwithstanding the provisions of the preceding paragraph, a consolidated corporation listed in the items of Article 68-90(1) of the Act may deem that the amount obtained by adding the amount of income calculated, with regard to the income of a specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year, pursuant to the provisions of the laws and regulations concerning corporate income taxes of the state of the head office of the said specified foreign subsidiary company, etc. (where there are two or more laws and regulations concerning the said corporate income taxes, pursuant to the provisions of the principal ones; hereinafter referred to as the "laws and regulations of the state of the head office" in this paragraph), (where the provisions of Article 68-88(1) or Article 66-4(1) of the Act are applied to a transaction between the said specified foreign subsidiary company, etc. and the said consolidated corporation (including other consolidated corporations which have the consolidated full controlling interest with the said consolidated corporation) or domestic corporation listed in the items of Article 66-6(1) of the Act, the amount of income calculated pursuant to the provisions of the laws and regulations of the state of the head office by deeming that the transaction was carried out at the arm's length price prescribed in the said paragraph), and the sum of the amount listed in item (i) to item (xiii) pertaining to the said calculated amount of income and then deducting therefrom the amount listed in item (xiv) to item (xvi) pertaining to the said calculated amount of income (where the amount calculated pursuant to the provisions of the laws and regulations of the state of the head office proves to be a loss, the said amount shall be the remaining amount after deducting the sum of the said amount of loss and the amount listed in item (xiv) to item (xvi) pertaining to the said calculated amount from the sum of the amounts listed in item (i) to item (xiii) pertaining to the said calculated amount) shall be the amount calculated in accordance with the standards specified by a Cabinet Order prescribed in Article 68-90(2)(ii) of the Act; provided, however, that this shall apply only when the said other consolidated corporations are not subject to the provisions of the preceding paragraph with regard to the said calculated amount

pertaining to the said specified foreign subsidiary company, etc.:

一 その本店所在地国の法令により当該各事業年度の法人所得税の課税標準に含まれないこととされる所得の金額

(i) The amount of income which shall not be included in the corporate income tax base for the relevant business year under the laws and regulations of the state of the head office

二 その支払う剰余金の配当等の額（法第六十八条の九十二第一項第二号に定める金額を含む。次項において「配当等の額」という。）で当該各事業年度の損金の額に算入している金額

(ii) The amount of a dividend of surplus, etc. (including the amount specified in Article 68-92(1)(ii) of the Act; referred to as the "amount of a dividend, etc." in the next paragraph) that the specified foreign subsidiary company, etc. shall pay and which is included in deductible expenses for the relevant business year

三 その有する減価償却資産（平成十年三月三十一日以前に取得した営業権を除く。）につきその償却費として当該各事業年度の損金の額に算入している金額（その減価償却資産の取得価額（既にした償却の額で各事業年度の損金の額に算入されたものがある場合には、当該金額を控除した金額）を各事業年度の損金の額に算入する金額の限度額として償却する方法を用いて計算されたものに限る。）のうち、法人税法第三十一条の規定の例によるものとした場合に損金の額に算入されることとなる金額に相当する金額を超える部分の金額

(iii) The excess amount that exceeds the amount equivalent to that to be included in deductible expenses, when the provisions of Article 31 of the Corporation Tax Act shall be applied, out of the amount included in deductible expenses for the relevant business year as the depreciation allowance for the depreciable assets that the specified foreign subsidiary company, etc. holds (excluding goodwill obtained on or before March 31, 1998) (such inclusive amount shall be limited to the amount calculated, with the acquisition costs of the said depreciable assets (where there is any amount of past depreciation already included in deductible expenses for the relevant business year, the amount after deducting the said amount) as the limit of the amount to be included in deductible expenses for the relevant business year)

四 その有する資産の評価換えにより当該各事業年度の損金の額に算入している金額で法人税法第三十三条の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(iv) The amount equivalent to that included in deductible expenses for the relevant business year due to changes in the valuation of the assets that the specified foreign subsidiary company, etc. holds, which shall not be included in deductible expenses when the provisions of Article 33 of the Corporation Tax Act shall be applied

五 その役員（法人税法第二条第十五号に規定する役員をいう。次条第五項において同じ。）に対して支給する給与の額のうち、当該各事業年度の損金の額に算入している金額で同法第三十四条又は第三十五条の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(v) The amount equivalent to the amount of remuneration to be paid to the officers (meaning the officers prescribed in Article 2(xv) of the Corporation Tax Act; the same shall apply in paragraph (5) of the next Article) of the specified foreign subsidiary company, etc. included in deductible expenses for the relevant business year, which shall not be included in deductible expenses when the provisions of Article 34 or 35 of the said Act shall be applied

六 その使用人に対して支給する給与の額のうち、当該各事業年度の損金の額に算入している金額で法人税法第三十六条の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(vi) The amount equivalent to the amount of remuneration to be paid to employees of the specified foreign subsidiary company, etc. included in deductible expenses for the relevant business year, which shall not be included in deductible expenses when the provisions of Article 36 of the Corporation Tax Act shall be applied

七 その支出する寄附金（その本店所在地国又はその地方公共団体に対する寄附金で法人税法第三十七条第三項第一号に規定する寄附金に相当するものを除く。）の額のうち、当該各事業年度の損金の額に算入している金額で同条第一項及び法第六十六条の四第三項の規定の例に準ずるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(vii) The amount equivalent to the amount of a contribution that the specified foreign subsidiary company, etc. shall make (excluding a contribution to the state of the head office or local entities in such state which is equivalent to that prescribed in Article 37(3)(i) of the Corporation Tax Act) and which is included in deductible expenses for the relevant business year, which shall not be included in deductible expenses when the provisions of paragraph (1) of the said Article and Article 66-4(3) of the Act shall be applicable

八 その納付する法人所得税の額で当該各事業年度の損金の額に算入している金額
(viii) The amount of corporate income tax that the specified foreign subsidiary company, etc. shall pay and which is included in deductible expenses for the relevant business year

九 その本店所在地国の法令の法人税法第五十七条、第五十八条又は第五十九条の規定に相当する規定により、当該各事業年度前の事業年度において生じた欠損の金額で当該各事業年度の損金の額に算入している金額

(ix) The amount of a loss incurred in business years preceding the said relevant business year, pursuant to the provisions of the laws and regulations of the state of the head office that are equivalent to those of Article 57, 58 or 59 of

the Corporation Tax Act, which is included in deductible expenses for the relevant business year

十 その積み立てた保険準備金の額のうち、当該各事業年度の損金の額に算入している金額で法第五十七条の五又は第五十七条の六の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(x) The amount equivalent to the amount of insurance reserve that the specified foreign subsidiary company, etc. has reserved and which is included in deductible expenses for the relevant business year, which shall not be included in deductible expenses when the provisions of Article 57-5 or 57-6 of the Act shall be applied

十一 その積み立てた保険準備金（法第五十七条の五又は第五十七条の六の規定の例によるものとした場合に積み立てられるものに限る。）につき当該各事業年度の益金の額に算入した金額がこれらの規定の例によるものとした場合に益金の額に算入すべき金額に相当する金額に満たない場合におけるその満たない部分の金額

(xi) Where the amount that has been included in gross profits for the relevant business year regarding the insurance reserve reserved by the specified foreign subsidiary company, etc. (limited to the insurance reserve that can be reserved when the provisions of Article 57-5 or Article 57-6 of the Act shall be applied) does not reach the amount to be included in gross profits when these provisions shall be applied, the amount of the said shortfall

十二 その支出する法第六十一条の四第一項に規定する交際費等に相当する費用の額のうち、当該各事業年度の損金の額に算入している金額で同条の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(xii) The amount equivalent to the amount of expenses equivalent to entertainment and social expenses prescribed in Article 61-4(1) of the Act that the specified foreign subsidiary company, etc. shall pay and which is included in deductible expenses for the relevant business year, which shall not be included in deductible expenses when the provisions of the said Article shall be applied

十三 その損失の額（法第六十七条の十二第一項に規定する組合等損失額又は法第六十七条の十三第一項に規定する組合事業による同項に規定する損失の額をいう。）で法第六十七条の十二第一項又は第六十七条の十三第一項の規定の例によるものとした場合に損金の額に算入されないこととなる金額に相当する金額

(xiii) The amount equivalent to the amount of a loss of the specified foreign subsidiary company, etc. (meaning the amount of a loss related to a partnership, etc. prescribed in Article 67-12(1) of the Act or the amount of a loss prescribed in Article 67-13(1) of the Act incurred due to a partnership business prescribed in the said paragraph), which shall not be included in deductible expenses when the provisions of Article 67-12(1) or Article 67-13(1) of the Act shall be applied

十四 法第六十七条の十二第二項又は第六十七条の十三第二項の規定の例によるもの

とした場合に損金の額に算入されることとなる金額に相当する金額

(xiv) The amount equivalent to the amount which shall be included in deductible expenses when the provisions of Article 67-12(2) or Article 67-13(2) of the Act shall be applied

十五 その還付を受ける法人所得税の額で当該各事業年度の益金の額に算入している金額

(xv) The amount of corporate income tax to be refunded to the specified foreign subsidiary company, etc. which is included in gross profits for the relevant business year

十六 その有する資産の評価換えにより当該各事業年度の益金の額に算入している金額で法人税法第二十五条の規定の例によるものとした場合に益金の額に算入されないこととなる金額に相当する金額

(xvi) The amount equivalent to that included in gross profits for the relevant business year due to changes in the valuation of the assets that the specified foreign subsidiary company, etc. holds, which shall not be included in gross profits when the provisions of Article 25 of the Corporation Tax Act shall be applied.

3 法第六十八条の九十第一項各号に掲げる連結法人に係る特定外国子会社等の各事業年度につき控除対象配当等の額（次の各号に掲げる場合の区分に応じ当該各号に定める金額に相当する金額をいう。以下この項において同じ。）がある場合には、同条第二項第二号に規定する政令で定める基準により計算した金額は、第一項又は前項の規定にかかわらず、これらの規定により計算した金額から当該控除対象配当等の額を控除した残額とする。

(3) Where there is any amount of a deductible dividend, etc. (meaning the amount equivalent to the amount specified respectively in the following items for the category of cases listed in the relevant items; hereinafter the same shall apply in this paragraph) for the relevant business year of a specified foreign subsidiary company, etc. related to a consolidated corporation listed in the items of Article 68-90(1) of the Act, the amount calculated in accordance with the standards specified by a Cabinet Order prescribed in Article 68-90(2)(ii) of the Act shall be the remaining amount after deducting the said amount of a deductible dividend, etc. from the amount calculated pursuant to these provisions, notwithstanding the provisions of paragraph (1) or the preceding paragraph:

一 当該特定外国子会社等が当該各事業年度において当該連結法人に係る他の特定外国子会社等（法第六十六条の六第一項に規定する特定外国子会社等を含む。以下この項において「他の特定外国子会社等」という。）から受ける配当等の額が当該他の特定外国子会社等の当該配当等の額の支払に係る基準日の属する事業年度（以下この項において「基準事業年度」という。）の配当可能金額のうち当該特定外国子会社等の出資対応配当可能金額を超えない場合であつて、当該基準事業年度が法第六十八条の九十第一項に規定する個別課税対象留保金額（以下この節において「個

別課税対象留保金額」という。)又は法第六十六条の六第一項に規定する課税対象留保金額(以下この節において「課税対象留保金額」という。)の生ずる事業年度である場合 当該配当等の額

(i) Where the amount of a dividend, etc. that the said specified foreign subsidiary company, etc. receives from any other specified foreign subsidiary company, etc. related to the said consolidated corporation (including a specified foreign subsidiary company, etc. prescribed in Article 66-6(1) of the Act; hereinafter referred to as the "other specified foreign subsidiary company, etc." in this paragraph) in the relevant business year does not exceed the amount of a dividend payable corresponding to the capital contributions by the said specified foreign subsidiary company, etc. out of the total amount of a dividend payable by the said other specified foreign subsidiary company, etc. in the business year including the base date for paying the said dividend, etc. (hereinafter referred to as the "base business year" in this paragraph) and the said base business year is the business year during which the individually taxable retained income prescribed in Article 68-90(1) of the Act (hereinafter referred to as the "individually taxable retained income" in this Section) or taxable retained income prescribed in Article 66-6(1) of the Act (hereinafter referred to as the "taxable retained income" in this Section) arises: The amount of the said dividend, etc.

二 当該特定外国子会社等が当該各事業年度において当該連結法人に係る他の特定外国子会社等から受ける配当等の額が当該配当等の額に係る基準事業年度の出資対応配当可能金額を超える場合 当該他の特定外国子会社等の基準事業年度以前の各事業年度の出資対応配当可能金額をそれぞれ最も新しい事業年度のものから順次当該配当等の額に充てるものとして当該配当等の額を当該各事業年度の出資対応配当可能金額に応じそれぞれの事業年度ごとに区分した場合において、個別課税対象留保金額又は課税対象留保金額の生ずる事業年度の出資対応配当可能金額から充てるものとされた配当等の額の合計額

(ii) Where the amount of a dividend, etc. that the said specified foreign subsidiary company, etc. receives from any other specified foreign subsidiary company, etc. related to the said consolidated corporation in the relevant business year exceeds the amount of a dividend payable corresponding to the capital contributions for the base business year pertaining to the said amount of a dividend, etc.: Where the amount of a dividend payable corresponding to the capital contributions for the relevant business year preceding the base business year of the said other specified foreign subsidiary company, etc. shall be appropriated to the said amount of a dividend, etc. in reverse chronological order and the said amount of a dividend, etc. has been categorized for the relevant business year in accordance with the said amount of a dividend payable corresponding to the capital contributions for the relevant business year, the sum of the amount of

a dividend, etc. to be appropriated with the amount of a dividend payable corresponding to the capital contributions for the business year during which the individually taxable retained income or taxable retained income arises.

4 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。

(4) In the preceding paragraph and this paragraph, the meanings of the terms listed respectively in the following items shall be as specified respectively in the relevant items:

一 配当可能金額 特定外国子会社等の各事業年度の法第六十八条の九十第二項第二号に規定する未処分所得の金額（前項に規定する控除対象配当等の額がある場合又は当該特定外国子会社等に係る同条第一項各号に掲げる連結法人との間の取引につき法第六十八条の八十八第一項若しくは第六十六条の四第一項の規定の適用があるときにおいて第一項若しくは第二項の規定による減額をされる所得の金額のうち当該連結法人に支払われない金額がある場合は、これらの金額を加算した金額）から次に掲げる金額の合計額を控除した残額（イに規定する還付を受けることとなる法人所得税の額がイに規定する納付をすることとなる法人所得税の額を超える場合には、当該未処分所得の金額にその超える部分の金額を加算した金額からロ及びハに掲げる金額の合計額を控除した残額）をいう。

(i) The amount of a dividend payable: The remaining amount after deducting the sum of the amounts listed as follows from the amount of undistributed income prescribed in Article 68-90(2)(ii) of the Act for the relevant business year of a specified foreign subsidiary company, etc. (where there is any amount of a deductible dividend, etc. prescribed in the preceding paragraph, or where the provisions of Article 68-88(1) or Article 66-4(1) of the Act are applied to a transaction with a consolidated corporation listed in the items of Article 68-90(1) of the Act pertaining to the said specified foreign subsidiary company, etc. and the amount of income to be reduced pursuant to the provisions of paragraph (1) or paragraph (2) contains any amount that shall not be paid to the said consolidated corporation, the amount obtained by adding together those amounts to such amount of undistributed income) (where the amount of corporate income tax to be refunded as prescribed in (a) exceeds the amount of corporate income tax payable as prescribed in (a), the amount obtained by adding the said amount of undistributed income and the said excess amount and then deducting therefrom the sum of the amounts listed in (b) and (c)):

イ 当該各事業年度において納付をすることとなる法人所得税の額（当該各事業年度において還付を受けることとなる法人所得税の額がある場合には、当該還付を受けることとなる法人所得税の額を控除した残額）

(a) The amount of corporate income tax payable in the relevant business year (where there is any amount of corporate income tax to be refunded in the relevant business year, the remaining amount after deducting the said

amount of corporate income tax to be refunded)

ロ 当該各事業年度の剰余金の処分により支出される金額（法人所得税の額及び剰余金の配当等の額を除く。）

(b) The amount payable due to the appropriation of surplus for the relevant business year (excluding the amount of corporate income tax and the amount of a dividend of surplus, etc.)

ハ 当該各事業年度の費用として支出された金額（法人所得税の額及び剰余金の配当等の額を除く。）のうち第一項若しくは第二項の規定により所得の金額の計算上損金の額に算入されなかつたため又は同項の規定により所得の金額に加算されたため当該各事業年度の法第六十八条の九十第二項第二号に規定する未処分所得の金額に含まれた金額

(c) The amount paid as the expenses for the relevant business year (excluding the amount of corporate income tax and the amount of a dividend of surplus, etc.) which was included in the amount of undistributed income prescribed in Article 68-90(2)(ii) of the Act for the relevant business year, because the said amount was not included in deductible expenses for calculating the amount of income pursuant to the provisions of paragraph (1) or paragraph (2) or was included in the amount of income pursuant to the provisions of the said paragraph

二 出資対応配当可能金額 特定外国子会社等の配当可能金額に他の特定外国子会社等（以下この号において「他の特定外国子会社等」という。）の有する当該特定外国子会社等の株式等の数又は金額が当該特定外国子会社等の発行済株式等のうちに占める割合（当該特定外国子会社等が法第六十六条の六第一項に規定する請求権（以下この号及び次条第三項において「請求権」という。）の内容が異なる株式等又は実質的に請求権の内容が異なると認められる株式等（次条第三項において「請求権の内容が異なる株式等」という。）を発行している場合には、当該他の特定外国子会社等が当該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がその総額のうちに占める割合）を乗じて計算した金額をいう。

(ii) The amount of a dividend payable corresponding to the capital contributions: The amount obtained by multiplying the amount of a dividend payable by a specified foreign subsidiary company, etc. by the ratio of the number or the amount of the shares, etc. of the said specified foreign subsidiary company, etc. that any other specified foreign subsidiary company, etc. (hereinafter referred to as the "other specified foreign subsidiary company, etc." in this item) holds out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. (where the said specified foreign subsidiary company, etc. holds the issued shares, etc. in which claims prescribed in Article 66-6(1) of the Act (hereinafter referred to as the "claims" in this item and paragraph (3) of the next Article) with different contents are vested, or the shares, etc. in which claims with different contents are deemed to be substantially vested (referred to as the "shares,

etc. in which different claims are vested" in paragraph (3) of the next Article), the ratio of the amount of a dividend of surplus, etc. that the said other specified foreign subsidiary company, etc. can receive based on the said claims out of the total amount of a dividend of surplus, etc.).

5 法第六十八条の九十第二項第二号に規定する欠損の金額に係る調整を加えた金額は、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、第一項若しくは第二項又は第三項の規定により算出される所得の金額（以下この項及び第七項において「調整所得金額」という。）から当該各事業年度開始の日前七年以内に開始した事業年度（特定外国子会社等（法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を含む。）に該当しなかつた事業年度を除く。）において生じた欠損金額（この項又は第三十九条の十五第五項の規定により当該各事業年度前の事業年度において控除されたものを除く。）の合計額（当該合計額が当該各事業年度の調整所得金額を超える場合には、当該調整所得金額）に相当する金額を控除した金額とする。

(5) The amount obtained as a result of an adjustment for the amount of a loss prescribed in Article 68-90(2)(ii) of the Act shall be the amount obtained by calculating the amount of income, pursuant to the provisions of paragraph (1), paragraph (2) or paragraph (3), with regard to the income of a specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year (hereinafter referred to as the "amount of adjusted income" in this paragraph and paragraph (7)) and then deducting therefrom the amount equivalent to the sum of the loss incurred in business years that commenced within seven years before the first day of the relevant business year (excluding business years during which the company did not fall under the category of a specified foreign subsidiary company, etc. (including specified foreign subsidiary companies, etc. prescribed in Article 40-4(1) or Article 66-6(1) of the Act)) (such loss shall exclude the amount deducted in business years preceding the said relevant business year pursuant to the provisions of this paragraph or Article 39-15(5)) (where the said sum of the loss exceeds the amount of adjusted income for the relevant business year, the said amount of adjusted income).

6 前項に規定する欠損金額とは、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いて第一項若しくは第二項又は第三項の規定を適用した場合において計算される欠損の金額をいう。

(6) A loss prescribed in the preceding paragraph shall be a loss calculated where the provisions of paragraph (1), paragraph (2) or paragraph (3) are applied to the amount of income of a specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year.

7 第一項第一号の計算をする場合において、同号の規定によりその例に準ずるものとされる法人税法第三十三条及び第四十二条から第五十三条までの規定並びに法第四十三条、第四十五条の二、第五十二条の二、第五十七条の五、第五十七条の六、第五十

七条の八、第六十五条の七から第六十五条の九まで（法第六十五条の七第一項の表の第十九号に係る部分に限る。）、第六十七条の十二第二項及び第六十七条の十三第二項の規定により当該各事業年度において損金の額に算入されることとなる金額があるときは、当該各事業年度に係る法第六十八条の九十第五項の連結確定申告書に当該金額の損金算入に関する明細書の添付がある場合に限り、当該金額を当該各事業年度の調整所得金額の計算上、損金の額に算入する。ただし、その添付がなかつたことについて連結親法人の納税地の所轄税務署長がやむを得ない事情があると認める場合において、当該明細書の提出があつたときは、この限りでない。

(7) When making a calculation set forth in paragraph (1)(i), if there is any amount to be included in deductible expenses in the relevant business year, pursuant to the provisions of Article 33 and Articles 42 to Article 53 of the Corporation Tax Act, and the provisions of Article 43, Article 45-2, Article 52-2, Article 57-5, Article 57-6, Article 57-8, Article 65-7 to Article 65-9 (limited to the part pertaining to item (xix) of the table in Article 65-7(1) of the Act), Article 67-12(2) and Article 67-13(2) of the Act, whose provisions shall be applicable under the provisions of the said item, the said amount shall be included in deductible expenses for calculating the amount of adjusted income for the relevant business year, only when detailed statements concerning the inclusion of the said amount in deductible expenses are attached to a consolidated final return form for the relevant business year set forth in Article 68-90(5) of the Act; provided, however, that this shall not apply when the competent district director having jurisdiction over the consolidated parent corporation's place for tax payment finds that there was any compelling reason for the failure to attach detailed statements and the said detailed statements have been submitted.

8 その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の計算につき第一項の規定の適用を受けた連結法人がその適用を受けた連結事業年度後の連結事業年度において当該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の計算につき第二項の規定の適用を受けようとする場合又はその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の計算につき同項の規定の適用を受けた連結法人がその適用を受けた連結事業年度後の連結事業年度において当該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の計算につき第一項の規定の適用を受けようとする場合には、あらかじめ連結親法人の納税地の所轄税務署長の承認を受けなければならない。

(8) Where a consolidated corporation, which was subject to the provisions of paragraph (1) for calculating the amount of income of the specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year, seeks the application of paragraph (2) for calculating the amount of income of the specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year in consolidated business years following the one to which the provisions of paragraph (1) have been applied; or where a consolidated corporation, which was subject to the provisions of

paragraph (2) for calculating the amount of income of the specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year, seeks the application of paragraph (1) for calculating the amount of income of the specified foreign subsidiary company, etc. in its settlement of accounts for the relevant business year in consolidated business years following the one to which the provisions of paragraph (2) have been applied, it shall receive approval from the competent district director having jurisdiction over the consolidated parent corporation's place for tax payment, in advance.

(連結法人に係る特定外国子会社等の個別課税対象留保金額の計算等)

(Calculation, etc. of the Amount of Individually Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. Related to Consolidated Corporations)

第三十九条の百十六 法第六十八条の九十第一項の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の額に関する調整を加えた金額は、特定外国子会社等の各事業年度と同条第二項第二号に規定する未処分所得の金額（以下この項において「未処分所得の金額」という。）から次に掲げる金額の合計額を控除した残額（第一号に規定する還付を受けることとなる法人所得税の額が同号に規定する納付をすることとなる法人所得税の額を超えることとなる場合には、未処分所得の金額にその超える部分の金額を加算した金額から第二号に掲げる金額を控除した残額）とする。この場合において、第一号及び第二号に掲げる金額の合計額が当該未処分所得の金額を超えるときは、まず第一号に掲げる金額の控除を行い、次に第二号に掲げる金額の控除を行うものとする。

Article 39-116 (1) The amount obtained as a result of an adjustment to the amount of undistributed income set forth in Article 68-90(1) of the Act for the amount of taxes and a dividend of surplus, etc. on the said undistributed income shall be the remaining amount after deducting the sum of the amounts listed as follows from the amount of undistributed income prescribed in Article 68-90(2)(ii) (hereinafter referred to as the "amount of undistributed income" in this paragraph) for the relevant business year of a specified foreign subsidiary company, etc. (where the amount of corporate income tax to be refunded as prescribed in item (i) exceeds the amount of corporate income tax payable as prescribed in the said item, such remaining amount shall be the amount obtained by adding the amount of undistributed income and the said excess amount and then deducting therefrom the amount listed in item (ii)). In this case, when the sum of the amounts listed in item (i) and item (ii) exceeds the said amount of undistributed income, the amount listed in item (i) shall be deducted first and then the amount listed in item (ii) shall be deducted:

一 当該各事業年度において納付をすることとなる法人所得税の額（当該各事業年度において還付を受けることとなる法人所得税の額がある場合には、当該還付を受けることとなる法人所得税の額を控除した残額）

(i) The amount of corporate income tax payable in the relevant business year (where there is any amount of corporate income tax to be refunded in the relevant business year, the remaining amount after deducting the said amount of corporate income tax to be refunded)

二 当該各事業年度を基準事業年度（剰余金の配当等の支払に係る基準日の属する事業年度をいう。以下この号において同じ。）とする剰余金の配当等の額（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特定外国子会社等に係る連結法人の連結事業年度終了の日までに支払義務が確定したものに限り。以下この号において同じ。）の合計額（当該各事業年度を基準事業年度とする剰余金の配当等の額の全部又は一部が次に掲げる者に支払われた場合には、当該合計額は零とする。）

(ii) The sum of the amount of a dividend of surplus, etc. by deeming the relevant business year to be the base business year (meaning the business year including the base day for paying a dividend of surplus, etc.; hereinafter the same shall apply in this item) (such amount of a dividend of surplus, etc. shall be limited to that for which the payment obligation was fixed by the final day of the consolidated business year of a consolidated corporation related to the said specified foreign subsidiary company, etc., which includes the day on which two months have elapsed after the day following the final day of the relevant business year; hereinafter the same shall apply in this item) (where the whole or a part of the amount of a dividend of surplus, etc. by deeming the relevant business year to be the base business year has been paid to any person listed as follows, the said sum shall be deemed to be zero):

イ 当該連結法人に係る外国関係会社（当該連結法人に係る特定外国子会社等（法第六十六条の六第一項に規定する特定外国子会社等を含む。）を除く。）でその受ける剰余金の配当等の額につきその本店所在地国におい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税の負担として財務省令で定める基準（第三十九条の百十九第二項において「軽課税基準」という。）以下のもの

(a) Affiliated foreign companies related to the said consolidated corporation (excluding a specified foreign subsidiary company, etc. (including a specified foreign subsidiary company, etc. prescribed in Article 66-6(1) of the Act) related to the said consolidated corporation) whose tax burden imposed, in the state of the head office, on the amount of the dividend of surplus, etc. that it receives is not more than the tax-burden base specified by an Ordinance of the Ministry of Finance as being extremely low, compared with that imposed on corporate income in Japan (referred to as the "low tax-burden base" in Article 39-119(2))

ロ 当該連結法人に係る他の特定外国子会社等（法第六十六条の六第一項に規定する特定外国子会社等を含む。次項第三号において同じ。）

(b) Other specified foreign subsidiary companies, etc. (including a specified

foreign subsidiary company, etc. prescribed in Article 66-6(1) of the Act; the same shall apply in item (iii) of the next paragraph) related to the said consolidated corporation.

2 法第六十八条の九十第一項に規定する政令で定めるところにより計算した金額は、同項各号に掲げる連結法人に係る特定外国子会社等の各事業年度の同項に規定する適用対象留保金額（以下この節において「適用対象留保金額」という。）に、当該特定外国子会社等の当該各事業年度終了の時における発行済株式等のうちに当該各事業年度終了の時における当該連結法人の有する当該特定外国子会社等の請求権勘案保有株式等の占める割合を乗じて計算した金額（当該連結法人の同項の規定の適用に係る各連結事業年度において、当該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外国関係会社（当該特定外国子会社等に係る控除未済課税済配当等の額を有するものに限る。）につき第三号に掲げる事実が生じた場合には、当該計算した金額からそれぞれこれらの号に定める金額を控除した残額）とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article 68-90(1) of the Act shall be the amount obtained by multiplying the eligible retained income prescribed in the said paragraph for the relevant business year of a specified foreign subsidiary company, etc. related to a consolidated corporation listed in the items of the said paragraph (hereinafter referred to as the "eligible retained income" in this paragraph) by the ratio of the shares, etc. for considering the claims held by the said consolidated corporation out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. at the end of the relevant business year of the said specified foreign subsidiary company, etc. (where any of the events listed in item (i) or item (ii) occurred with regard to the said specified foreign subsidiary company, etc. or an event listed in item (iii) occurred with regard to an affiliated foreign company related to the said consolidated corporation (limited to those that hold the taxed amount of a dividend, etc. before deduction pertaining to the said specified foreign subsidiary company, etc.) in the relevant consolidated business year of the said consolidated corporation relating to the application of the provisions of the said paragraph, such amount shall be the remaining amount after deducting the amount specified respectively in these items from the said calculated amount):

一 法第六十八条の九十二第一項第一号に掲げる事実（当該特定外国子会社等の当該適用対象留保金額の計算上控除されなかつた剰余金の配当等の支払の事実に限る。） 当該剰余金の配当等の額（当該剰余金の配当等の額が当該適用対象留保金額を超える場合には、当該適用対象留保金額に相当する金額）に当該適用対象留保金額に係る事業年度終了の時における当該特定外国子会社等の発行済株式等のうちに当該事業年度終了の時における当該連結法人の有する当該特定外国子会社等の請求権勘案保有株式等（当該連結法人に係る前項第二号イ及びロに掲げる者を通じて保有する請求権勘案間接保有株式等を除く。）の占める割合を乗じて計算した金額

(i) An event listed in Article 68-92(1)(i) of the Act (limited to the payment of a dividend of surplus, etc. which has not been deducted for calculating the amount of the said eligible retained income of the said specified foreign subsidiary company, etc.): The amount obtained by multiplying the said amount of a dividend of surplus, etc. (where the said amount of a dividend of surplus, etc. exceeds the said eligible retained income, the amount equivalent to the said eligible retained income) by the ratio of the shares, etc. for considering the claims held by the said consolidated corporation out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. at the end of the relevant business year pertaining to the said eligible retained income (excluding the shares, etc. for considering the claims indirectly held via a person listed in item (ii)(a) and (b) of the preceding paragraph who is related to the said consolidated corporation)

二 法第六十八条の九十二第一項第二号に掲げる事実 同号に定める金額に当該事実が生じた時における当該特定外国子会社等の発行済株式等のうちに当該事実が生じた時における当該連結法人の有する当該特定外国子会社等の請求権勘案保有株式等（同号に定める金額が当該連結法人に係る前項第二号イ及びロに掲げる者に対して交付された場合におけるこれらの者を通じて保有する請求権勘案間接保有株式等を除く。）の占める割合を乗じて計算した金額

(ii) an event listed in Article 68-92(1)(ii) of the Act: The amount obtained by multiplying the amount specified in the said item by the ratio of the shares, etc. for considering the claims held by the said consolidated corporation at the time when the said event occurred out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. at the time when the said event occurred (where the amount specified in the said item has been delivered to a person listed in item (ii)(a) and (b) of the preceding paragraph who is related to the said consolidated corporation, excluding the shares, etc. for considering the claims indirectly held via such person)

三 法第六十八条の九十二第一項第三号に掲げる事実 同号に定める金額（当該金額が当該連結法人に係る他の特定外国子会社等に該当する外国関係会社から受けたものである場合には、当該金額から当該他の特定外国子会社等に係る適用対象留保金額又は個別課税対象留保金額若しくは課税対象留保金額の計算上控除される金額と当該事実が生じたことにより同項又は法第六十六条の八第一項の規定により損金の額に算入される金額との合計額に相当する金額を控除した残額）のうち控除未済課税済配当等の額に達するまでの金額

(iii) An event listed in Article 68-92(1)(iii) of the Act: The amount specified in the said item (where the said amount has been received from an affiliated foreign company that falls under the category of any other specified foreign subsidiary company, etc. related to the said consolidated corporation, the remaining amount after deducting from the said amount, the amount equivalent to the sum of the amount to be deducted for calculating eligible

retained income, individually taxable retained income or taxable retained income pertaining to the said other specified foreign subsidiary company, etc. and the amount to be included in deductible expenses due to the said event under the provisions of the said paragraph or Article 66-8(1) of the Act), with the taxed amount of a dividend, etc. before deduction as the upper limit.

3 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。

(3) In the preceding paragraph and this paragraph, the meanings of the terms listed respectively in the following items shall be as specified respectively in the relevant items:

一 請求権勘案保有株式等 連結法人が直接に有する外国法人の株式等の数又は金額（当該外国法人が請求権の内容が異なる株式等を発行している場合には、当該外国法人の発行済株式等に、当該連結法人が当該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がその総額のうちに占める割合を乗じて計算した数又は金額）及び請求権勘案間接保有株式等を合計した数又は金額をいう。

(i) The shares, etc. for considering the claims held: The number or the amount adding together the number or the amount of the shares, etc. of a foreign corporation directly held by a consolidated corporation (where the said foreign corporation holds the issued shares, etc. in which different claims are vested, the number or the amount obtained by multiplying the issued shares, etc. of the said foreign corporation by the ratio of the amount of a dividend of surplus, etc. that the said consolidated corporation can receive based on the said claims out of the total amount) and the shares, etc. for considering the claims indirectly held

二 請求権勘案間接保有株式等 外国法人の発行済株式等に、次に掲げる場合の区分に応じそれぞれ次に定める割合（次に掲げる場合のいずれにも該当する場合には、それぞれ次に定める割合の合計割合）を乗じて計算した株式等の数又は金額をいう。

(ii) The shares, etc. for considering the claims indirectly held: The number or the amount of the shares, etc. obtained by multiplying the issued shares, etc. of a foreign corporation by the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows):

イ 当該外国法人の株主等（法人税法第二条第十四号に規定する株主等をいう。以下この条において同じ。）である他の外国法人（イにおいて「他の外国法人」という。）の発行済株式等の全部又は一部が連結法人により所有されている場合 当該連結法人の当該他の外国法人に係る持株割合（その株主等の有する株式等の数又は金額が当該株式等の発行法人の発行済株式等のうちに占める割合（当該発行法人が請求権の内容が異なる株式等を発行している場合には、その株主等が当該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がその総額のうちに占める割合）をいう。以下この号において同じ。）に当該他の外国法人の当該外国

法人に係る持株割合を乗じて計算した割合（当該他の外国法人が二以上ある場合には、二以上の当該他の外国法人につきそれぞれ計算した割合の合計割合）

(a) Where a consolidated corporation holds the whole or a part of the issued shares, etc. of other foreign corporations which are shareholders, etc. (meaning shareholders, etc. prescribed in Article 2(xiv) of the Corporation Tax Act; hereinafter the same shall apply in this Article) of the said foreign corporation (hereinafter such other foreign corporations shall be simply referred to as "other foreign corporations" in (a)): The ratio obtained by multiplying the said consolidated corporation's ratio of shareholding (meaning the ratio of the number or the amount of the shares, etc. held by the shareholders, etc. out of the total issued shares, etc. of the corporation issuing the said shares, etc. (where the said issuing corporation holds the issued shares, etc. in which different claims are vested, the ratio of the amount of a dividend of surplus, etc. that the said shareholder, etc. can receive based on the said claims out of the total amount); hereinafter the same shall apply in this item) pertaining to the said other foreign corporations by the said other foreign corporations' ratio of shareholding pertaining to the said foreign corporation (where there are two or more other foreign corporations, the sum of the ratios calculated for each of them)

ロ 当該外国法人と他の外国法人（その発行済株式等の全部又は一部が連結法人により所有されているものに限る。以下この号において「他の外国法人」という。）との間に一又は二以上の外国法人（以下この号において「出資関連外国法人」という。）が介在している場合であつて、当該連結法人、当該他の外国法人、出資関連外国法人及び当該外国法人が株式等の所有を通じて連鎖関係にある場合当該連結法人の当該他の外国法人に係る持株割合、当該他の外国法人の出資関連外国法人に係る持株割合、出資関連外国法人の他の出資関連外国法人に係る持株割合及び出資関連外国法人の当該外国法人に係る持株割合を順次乗じて計算した割合（当該連鎖関係が二以上ある場合には、当該二以上の連鎖関係につきそれぞれ計算した割合の合計割合）

(b) Where a single foreign corporation or two or more foreign corporations intervene(s) between the said foreign corporation and any other foreign corporation (limited to any other foreign corporation, the whole or a part of whose issued shares, etc. are held by a consolidated corporation; hereinafter referred to as the "other foreign corporation" in this item) (hereinafter such intervening foreign corporation(s) shall be referred to as a "capital contribution-related foreign corporation(s)" in this item) and the said consolidated corporation, the said other foreign corporation, capital contribution-related foreign corporation(s) and the said foreign corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the said consolidated corporation's ratio of shareholding

pertaining to the said other foreign corporation sequentially by the said other foreign corporation's ratio of shareholding pertaining to the capital contribution-related foreign corporation(s), by the capital contribution-related foreign corporation's(s') ratio of shareholding pertaining to other capital contribution-related foreign corporation(s), and by the capital contribution-related foreign corporation's(s') ratio of shareholding pertaining to the said foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them)

三 控除未済課税済配当等の額 当該連結法人に係る外国関係会社が前項第三号に掲げる事実が生じた日前二年以内の期間において当該連結法人に係る特定外国子会社等から受けた剰余金の配当等の額（法第六十八条の九十二第一項第二号に定める金額を含む。）で当該特定外国子会社等に係る前項の規定による個別課税対象留保金額の計算上控除されないもの（当該特定外国子会社等に係る第三十九条の百十九第二項又は第三項の規定により算定した法第六十八条の九十二第一項に規定する政令で定めるところにより計算した金額に含まれないものを含む。）のうち、当該連結法人の当該外国関係会社を通じて保有する当該特定外国子会社等の請求権勘案間接保有株式等に対応する部分の金額（既に前項及び同条第一項並びに第三十九条の十六第二項及び法第六十六条の八第一項の規定の適用に充てられた部分の金額を除く。）をいう。

(iii) The taxed amount of a dividend, etc. before deduction: Out of the amount of a dividend of surplus, etc. which an affiliated foreign company related to the said consolidated corporation received from a specified foreign subsidiary company, etc. related to the said consolidated corporation during a period of two years or less preceding the day on which an event listed in item (iii) of the preceding paragraph occurred (such amount of a dividend of surplus, etc. shall include the amount specified in Article 68-92(1)(ii) of the Act) and which shall not be deducted for calculating the amount of individually taxable retained income pertaining to the said specified foreign subsidiary company, etc., under the provisions of the preceding paragraph (including the amount that shall not be included in the amount calculated as specified by a Cabinet Order prescribed in Article 68-92(1) of the Act pertaining to the said specified foreign subsidiary company, etc., as calculated under the provisions of Article 39-119(2) or (3)), the part which corresponds to the shares, etc. for considering the claims of the said specified foreign subsidiary company, etc. indirectly held by the said consolidated corporation via the said affiliated foreign company (such part shall exclude the amount already appropriated for the application of the provisions of the preceding paragraph, paragraph (1) of the said Article, and Article 39-16(2), and the provisions of Article 66-8(1) of the Act).

4 第二項の規定による同項各号に定める金額の控除については、同項第一号に定める金額、同項第二号に定める金額及び同項第三号に定める金額の順に控除を行うものと

する。

(4) The deduction of the amount specified in the items of paragraph (2) under the provisions of the said paragraph shall be made first with the amount specified in item (i) of the said paragraph and then sequentially with the amount specified in item (ii) of the said paragraph and the amount specified in item (iii) of the said paragraph.

5 法第六十八条の九十第三項の規定により読み替えて適用する同条第一項の政令で定める費用の額は、同条第三項に規定する特定外国子会社等の事業に従事する当該特定外国子会社等の役員及び使用人に係る人件費の額の合計額（当該特定外国子会社等の各事業年度において前条第一項第一号に規定する本邦法令の規定の例に準じて計算した場合又は同条第二項の規定により計算した場合に算出される所得の金額又は欠損の金額の計算上損金の額に算入されるものに限る。）とする。

(5) The amount of expenses specified by a Cabinet Order set forth in Article 68-90(1) of the Act which is applied by replacing the terms pursuant to the provisions of paragraph (3) of the said Article shall be the sum of personnel expense for officers and employees of a specified foreign subsidiary company, etc. engaged in the business at the said specified foreign subsidiary company, etc. prescribed in paragraph (3) of the said Article (limited to the amount of income calculated in accordance with the provisions of the laws and regulations of Japan prescribed in paragraph (1)(i) of the preceding Article or pursuant to the provisions of paragraph (2) of the said Article or the amount to be included in deductible expenses for calculating the amount of a loss for the relevant business year of the said specified foreign subsidiary company, etc.).

(連結法人に係る特定外国子会社等の事業の判定等)

(Determination, etc. of Business of Specified Foreign Subsidiary Companies, etc. Related to Consolidated Corporations)

第三十九条の百十七 法第六十八条の九十第四項第一号に規定する政令で定める者は、次に掲げる者とする。

Article 39-117 (1) The person specified by a Cabinet Order prescribed in Article 68-90(4)(i) of the Act shall be any of the following:

一 法第六十八条の九十第四項第一号に掲げる事業を主として行う同項に規定する特定外国子会社等（以下この項において「特定外国子会社等」という。）に係る同条第一項各号に掲げる連結法人との間に連結完全支配関係がある他の連結法人

(i) Other consolidated corporations which have the consolidated full controlling interest with a consolidated corporation listed in the items of Article 68-90(1) of the Act which pertains to a specified foreign subsidiary company, etc. prescribed in Article 68-90(4) of the Act (hereinafter referred to as a "specified foreign subsidiary company, etc." in this paragraph) mainly engaged in the business listed in item (i) of the said paragraph

二 法第六十八条の九十第四項第一号に掲げる事業を主として行う特定外国子会社等

に係る同条第一項各号に掲げる連結法人（当該連結法人が連結子法人である場合には、当該連結法人に係る連結親法人）の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前号に掲げる者に該当する者を除く。）

(ii) A person who holds over 50 percent of the total number or total amount of the issued shares, etc. of a consolidated corporation listed in the items of Article 68-90(1) of the Act (where the said consolidated corporation is a consolidated subsidiary corporation, a consolidated parent corporation related to the said consolidated corporation) which pertains to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 68-90(4)(i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding item who is related to the said specified foreign subsidiary company, etc.)

三 法第六十八条の九十第四項第一号に掲げる事業を主として行う特定外国子会社等に係る法第六十六条の六第一項各号に掲げる内国法人の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前二号に掲げる者に該当する者を除く。）

(iii) A person who holds over 50 percent of the total number or total amount of the issued shares, etc. of a domestic corporation listed in the items of Article 66-6(1) of the Act which pertains to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 68-90(4)(i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding two items who is related to the said specified foreign subsidiary company, etc.)

四 法第六十八条の九十第四項第一号に掲げる事業を主として行う特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号又は第六十八条の九十第一項各号に掲げる者が当該特定外国子会社等に係る間接保有の株式等（法第六十六条の六第二項第三号に規定する間接に有するものとして政令で定める外国法人の株式の数又は出資の金額をいう。）を有する場合における当該間接保有の株式等に係る第三十九条の十六第五項第一号に規定する他の外国法人又は同項第二号に規定する他の外国法人及び出資関連外国法人

(iv) Where a person listed in the items of Article 40-4(1), items of Article 66-6(1) or items of Article 68-90(1) of the Act who is related to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 68-90(4)(i) of the Act holds the shares, etc. indirectly pertaining to the said specified foreign subsidiary company, etc. (such shares, etc. shall mean the number of shares or the amount of capital contributions of a

foreign corporation specified by a Cabinet Order as being held through indirect ownership as prescribed in Article 66-6(2)(iii) of the Act), the other foreign corporations prescribed in paragraph Article 39-16(5)(i) or the other foreign corporation and capital contribution-related foreign corporation(s) prescribed in item (ii) of the said paragraph which pertain to the said shares, etc. held indirectly

五 次に掲げる者と法第六十六条の六第二項第六号に規定する政令で定める特殊の関係のある者（法第六十八条の九十第四項第一号に掲げる事業を主として行う特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前各号に掲げる者に該当する者を除く。）

(v) A person who has a special relationship specified by a Cabinet Order prescribed in Article 66-6(2)(vi) of the Act with any of the persons listed as follows (excluding a person falling under any of those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding items who is related to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 68-90(4)(i) of the Act):

イ 法第六十八条の九十第四項第一号に掲げる事業を主として行う特定外国子会社等

(a) A specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 68-90(4)(i) of the Act

ロ 法第六十八条の九十第四項第一号に掲げる事業を主として行う特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号又は第六十八条の九十第一項各号に掲げる者

(b) A person listed in the items of Article 40-4(1), items of Article 66-6(1) or items of Article 68-90(1) of the Act who is related to a specified foreign subsidiary company, etc. mainly engaged in the business listed in Article 68-90(4)(i) of the Act

ハ 前各号に掲げる者

(c) A person listed in the preceding items.

2 法第六十八条の九十第四項第一号に規定する政令で定める場合は、同項に規定する特定外国子会社等の各事業年度において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とする。

(2) The case specified by a Cabinet Order prescribed in Article 68-90(4)(i) of the Act shall be any of the cases specified respectively in the following items, in accordance with the category of the principal business to be conducted for the relevant business year of a specified foreign subsidiary company, etc. prescribed in the said paragraph:

一 卸売業 当該各事業年度の棚卸資産の販売に係る収入金額（当該各事業年度において棚卸資産の売買の代理又は媒介に関し受け取る手数料がある場合には、その手数料を受け取る基因となつた売買の取引金額を含む。以下この号において「販売取

扱金額」という。)の合計額のうちに関連者(当該特定外国子会社等に係る法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前項各号に掲げる者をいう。以下この項及び次項において同じ。)以外の者との間の取引に係る販売取扱金額の合計額の占める割合が百分の五十を超える場合又は当該各事業年度において取得した棚卸資産の取得価額(当該各事業年度において棚卸資産の売買の代理又は媒介に関し受け取る手数料がある場合には、その手数料を受け取る基因となつた売買の取引金額を含む。以下この号において「仕入取扱金額」という。)の合計額のうちに関連者以外の者との間の取引に係る仕入取扱金額の合計額の占める割合が百分の五十を超える場合

(i) Wholesale business: Where, out of the total revenue from selling inventory assets for the relevant business year (where there are any commissions to be received for agent or intermediary services for the buying or selling of inventory assets for the relevant business year, such revenues shall include the amount from the transactions for which the said commissions were generated; hereinafter referred to as the "amount of sales transactions" in this item), the ratio of the sum of the amount of sales transactions with a person other than affiliated persons (meaning those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding items who are related to the said specified foreign subsidiary company, etc.; hereinafter the same shall apply in this paragraph and the next paragraph) exceeds 50 percent, or out of the sum of the acquisition costs for acquiring inventory assets for the relevant business year (where there are any commissions to be received for agent or intermediary services for the buying or selling of inventory assets for the relevant business year, such acquisition costs shall include the amount from the transactions for which the said commissions were generated; hereinafter referred to as the "amount of purchase transactions" in this item), the ratio of the sum of the amount of purchase transactions with a person other than affiliated persons exceeds 50 percent

二 銀行業 当該各事業年度の受入利息の合計額のうちに関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合又は当該各事業年度の支払利息の合計額のうちに関連者以外の者に対して支払うものの合計額が百分の五十を超える場合

(ii) Banking business: Where, out of the sum of the total interest received for the relevant business year, the ratio of the sum of the said interest to be received from a person other than affiliated persons exceeds 50 percent, or out of the sum of the total interest paid for the relevant business year, the ratio of the sum of the said interest to be paid to a person other than affiliated persons exceeds 50 percent

三 信託業 当該各事業年度の信託報酬の合計額のうちに関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合

(iii) Trust business: Where, out of the sum of the total trust charge for the relevant business year, the ratio of the sum of the said trust charge to be received from a person other than affiliated persons exceeds 50 percent

四 証券業 当該各事業年度の受入手数料（有価証券の売買による利益を含む。）の合計額のうちに当該受入手数料で関連者以外の者から受けるものの合計額の占める割合が百分の五十を超える場合

(iv) Securities business: Where, out of the sum of the total commissions received (including profits from the buying and selling of securities) for the relevant business year, the ratio of the sum of the said commissions to be received from a person other than affiliated persons exceeds 50 percent

五 保険業 当該各事業年度の収入保険料の合計額のうちに当該収入保険料で関連者以外の者から収入するもの（当該収入保険料が再保険に係るものである場合には、関連者以外の者が有する資産又は関連者以外の者が負う損害賠償責任を保険の目的とする保険に係る収入保険料に限る。）の合計額の占める割合が百分の五十を超える場合

(v) Insurance business: Where, out of the sum of the total premium income for the relevant business year, the ratio of the sum of the said premium income to be received from a person other than affiliated persons (where the said premium income pertains to reinsurance, limited to premium income from insurance for assets held by a person other than affiliated persons or damages incurred by a person other than affiliated persons) exceeds 50 percent

六 水運業又は航空運送業 当該各事業年度の船舶の運航及び貸付け又は航空機の運航及び貸付けによる収入金額の合計額のうちに当該収入金額で関連者以外の者から収入するものの合計額の占める割合が百分の五十を超える場合

(vi) Water transportation business or air transportation business: Where, out of the total revenue from the operation or rental of vessels or operation or rental of aircraft for the relevant business year, the ratio of the sum of the said revenue to be received from a person other than affiliated persons exceeds 50 percent.

3 前項に規定する特定外国子会社等と当該特定外国子会社等に係る関連者との間の取引が、当該特定外国子会社等に係る関連者以外の者（以下この項において「非関連者」という。）を介在させて間接的に行われている場合には、当該非関連者を介在させることについて相当の理由があると認められる場合を除き、当該特定外国子会社等と当該非関連者との間の取引は、当該特定外国子会社等と当該関連者との間において直接行われたものとみなして、前項各号の規定を適用する。

(3) Where transactions prescribed in the preceding paragraph between a specified foreign subsidiary company, etc. and an affiliated person related to the said specified foreign subsidiary company, etc. are conducted indirectly via a person other than an affiliated person related to the said specified foreign subsidiary company, etc. (hereinafter referred to as a "non-affiliated person" in

this paragraph), transactions between the said specified foreign subsidiary company, etc. and the said non-affiliated person shall be deemed to have been conducted directly between the said specified foreign subsidiary company, etc. and the said affiliated person and the provisions of the items of the preceding paragraph shall be applied, except in the case where there are justifiable grounds for having the said non-affiliated person intervene in such transactions.

4 法第六十八条の九十第四項第二号に規定する政令で定める場合は、同項に規定する特定外国子会社等の各事業年度において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とする。

(4) The case specified by a Cabinet Order prescribed in Article 68-90(4)(ii) of the Act shall be any of the cases specified respectively in the following items, in accordance with the category of the principal business to be conducted for the relevant business year of a specified foreign subsidiary company, etc. prescribed in the said paragraph:

一 不動産業 主として本店所在地国にある不動産（不動産の上に存する権利を含む。以下この号において同じ。）の売買、貸付け（当該不動産を使用させる行為を含む。）、当該不動産の売買又は貸付けの代理又は媒介及び当該不動産の管理を行っている場合

(i) Real estate business: Where conducting a buying and selling or rental business of real estate (including acts to let others use the said real estate) (real estate shall include the rights thereon; hereinafter the same shall apply in this item) mainly located in the state of the head office, providing agent or intermediary services for the buying and selling or rental business of the said real estate, and managing the said real estate

二 物品賃貸業 主として本店所在地国において使用に供される物品の貸付けを行っている場合

(ii) Rental and leasing business: Where conducting a rental business for goods to be provided for use mainly in the state of the head office

三 第二項及び前二号に掲げる事業以外の事業 主として本店所在地国において行っている場合

(iii) Business other than those listed in paragraph (2) and the preceding two items: Where conducting a business mainly in the state of the head office.

(特定外国子会社等の個別課税対象留保金額に係る外国法人税額の計算等)

(Calculation, etc. of Foreign Corporation Tax on Individually Taxable Retained Income of Specified Foreign Subsidiary Companies, etc.)

第三十九条の百十八 法第六十八条の九十一第一項に規定する政令で定めるところにより計算した金額は、同項に規定する特定外国子会社等（以下この条において「特定外国子会社等」という。）につきその適用対象留保金額を有する事業年度（以下第四項までにおいて「課税対象年度」という。）の所得に対して課される外国法人税の額に、

当該課税対象年度に係る適用対象留保金額（第三十九条の百十五第三項に規定する控除対象配当等の額がある場合には、当該金額を加算した金額）と当該適用対象留保金額の計算上控除される剰余金の配当等の額との合計額のうちに法第六十八条の九十一第一項に規定する連結法人に係る個別課税対象留保金額の占める割合を乗じて計算した金額（当該金額が当該個別課税対象留保金額を超える場合には、当該個別課税対象留保金額に相当する金額）とする。

Article 39-118 (1) The amount calculated as specified by a Cabinet Order prescribed in Article 68-91(1) of the Act shall be the amount obtained by multiplying the amount of foreign corporation tax to be imposed on a specified foreign subsidiary company, etc. prescribed in the said paragraph (hereinafter referred to as a "specified foreign subsidiary company, etc." in this Article) on its income for a business year containing eligible retained income (hereinafter referred to as a "taxable business year" through to paragraph (4)) by the ratio of the individually taxable retained income pertaining to a consolidated corporation prescribed in Article 68-91(1) of the Act out of the sum of the eligible retained income for the relevant taxable business year (where there is any amount of a deductible dividend, etc. prescribed in Article 39-115(3), the amount obtained by adding the said amount) and the amount of a dividend of surplus, etc. to be deducted for calculating the amount of the said eligible retained income (where the said amount exceeds the said individually taxable retained income, the amount equivalent to the said individually taxable retained income).

2 特定外国子会社等につきその課税対象年度の所得に対して二以上の外国法人税が課され、又は二回以上にわたって外国法人税が課された場合において、当該特定外国子会社等に係る連結法人がその二以上の連結事業年度又は事業年度において法第六十八条の九十一第一項（同条第二項の規定によりみなして適用する場合を含む。以下この条において同じ。）又は第六十六条の七第一項（同条第二項の規定によりみなして適用する場合を含む。以下この条において同じ。）の規定の適用を受けるときは、当該二以上の連結事業年度又は事業年度のうち最初の連結事業年度又は事業年度後の連結事業年度に係る法第六十八条の九十一第一項の規定の適用については、第一号に掲げる金額から第二号に掲げる金額（法第六十六条の七第一項の規定の適用を受けた場合で、その適用を受けた後最初に法第六十八条の九十一第一項の規定の適用を受けるときは、第三号に掲げる金額）を控除した金額をもつて前項に規定する計算した金額とする。

(2) In the case where a specified foreign subsidiary company, etc. has been subject to two or more foreign corporation taxes or to a foreign corporation tax twice or more on its income for a taxable business year, when a consolidated corporation related to the said specified foreign subsidiary company, etc. seeks the application of the provisions of Article 68-91(1) (including the cases where it is applied pursuant to the provisions of paragraph (2) of the said Article by deeming the amount to be as specified therein; hereinafter the same shall

apply in this Article) or Article 66-7(1) (including the cases where it is applied pursuant to the provisions of paragraph (2) of the said Article by deeming the amount to be as specified therein; hereinafter the same shall apply in this Article) of the Act in two or more business years or consolidated business years; with respect to the application of the provisions of Article 68-91(1) of the Act for a consolidated business year following the first one of the said two or more consolidated business years or business years, the amount obtained by deducting the amount listed in item (ii) (the amount listed in item (iii), when seeking the application of the provisions of Article 68-91(1) of the Act for the first time after receiving the application of the provisions of Article 66-7(1) of the Act) from the amount listed in item (i) shall be deemed to be the calculated amount prescribed in the preceding paragraph:

一 法第六十八条の九十一第一項の規定の適用を受ける連結事業年度（以下この項において「適用連結事業年度」という。）終了の日までに当該課税対象年度の所得に対して課された外国法人税の額（第四項又は第三十九条の十八第四項の規定により法第六十八条の九十一第一項又は第六十六条の七第一項の規定の適用を受けることを選択したものに限る。以下この項において同じ。）の合計額について前項の規定により計算した金額

(i) The amount calculated pursuant to the provisions of the preceding paragraph regarding the sum of the amount of foreign corporation taxes that were imposed on income for the relevant taxable business year by the final day of a consolidated business year subject to the provisions of Article 68-91(1) of the Act (hereinafter referred to as the "applicable consolidated business year" in this paragraph) (such amount of foreign corporation taxes shall be limited to those to which the provisions of Article 68-91(1) or Article 66-7(1) of the Act were chosen to apply, pursuant to the provisions of paragraph (4) or Article 39-18(4); hereinafter the same shall apply in this paragraph)

二 適用連結事業年度開始の日の前日までに当該課税対象年度の所得に対して課された外国法人税の額の合計額について前項の規定により計算した金額

(ii) The amount calculated pursuant to the provisions of the preceding paragraph regarding the sum of the amount of foreign corporation taxes that were imposed on income for the relevant taxable business year by the day preceding the first day of the applicable consolidated business year

三 適用連結事業年度開始の日の前日までに当該課税対象年度の所得に対して課された外国法人税の額の合計額について第三十九条の十八第一項の規定により計算した金額

(iii) The amount calculated pursuant to the provisions of Article 39-18(1) regarding the sum of the amount of foreign corporation taxes that were imposed on income for the relevant taxable business year by the day preceding the first day of the applicable consolidated business year

3 特定外国子会社等につきその課税対象年度の所得に対して課された外国法人税の額のうち、法第六十八条の九十一第一項の規定により当該特定外国子会社等に係る連結法人が納付する同項に規定する個別控除対象外国法人税の額（以下この条において「個別控除対象外国法人税の額」という。）とみなされる金額は、次の各号に掲げる外国法人税の区分に応じそれぞれその連結法人の当該各号に定める連結事業年度においてその連結法人が納付することとなるものとみなす。

(3) Out of the amount of foreign corporation taxes that were imposed on a specified foreign subsidiary company, etc. on its income for a taxable business year, the amount deemed to be the amount of individually creditable foreign corporation taxes prescribed in Article 68-91(1) of the Act that shall be paid by a consolidated corporation related to the said specified foreign subsidiary company, etc., pursuant to the provisions of the said paragraph, (hereinafter referred to as the "amount of individually creditable foreign corporation taxes" in this Article) shall be deemed to be payable by the consolidated corporation in a consolidated business year specified respectively in the following items for the category of foreign corporation taxes listed in the relevant item:

一 その連結法人が当該特定外国子会社等の当該課税対象年度の個別課税対象留保金額に相当する金額につき法第六十八条の九十第一項の規定の適用を受ける連結事業年度終了の日以前に当該課税対象年度の所得に対して課された外国法人税 その適用を受ける連結事業年度

(i) The foreign corporation tax that was imposed on the consolidated corporation on its income for the relevant taxable business year of the said specified foreign subsidiary company, etc. on or prior to the final day of the consolidated business year for which the provisions of Article 68-90(1) of the Act are applied regarding the amount equivalent to the individually taxable retained income for the relevant taxable business year: The consolidated business year subject to the provisions of Article 68-90(1) of the Act

二 その連結法人が当該特定外国子会社等の当該課税対象年度の個別課税対象留保金額に相当する金額につき法第六十八条の九十第一項の規定の適用を受ける連結事業年度（法第六十八条の九十一第二項の規定の適用がある場合には、その連結法人が当該特定外国子会社等の当該課税対象年度の課税対象留保金額に相当する金額につき法第六十六条の六第一項の規定の適用を受けた事業年度）終了の日後に当該課税対象年度の所得に対して課された外国法人税 その課された日の属する連結事業年度

(ii) The foreign corporation tax that was imposed on the consolidated corporation on its income for the relevant taxable business year of the said specified foreign subsidiary company, etc. after the final day of the consolidated business year for which the provisions of Article 68-90(1) of the Act are applied regarding the amount equivalent to the individually taxable retained income for the relevant taxable business year (where the provisions of Article 68-91(2) of the Act are applied, after the final day of the business

year for which the provisions of Article 66-6(1) of the Act were applied regarding the amount equivalent to the taxable retained income for the relevant taxable business year): The said consolidated business year involving the day on which the tax was imposed.

- 4 特定外国子会社等につきその課税対象年度の所得に対して二以上の外国法人税が課され、又は二回以上にわたって外国法人税が課された場合には、当該特定外国子会社等の当該課税対象年度の個別課税対象留保金額に相当する金額につき法第六十八条の九十第一項の規定の適用を受ける連結法人は、その適用を受ける個別課税対象留保金額に係るそれぞれの外国法人税の額につき、法第六十八条の九十一第一項の規定の適用を受け、又は受けないことを選択することができる。

(4) Where a specified foreign subsidiary company, etc. has been subject to two or more foreign corporation taxes or to a foreign corporation tax twice or more on its income for a taxable business year, a consolidated corporation to which the provisions of Article 68-90(1) of the Act are applied, regarding the amount equivalent to the individually taxable retained income for the relevant taxable business year of the said specified foreign subsidiary company, etc., shall choose whether or not it will seek the application of the provisions of Article 68-91(1) of the Act regarding the amount of respective foreign corporation taxes on the individually taxable retained income subject to the provisions of Article 68-90(1) of the Act.

- 5 連結法人がその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た外国法人税の額につき法第六十八条の九十一第一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（以下この項において「適用連結事業年度」という。）後の連結事業年度において当該外国法人税の額が減額されたときは、当該外国法人税の額のうち同条第一項の規定によりその連結法人が納付する個別控除対象外国法人税の額とみなされた部分の金額につき、その減額されることとなった日において、第一号に掲げる金額から第二号に掲げる金額を控除した残額に相当する金額の減額があつたものとみなす。

(5) In the case where a consolidated corporation was subject to the provisions of Article 68-91(1) of the Act, regarding the amount of foreign corporation tax imposed on the income of a specified foreign subsidiary company, etc. related to the consolidated corporation, when the said amount of foreign corporation tax was reduced in a consolidated business year after the consolidated business year subject to the provisions of the said paragraph (hereinafter referred to as the "applicable consolidated business year" in this paragraph), it shall be deemed that the remaining amount after deducting the amount listed in item (ii) from the amount listed in item (i) has been reduced from the part of the said amount of foreign corporation tax that was deemed to be the amount of individually creditable foreign corporation tax payable by the consolidated corporation, pursuant to the provisions of paragraph (1) of the said Article, as on the day of the reduction of the said foreign corporation tax:

一 当該外国法人税の額のうち適用連結事業年度においてその連結法人が納付する個別控除対象外国法人税の額とみなされた部分の金額

(i) The part of the said amount of foreign corporation tax that was deemed to be the amount of individually creditable foreign corporation tax payable by the consolidated corporation in the applicable consolidated business year

二 当該減額があつた後の当該外国法人税の額につき適用連結事業年度において法第六十八条の九十一第一項の規定を適用したならばその連結法人が納付する個別控除対象外国法人税の額とみなされる部分の金額

(ii) The part that shall be deemed to be the amount of individually creditable foreign corporation tax payable by the consolidated corporation when the provisions of Article 68-91(1) of the Act are applied in the applicable consolidated business year to the said amount of foreign corporation tax after the reduction.

6 連結法人がその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た外国法人税の額につき法第六十六条の七第一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（以下この項において「適用事業年度」という。）後の連結事業年度において当該外国法人税の額が減額されたときは、当該外国法人税の額のうち同条第一項の規定によりその連結法人が納付する同項に規定する控除対象外国法人税の額（以下この条において「控除対象外国法人税の額」という。）とみなされた部分の金額につき、その減額されることとなつた日において、第一号に掲げる金額から第二号に掲げる金額を控除した残額に相当する金額の減額があつたものとみなす。

(6) In the case where a consolidated corporation was subject to the provisions of Article 66-7(1) of the Act, regarding the amount of foreign corporation tax imposed on the income of a specified foreign subsidiary company, etc. related to the consolidated corporation, when the said amount of foreign corporation tax was reduced in a consolidated business year after the business year subject to the provisions of the said paragraph (hereinafter referred to as the "applicable business year" in this paragraph), it shall be deemed that the remaining amount after deducting the amount listed in item (ii) from the amount listed in item (i) has been reduced from the part of the said amount of foreign corporation tax that was deemed to be the amount of creditable foreign corporation tax payable by the consolidated corporation, pursuant to the provisions of paragraph (1) of the said Article (hereinafter referred to as the "amount of creditable foreign corporation tax" in this Article), as on the day of the reduction of the said foreign corporation tax:

一 当該外国法人税の額のうち適用事業年度においてその連結法人が納付する控除対象外国法人税の額とみなされた部分の金額

(i) The part of the said amount of foreign corporation tax that was deemed to be the amount of creditable foreign corporation tax payable by the consolidated corporation in the applicable business year

二 当該減額があつた後の当該外国法人税の額につき適用事業年度において法第六十

六条の七第一項の規定を適用したならばその連結法人が納付する控除対象外国法人税の額とみなされる部分の金額

(ii) The part that shall be deemed to be the amount of creditable foreign corporation tax payable by the consolidated corporation when the provisions of Article 66-7(1) of the Act are applied in the applicable business year to the said amount of foreign corporation tax after the reduction.

7 第五項又は前項の規定により個別控除対象外国法人税の額又は控除対象外国法人税の額が減額されたものとみなされた場合における法人税法第八十一条の十五第十項の規定の適用については、法人税法施行令第百五十五条の三十九（第二項を除く。）に定めるところによる。この場合において、同条第一項中「法第八十一条の十五第八項（同条第九項の規定によりみなして適用する場合を含む。）」とあるのは「法第八十一条の十五第八項（同条第九項の規定によりみなして適用する場合を含む。）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）（同条第二項の規定によりみなして適用する場合を含む。）」と、「個別減額控除対象外国法人税額」とあるのは「個別減額控除対象外国法人税額（租税特別措置法施行令第三十九条の百十八第五項又は第六項（特定外国子会社等の個別課税対象留保金額に係る外国法人税額の減額）の規定により減額があつたものとみなされる個別控除対象外国法人税の額又は控除対象外国法人税の額を含む。）」とする。

(7) Where the amount of individually creditable foreign corporation tax or creditable foreign corporation tax has been deemed to have been reduced, pursuant to the provisions of paragraph (5) or the preceding paragraph, the provisions of Article 81-15(10) of the Corporation Tax Act shall be applied as specified in Article 155-39 (excluding paragraph (2)) of the Order for Enforcement of the Corporation Tax Act. In this case, in paragraph (1) of the said Article, the term "Article 81-15(8) of the Act (including the cases where it is applied pursuant to the provisions of paragraph (9) of the said Article by deeming the amount to be as specified therein)" shall be deemed to be replaced with "Article 81-15(8) of the Act (including the cases where it is applied pursuant to the provisions of paragraph (9) of the said Article by deeming the amount to be as specified therein and Article 68-91(1) (Credit for Foreign Tax on Individually Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. of Consolidated Corporations) of the Act on Special Measures Concerning Taxation (including the cases where it is applied pursuant to the provisions of paragraph (2) of the said Article by deeming the amount to be as specified therein);" and the term "the amount of individually reduced creditable foreign corporation tax" shall be deemed to be replaced with "the amount of individually reduced creditable foreign corporation tax (including the amount of individually creditable foreign corporation tax or creditable foreign corporation tax that is deemed to have been reduced pursuant to the provisions of Article 39-118(5) or (6) (Reduction of Foreign Corporation Tax on

Individually Taxable Retained Income of Specified Foreign Subsidiary Companies, etc.) of the Order for Enforcement of the Act on Special Measures Concerning Taxation)."

8 法第六十八条の九十第一項各号に掲げる連結法人の各連結事業年度の連結所得の金額の計算上同項の規定により益金の額に算入された金額がある場合には、当該益金の額に算入された金額は、当該連結法人の当該各連結事業年度に係る法人税法施行令第百五十五条の二十八第一項に規定する連結控除限度額の計算については、同条第三項本文に規定する連結国外所得金額に含まれるものとする。ただし、当該連結法人に係る特定外国子会社等の本店所在地国が当該特定外国子会社等の所得に対して同令第百四十一条第一項に規定する外国法人税を課さない国又は地域である場合には、当該連結国外所得金額に含まれる金額は、当該益金の額に算入された金額の三分の一に相当する金額とする。

(8) Where there is any amount included in the gross profits pursuant to the provisions of Article 68-90(1) of the Act for calculating the amount of consolidated income for the relevant consolidated business year of a consolidated corporation listed in the items of the said paragraph, the said amount included in gross profits shall be included in the consolidated foreign income prescribed in the main clause of Article 155-28(3) of the Order for Enforcement of the Corporation Tax Act for calculating the maximum amount of consolidated deduction prescribed in paragraph (1) of the said Article for the relevant consolidated business year of the said consolidated corporation; provided, however, that in the case where the state of the head office of a specified foreign subsidiary company, etc. related to the consolidated corporation is a state or territory that does not impose any foreign corporation taxes prescribed in Article 141(1) of the said Order on income of the said specified foreign subsidiary company, etc., the amount to be included in the said consolidated foreign income shall be the amount equivalent to one-third of the said amount included in the gross profits.

9 第三項各号に掲げる外国法人税の額のうち法第六十八条の九十一第一項の規定により特定外国子会社等に係る連結法人が納付する個別控除対象外国法人税の額とみなされる金額は、その連結法人の当該各号に定める連結事業年度に係る法人税法施行令第百五十五条の二十八第一項に規定する連結控除限度額の計算については、同条第三項本文に規定する連結国外所得金額に含まれるものとする。

(9) The part of the amount of foreign corporation taxes listed in the items of paragraph (3) that are deemed to be the amount of individually creditable foreign corporation tax payable by a consolidated corporation related to a specified foreign subsidiary company, etc., pursuant to the provisions of Article 68-91(1) of the Act, shall be included in consolidated foreign income prescribed in the main clause of Article 155-28(3) of the Order for Enforcement of the Corporation Tax Act for calculating the maximum amount of consolidated deduction prescribed in paragraph (1) of the said Article for a consolidated

business year specified respectively in the relevant items of the consolidated corporation.

10 第五項又は第六項の規定により個別控除対象外国法人税の額又は控除対象外国法人税の額が減額されたものとみなされた金額のうち、第七項の規定により法人税法施行令第百五十五条の三十九第一項の規定による同項に規定する個別納付控除対象外国法人税額からの控除又は同条第三項の規定による同項に規定する個別控除限度超過額からの控除に充てられることとなる部分の金額に相当する金額は、第五項又は第六項に規定する連結法人のこれらの控除をすることとなる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。この場合において、当該損金の額に算入する金額は、同令第百五十五条の二十八第三項本文に規定する連結国外所得金額の計算上の損金の額として配分するものとする。

(10) Out of the amount deemed to have been reduced from the amount of individually creditable foreign corporation tax or creditable foreign corporation tax, pursuant to the provisions of paragraph (5) or paragraph (6), the amount equivalent to the amount to be appropriated, pursuant to the provisions of paragraph (7), for deduction from the amount of individually creditable foreign corporation tax to be paid prescribed in Article 155-39(1) of the Order for Enforcement of the Corporation Tax Act under the provisions of the said paragraph or for deduction from the amount exceeding the maximum amount of individual deduction prescribed in paragraph (3) of the said Article under the provisions of the said paragraph shall be included in deductible expenses for calculating the amount of consolidated income for a consolidated business year of a consolidated corporation prescribed in paragraph (5) or paragraph (6) for making such deduction. In this case, the said amount to be included in deductible expenses shall be allocated as the amount of deductible expenses for calculating the amount of consolidated foreign income prescribed in the main clause of Article 155-28(3) of the said Order.

11 法第六十八条の九十一第三項に規定する政令で定める連結事業年度は、特定外国子会社等の所得に対して課された外国法人税の額が第三項各号のいずれに該当するかに応じ当該各号に定める連結事業年度とする。

(11) The consolidated business year specified by a Cabinet Order prescribed in Article 68-91(3) of the Act shall be the consolidated business year specified respectively in the items of paragraph (3), in accordance with the category of the amount of foreign corporation tax imposed on the income of a specified foreign subsidiary company, etc.

12 法第六十八条の九十二第一項に規定する連結法人に係る特定外国子会社等又は当該連結法人に係る外国関係会社につき同項各号に掲げる事実が生じた日を含む当該連結法人の連結事業年度において同項の規定により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された同項に規定する個別課税済留保金額（同条第二項及び第三項の規定により当該個別課税済留保金額とみなされたものを含む。）がある場合において、その損金の額に算入された当該個別課税済留保金額のう

ちに法第六十八条の九十一第一項の規定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とみなされた当該特定外国子会社等に係る外国法人税の額で同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による控除をされるべき金額の計算の基礎となつたものに係る個別課税対象留保金額から成る金額が含まれているとき、又は法第六十六条の七第一項の規定により当該連結法人が納付する控除対象外国法人税の額とみなされた当該特定外国子会社等に係る外国法人税の額で同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による控除をされるべき金額の計算の基礎となつたものに係る課税対象留保金額から成る金額が含まれているときは、当該計算の基礎となつた当該連結法人が納付する個別控除対象外国法人税の額とみなされた特定外国子会社等に係る外国法人税の額のうち当該個別課税対象留保金額から成る金額に対応する部分の金額又は当該計算の基礎となつた当該連結法人が納付する控除対象外国法人税の額とみなされた特定外国子会社等に係る外国法人税の額のうち当該課税対象留保金額から成る金額に対応する部分の金額は、当該連結事業年度終了の日において減額されたものとみなす。この場合において、同法第八十一条の十五第十項中「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、「減額された場合（）」とあるのは「減額された場合（租税特別措置法施行令第三十九条の百十八第十二項（特定外国子会社等の個別課税対象留保金額に係る外国法人税額の計算等）の規定により減額されたものとみなされた場合又は）」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」として、同項の規定を適用する。

- (12) In the case where there is any individually taxed amount of retained income prescribed in Article 68-92(1) of the Act (including the amount deemed to be the individually taxed amount of retained income pursuant to the provisions of paragraph (2) or paragraph (3) of the said Article) that was included in deductible expenses for calculating the amount of consolidated income for the relevant consolidated business year of a consolidated corporation prescribed in Article 68-92(1) of the Act, pursuant to the provisions of the said paragraph, in the consolidated business year of the consolidated corporation including the day on which any of the events listed in the items of the said paragraph occurred with regard to a specified foreign subsidiary company, etc. related to the said domestic corporation, or an affiliated foreign company related to the

said consolidated corporation, when the said individually taxed amount of retained income included in deductible expenses includes the amount of foreign corporation tax on the said specified foreign subsidiary company, etc. that was deemed to be the amount of individually creditable foreign corporation tax payable by the said consolidated corporation, pursuant to the provisions of Article 68-91(1) of the Act, and which consists of individually taxable retained income pertaining to what was the basis for calculating the amount for which a deduction under the provisions of Article 81-15(1) to (3) of the Corporation Tax Act shall be made, pursuant to the provisions of Article 68-91(1) of the Act, or that was deemed to be the amount of creditable foreign corporation tax payable by the said consolidated corporation, pursuant to the provisions of Article 66-7(1) of the Act, and which consists of taxable retained income pertaining to what was the basis for calculating the amount for which a deduction under the provisions of Article 69(1) to (3) of the Corporation Tax Act shall be made, pursuant to the provisions of Article 66-7(1) of the Act, the part of the amount corresponding to the amount of foreign corporation tax on the specified foreign subsidiary company, etc. that was deemed to be the amount of individually creditable foreign corporation tax payable by the said consolidated corporation, which was the basis for the said calculation, and which consists of the said individually taxable retained income or the part of the amount corresponding to the amount of foreign corporation tax on the specified foreign subsidiary company, etc. that was deemed to be the amount of creditable foreign corporation tax payable by the said consolidated corporation, which was the basis for the said calculation, and which consists of the said taxable retained income shall be deemed to have been reduced on the final day of the relevant consolidated business year. In this case, the provisions of Article 81-15(10) of the said Act shall apply by replacing the terms in the said paragraph as follows: the term "the part of the amount deemed to be payable by the said consolidated corporation pursuant to the provisions of paragraph (8)" shall be deemed to be replaced with "the part of the amount deemed to be payable by the said consolidated corporation pursuant to the provisions of paragraph (8), and out of the amount of foreign corporation tax to be imposed on income of a specified foreign subsidiary company, etc. prescribed in Article 68-91(1) (Credit for Foreign Tax on Individually Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. of Consolidated Corporations) of the Act on Special Measures Concerning Taxation, the part of the amount deemed to be payable by the said consolidated corporation pursuant to the provisions of the said paragraph;" the term "in the case where the said amount of foreign corporation tax was reduced (" shall be deemed to be replaced with "in the case where the said amount of foreign corporation tax was reduced (in the case where the reduction is deemed to have been made pursuant to the provisions of Article

39-118(12) (Calculation, etc. of Foreign Corporation Tax on Individually Taxable Retained Income of Specified Foreign Subsidiary Companies, etc.) of the Order for Enforcement of the Act on Special Measures Concerning Taxation, or;" the term "the part of the amount deemed to be payable by the said consolidated corporation pursuant to the provisions of paragraph (8) of the said Article" shall be deemed to be replaced with "the part of the amount deemed to be payable by the said consolidated corporation pursuant to the provisions of paragraph (8) of the said Article, and out of the amount of foreign corporation tax to be imposed on income of a specified foreign subsidiary company, etc. prescribed in Article 66-7(1) (Credit for Foreign Tax on Taxable Retained Income of Specified Foreign Subsidiary Companies, etc. of Domestic Corporations) of the said Act, the part of the amount deemed to be payable by the said consolidated corporation pursuant to the provisions of the said paragraph;" and the term "paragraph (1) to paragraph (3) of the said Article" shall be deemed to be replaced with "Article 69(1) to (3)."

1 3 第七項の規定は、前項の規定により個別控除対象外国法人税の額又は控除対象外国法人税の額が減額されたものとみなされる場合について準用する。

(13) The provisions of paragraph (7) shall apply *mutatis mutandis* where the amount of individually creditable foreign corporation tax or creditable foreign corporation tax is deemed to have been reduced pursuant to the provisions of the preceding paragraph.

1 4 第十二項に規定する連結法人の法第六十八条の九十一第一項の規定により納付する個別控除対象外国法人税の額とみなされた外国法人税の額のうち第十二項の規定により減額されたものとみなされる部分の金額に相当する金額は、当該連結法人の同項に規定する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。この場合において、当該損金の額に算入する金額は、法人税法施行令第百五十五条の二十八第三項本文に規定する連結国外所得金額の計算上の損金の額として配分するものとする。

(14) The amount of foreign corporation tax that was deemed to be the amount of individually creditable foreign corporation tax payable by a consolidated corporation prescribed in paragraph (12), pursuant to the provisions of Article 68-91(1) of the Act, which is deemed to have been reduced pursuant to the provisions of paragraph (12) shall be included in deductible expenses for calculating the amount of consolidated income for a consolidated business year prescribed in the said paragraph of the said consolidated corporation. In this case, the said amount to be included in deductible expenses shall be allocated as the amount of deductible expenses for calculating the amount of consolidated foreign income prescribed in the main clause of Article 155-28(3) of the Order for Enforcement of the Corporation Tax Act.

1 5 前項に規定する連結法人の同項の規定の適用を受ける連結事業年度における法人税法施行令第百五十五条の十三の規定の適用については、同条第二項第八号中「益金算入）」とあるのは、「益金算入）及び租税特別措置法施行令第三十九条の百十八第

十四項（特定外国子会社等の個別課税対象留保金額に係る外国法人税額の計算等）」とする。

(15) With respect to the application of the provisions of Article 155-13 of the Order for Enforcement of the Corporation Tax Act in the consolidated business year subject to the provisions of the preceding paragraph of a consolidated corporation prescribed in the said paragraph, the term "(Inclusion in Gross Profits of the Amount of Foreign Tax of Specified Foreign Subsidiary Companies, etc. to be Deducted from Corporation Tax)" in paragraph (2)(viii) of the said Article shall be deemed to be replaced with "(Inclusion in Gross Profits of the Amount of Foreign Tax of Specified Foreign Subsidiary Companies, etc. to be Deducted from Corporation Tax) and Article 39-118(14) (Calculation, etc. of Foreign Corporation Tax on Individually Taxable Retained Income of Specified Foreign Subsidiary Companies, etc.) of the Order for Enforcement of the Act on Special Measures Concerning Taxation."

16 法第六十八条の九十二第五項及び第六項の規定は、第十四項の規定を適用する場合について準用する。

(16) The provisions of Article 68-92(5) and (6) of the Act shall apply mutatis mutandis where the provisions of paragraph (14) shall apply.

17 法第六十八条の九十二第一項に規定する連結法人に係る特定外国子会社等又は当該連結法人に係る外国関係会社につき同項各号に掲げる事実が生じた日を含む当該連結法人の連結事業年度において同項の規定により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された金額がある場合における当該連結法人の当該連結事業年度に係る法人税法施行令第一百五十五条の二十八第一項に規定する連結控除限度額の計算については、当該損金の額に算入された金額は、同条第三項本文に規定する連結国外所得金額の計算上の損金の額として配分するものとする。ただし、当該特定外国子会社等の本店所在地国が当該特定外国子会社等の所得に対して同令第四百四十一条第一項に規定する外国法人税を課さない国又は地域である場合には、当該連結国外所得金額の計算上の損金の額として配分する金額は、当該損金の額に算入された金額の三分の一に相当する金額とする。

(17) In the case where there is any amount to be included in deductible expenses for calculating the amount of consolidated income for the relevant consolidated business year of a consolidated corporation prescribed in Article 68-92(1) of the Act, pursuant to the provisions of the said paragraph, in the consolidated business year of the said consolidated corporation including the day on which any of the events listed in the items of the said paragraph occurred, with regard to a specified foreign subsidiary company, etc. related to the said domestic corporation, or an affiliated foreign company related to the said consolidated corporation; with regard to the calculation of the maximum amount of individual deduction prescribed in Article 155-28(1) of the Order for Enforcement of the Corporation Tax Act for the relevant consolidated business year of the said consolidated corporation, the said amount included in

deductible expenses shall be allocated as the amount of deductible expenses for calculating the amount of consolidated foreign income prescribed in the main clause of paragraph (3) of the said Article; provided however, that in the case where the state of the head office of the specified foreign subsidiary company, etc. is a state or territory that does not impose any foreign corporation taxes prescribed in Article 141(1) of the said Order on income of the said specified foreign subsidiary company, etc., the amount to be allocated as the amount of deductible expenses for calculating the amount of the said consolidated foreign income shall be the amount equivalent to one-third of the said amount included in the deductible expenses.

(特定外国子会社等の課税済配当等の額の計算)

(Calculation of the Taxed Amount of Dividend, etc. of Specified Foreign Subsidiary Companies, etc.)

第三十九条の百十九 法第六十八条の九十二第一項に規定する外国関係会社のうち政令で定めるものは、同項に規定する特定外国子会社等（以下この条において「特定外国子会社等」という。）に係る第三十九条の百十六第三項第三号に規定する控除未済課税済配当等の額（次項において「控除未済課税済配当等の額」という。）を有する外国関係会社とする。

Article 39-119 (1) Affiliated foreign companies prescribed in Article 68-92(1) of the Act which are specified by a Cabinet Order shall be affiliated foreign companies that hold the taxed amount of a dividend, etc. before deduction prescribed in Article 39-116(3)(iii) (referred to as the "taxed amount of a dividend, etc. before deduction" in the next paragraph) pertaining to a specified foreign subsidiary company, etc. prescribed in Article 68-92(1) of the Act (hereinafter referred to as a "specified foreign subsidiary company, etc." in this Article).

2 法第六十八条の九十二第一項に規定する政令で定めるところにより計算した金額は、次の各号に掲げる場合の区分に応じ当該各号に定める金額（特定外国子会社等に係る第三十九条の百十六第二項の規定による個別課税対象留保金額の計算上控除される金額を除く。）とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article 68-92(1) of the Act shall be the amount specified respectively in the following items for the category of cases listed in the relevant items (excluding the amount to be deducted for calculating the amount of individually taxable retained income, pursuant to the provisions of Article 39-116(2), pertaining to a specified foreign subsidiary company, etc.):

一 法第六十八条の九十二第一項に規定する連結法人に係る特定外国子会社等につき同項第一号に掲げる事実が生じた場合（当該事実が当該特定外国子会社等の同号に定める剰余金の配当等の支払に係る基準日を含む事業年度（以下この号及び次項において「基準事業年度」という。）終了の日の翌日から二月を経過する日を含む当

該連結法人の連結事業年度（次項において「適用連結事業年度」という。）前の連結事業年度又は事業年度の期間内に生じた場合を除く。）において当該剰余金の配当等の額が当該特定外国子会社等の当該基準事業年度に係る法第六十八条の九十一項に規定する適用対象留保金額の計算上控除される剰余金の配当等の額を超えることとなるとき 当該超える部分の金額に、当該基準事業年度終了の時ににおける当該特定外国子会社等の発行済株式等のうちに当該基準事業年度終了の時ににおける当該連結法人の有する当該特定外国子会社等の第三十九条の百十六第三項第一号に規定する請求権勘案保有株式等（当該連結法人に係る外国関係会社（当該連結法人に係る特定外国子会社等及び法第六十六条の六第一項に規定する特定外国子会社等を除く。以下この項において同じ。）でその受ける法第六十八条の九十二第一項第一号に定める剰余金の配当等の額につきその本店所在地国において課される税の負担が軽課税基準以下のもの又は当該連結法人に係る他の特定外国子会社等（法第六十六条の六第一項に規定する特定外国子会社等を含む。以下この項において同じ。）に支払われた場合における当該外国関係会社及び当該他の特定外国子会社等を通じて保有する請求権勘案間接保有株式等（第三十九条の百十六第三項第二号に規定する請求権勘案間接保有株式等をいう。次号において同じ。）を除く。）の占める割合を乗じて計算した金額

- (i) Where an event listed in Article 68-92(1)(i) of the Act has occurred with regard to a specified foreign subsidiary company, etc. related to a consolidated corporation prescribed in the said paragraph (excluding the case where the said event occurred during the consolidated business year or business year preceding the consolidated business year of the consolidated corporation including the day on which two months had elapsed after the day following the final day of the business year of the specified foreign subsidiary company, etc. including the base day for the payment of a dividend of surplus, etc. specified in Article 68-92(1)(i) of the Act (hereinafter the business year including such base day shall be referred to as the "base business year" in this item and the next paragraph, and such consolidated business year of the consolidated corporation shall be referred to as the "applicable consolidated business year" in the next paragraph)), when the said amount of a dividend of surplus, etc. proves to exceed the amount of a dividend of surplus, etc. to be deducted for calculating the amount of eligible retained income prescribed in Article 68-90(1) of the Act for the relevant base business year of the specified foreign subsidiary company, etc.: The amount obtained by multiplying the said excess amount by the ratio of the shares, etc. for considering the claims held by the said consolidated corporation that are prescribed in Article 39-116(3)(i) out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. at the end of the said base business year (in the case where the dividend of surplus, etc. has been paid to an affiliated foreign company related to the consolidated corporation (excluding a specified foreign subsidiary company, etc. related to the

consolidated corporation and a specified foreign subsidiary company, etc. prescribed in Article 66-6(1) of the Act; hereinafter the same shall apply in this paragraph) whose tax burden imposed in the state of the head office on the amount of the dividend of surplus, etc. that it receives is not more than the low tax-burden base or to any other specified foreign subsidiary company, etc. related to the consolidated corporation (including a specified foreign subsidiary company, etc. prescribed in Article 66-6(1) of the Act; hereinafter the same shall apply in this paragraph); excluding the shares, etc. for considering the claims indirectly held (meaning the shares, etc. for considering the claims indirectly held prescribed in Article 39-116(3)(ii); the same shall apply in the next item) via the said affiliated foreign company and the said other specified foreign subsidiary company, etc.)

二 法第六十八条の九十二第一項に規定する連結法人に係る特定外国子会社等につき同項第二号に掲げる事実が生じた場合 同号に定める金額に当該事実が生じた時における当該特定外国子会社等の発行済株式等のうちに当該事実が生じた時における当該連結法人の有する当該特定外国子会社等の第三十九条の百十六第三項第一号に規定する請求権勘案保有株式等（当該連結法人に係る外国関係会社でその受ける法第六十八条の九十二第一項第二号に定める金額につきその本店所在地国において課される税の負担が軽課税基準以下のもの又は当該連結法人に係る他の特定外国子会社等に対して交付された場合における当該外国関係会社及び当該他の特定外国子会社等を通じて保有する請求権勘案間接保有株式等を除く。）の占める割合を乗じて計算した金額

(ii) Where an event listed in Article 68-92(1)(ii) of the Act has occurred with regard to a specified foreign subsidiary company, etc. related to a consolidated corporation prescribed in the said paragraph: The amount obtained by multiplying the amount specified in the said item by the ratio of the shares, etc. for considering the claims held by the said consolidated corporation that are prescribed in Article 39-116(3)(i) out of the total issued shares, etc. of the said specified foreign subsidiary company, etc. at the time when the said event occurred (in the case where money or any other assets have been delivered to an affiliated foreign company related to the consolidated corporation whose tax burden imposed in the state of the head office on the amount that it receives as specified in Article 68-92(1)(ii) of the Act is not more than the low tax-burden base or to any other specified foreign subsidiary company, etc. related to the consolidated corporation; excluding the shares, etc. for considering the claims indirectly held via the said affiliated foreign company and the said other specified foreign subsidiary company, etc.)

三 法第六十八条の九十二第一項に規定する連結法人に係る外国関係会社につき同項第三号に掲げる事実が生じた場合 同号に定める金額（当該金額が他の特定外国子会社等に該当する外国関係会社から受けたものである場合には、当該金額から当該

他の特定外国子会社等に係る適用対象留保金額又は個別課税対象留保金額若しくは課税対象留保金額の計算上控除される金額と当該事実が生じたことにより同項又は法第六十六条の八第一項の規定により損金の額に算入される金額との合計額に相当する金額を控除した残額)のうち控除未済課税済配当等の額に達するまでの金額

(iii) Where an event listed in Article 68-92(1)(iii) of the Act has occurred with regard to an affiliated foreign company related to a consolidated corporation prescribed in the said paragraph: The amount specified in the said item (where the said amount has been received from an affiliated foreign company that falls under the category of any other specified foreign subsidiary company, etc., the remaining amount after deducting from the said amount, the amount equivalent to the sum of the amount to be deducted for calculating the amount of eligible retained income, individually taxable retained income or taxable retained income pertaining to the said other specified foreign subsidiary company, etc. and the amount to be included in deductible expenses due to the said event, under the provisions of the said paragraph or Article 66-8(1) of the Act), with the taxed amount of a dividend, etc. before deduction as the upper limit.

- 3 法第六十八条の九十二第一項に規定する連結法人に係る特定外国子会社等につき基準事業年度の期間内の日をその支払に係る基準日とする二以上の剰余金の配当等（当該二以上の剰余金の配当等が当該剰余金の配当等に係る基準事業年度に係る適用連結事業年度前の連結事業年度又は事業年度の期間内の日に支払われた剰余金の配当等（以下この項において「特定剰余金配当等」という。）である場合の当該二以上の剰余金の配当等を除く。）の支払があつた場合（特定剰余金配当等の支払があつた場合において、当該特定剰余金配当等に係る基準事業年度終了の日から六月を経過する日までに当該基準事業年度の期間内の日をその支払に係る基準日とする剰余金の配当等の支払がないときを含む。）における前項第一号の規定の適用については、同号に定める金額は、第一号に掲げる金額が第二号に掲げる金額を超えることとなる場合の当該超える部分の金額に同項第一号に規定する割合を乗じて計算した金額から第三号及び第四号に掲げる金額を控除した残額とする。

(3) With respect to the application of the provisions of item (i) of the preceding paragraph, in the case where payment has been made for two or more dividends of surplus, etc. whose base dates for the payment are included in the base business year, with regard to a specified foreign subsidiary company, etc. related to a consolidated corporation prescribed in Article 68-92(1) of the Act (where payment was made for the said two or more dividends of surplus, etc. on a day within a consolidated business year or business year preceding the applicable consolidated business year pertaining to the base business year for the said dividends of surplus, etc. (hereinafter such paid dividends of surplus, etc. shall be referred to as "specified dividends of surplus, etc." in this paragraph), excluding the said two or more dividends of surplus) (including the cases where payment has been made for specified dividends of surplus, etc. and

payment has not been made for dividends of surplus, etc. whose base dates for the payment are included in the said base business year, up to the day on which six months have elapsed after the final day of the base business year for the said specified dividends of surplus, etc.); the amount specified in item (i) of the preceding paragraph shall be the amount obtained by multiplying the excess amount when the amount listed in item (i) exceeds the amount listed in item (ii) by the ratio prescribed in item (i) of the said paragraph and then deducting therefrom the amounts listed in item (iii) and item (iv):

一 法第六十八条の九十二第一項第一号に掲げる事実が生じた日（特定剰余金配当等以外の剰余金の配当等の支払がない場合には、当該特定剰余金配当等に係る基準事業年度終了の日から六月を経過する日）を含む当該連結法人の連結事業年度終了の日までに当該特定外国子会社等が支払った剰余金の配当等（当該基準事業年度の期間内の日をその支払に係る基準日とするものに限る。）の額の合計額

(i) The sum of dividends of surplus, etc. (limited to that whose base date for payment is included in the said base business year) that the said specified foreign subsidiary company, etc. has paid, up to the final day of the consolidated business year of the consolidated corporation including the day on which an event listed in Article 68-92(1)(i) of the Act occurred (where no dividend of surplus, etc. other than specified dividends of surplus, etc. was paid, up to the final day of the consolidated business year including the day on which six months have elapsed after the final day of the base business year for the said specified dividends of surplus, etc.)

二 前号の剰余金の配当等の額の合計額につき当該特定外国子会社等の当該基準事業年度の適用対象留保金額の計算上控除される金額の合計額

(ii) The sum of the amounts to be deducted for calculating the amount of eligible retained income for the said base business year of the said specified foreign subsidiary company, etc., with regard to the sum of dividends of surplus, etc. set forth in the preceding item

三 第一号の剰余金の配当等の額の合計額につき当該特定外国子会社等の当該基準事業年度の個別課税対象留保金額の計算上控除される金額の合計額

(iii) The sum of the amounts to be deducted for calculating the amount of individually taxable retained income for the said base business year of the said specified foreign subsidiary company, etc., with regard to the sum of dividends of surplus, etc. set forth in item (i)

四 第一号の剰余金の配当等の額の合計額につき当該連結法人の法第六十八条の九十二第一項第一号に掲げる事実が生じた日を含む連結事業年度前の連結事業年度又は事業年度において同項又は法第六十六条の八第一項の規定により損金の額に算入された金額の合計額

(iv) The sum of the amounts included in deductible expenses, pursuant to the provisions of the said paragraph or Article 66-8(1) of the Act, in a consolidated business year or business year preceding the consolidated

business year of the said consolidated corporation that includes the day on which an event listed in Article 68-92(1)(i) of the Act occurred, with regard to the sum of dividends of surplus, etc. set forth in item (i).

4 法第六十八条の九十二第一項に規定する連結法人が当該連結法人に係る特定外国子会社等に係る同項に規定する個別課税済留保金額及び当該連結法人に係る法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（当該特定外国子会社等と同一の外国法人に限る。）に係る法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有する場合には、法第六十八条の九十二第一項に規定する政令で定めるところにより計算した金額は、同項各号に定める金額から法第六十八条の九十三の八第一項の規定により損金の額に算入される金額を控除した残額を基礎として前二項の規定により計算した金額を限度とする。

(4) In the case where a consolidated corporation prescribed in Article 68-92(1) of the Act holds the individually taxed amount of retained income prescribed in the said paragraph that pertains to a specified foreign subsidiary company, etc. related to the said consolidated corporation, and the individually taxed amount of retained income prescribed in Article 68-93-8(1) of the Act that pertains to a specified foreign corporation prescribed in Article 68-93-6(1) of the Act (limited to a foreign corporation that is the same as the said specified foreign subsidiary company, etc.) related to the said consolidated corporation, the amount calculated as specified by a Cabinet Order prescribed in Article 68-92(1) of the Act shall not exceed the amount calculated pursuant to the provisions of the preceding two paragraphs based on the remaining amount after deducting the amount to be included in deductible expenses pursuant to the provisions of Article 68-93-8(1) of the Act from the amount specified in the items of Article 68-92(1) of the Act

5 法第六十八条の九十二第三項の規定の適用がある場合の同項の連結法人の同項に規定する適格合併等（次項において「適格合併等」という。）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同条第一項の規定の適用については、同条第三項各号に定める個別課税済留保金額（同条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。）又は課税済留保金額（法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。）は、被合併法人、分割法人、現物出資法人又は事後設立法人（次項において「被合併法人等」という。）の次の各号に掲げる連結事業年度又は事業年度の区分に応じ当該連結法人の当該各号に定める連結事業年度の個別課税済留保金額とみなす。

(5) With respect to the application of the provisions of Article 68-92(1) of the Act in or after the consolidated business year including the day of a qualified merger prescribed in paragraph (3) of the said Article (referred to as a "qualified merger, etc." in the next paragraph) of a consolidated corporation set forth in the said paragraph, in the case where the provisions of the said paragraph apply, the individually taxed amount of retained income specified in the items of the said paragraph (meaning the individually taxed amount of

retained income prescribed in paragraph (1) of the said Article; hereinafter the same shall apply in this Article) or the taxed amount of retained income (meaning the taxed amount of retained income prescribed in Article 66-8(1) of the Act; hereinafter the same shall apply in this Article) shall be deemed to be the individually taxed amount of retained income for a consolidated business year of the said consolidated corporation specified respectively in the following items for the category of consolidated business years or business years listed in the relevant items of a merged corporation, split corporation, corporation making a capital contribution in kind, or corporation effecting post-formation acquisition of assets and/or liabilities (referred to as a "merged corporation, etc." in the next paragraph):

一 適格合併に係る被合併法人の法第六十八条の九十二第三項第一号に規定する合併前十年内事業年度（以下この項及び次項において「合併前十年内事業年度」という。）又は適格分割型分割に係る分割法人の同条第三項第二号に規定する分割前十年内事業年度（以下第七項までにおいて「分割前十年内事業年度」という。）（次号に掲げる合併前十年内事業年度又は分割前十年内事業年度を除く。）当該被合併法人の合併前十年内事業年度開始の日を含む当該連結法人の各連結事業年度又は当該分割法人の分割前十年内事業年度開始の日を含む当該連結法人の各連結事業年度

(i) A business year within ten years prior to the merger prescribed in Article 68-92(3)(i) of the Act (hereinafter referred to as a "business year within ten years prior to the merger" in this paragraph and the next paragraph) of a merged corporation pertaining to a qualified merger or a business year within ten years prior to the company split prescribed in paragraph (3)(ii) of the said Article (hereinafter referred to as a "business year within ten years prior to the company split" through to paragraph (7)) of a split corporation pertaining to a qualified split-off-type company split (excluding a business year within ten years prior to the merger or business year within ten years prior to the company split listed in the next item): The relevant consolidated business year of the said consolidated corporation including the first day of a business year within ten years prior to the merger of the said merged corporation or the relevant consolidated business year of the said consolidated corporation including the first day of a business year within ten years prior to the company split of the said split corporation

二 適格合併に係る被合併法人の合併前十年内事業年度のうち当該連結法人の当該適格合併の日を含む連結事業年度（以下この号において「合併連結事業年度」という。）開始の日以後に開始したもの又は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のうち当該連結法人の当該適格分割型分割の日を含む連結事業年度（以下この号において「分割承継連結事業年度」という。）開始の日以後に開始したもの 当該連結法人の合併連結事業年度又は分割承継連結事業年度開始の日の前日を含む連結事業年度

(ii) A business year within ten years prior to the merger of a merged corporation pertaining to a qualified merger that started on or after the first day of the consolidated business year including the day of the said qualified merger of the consolidated corporation (hereinafter referred to as the "consolidated business year of the merger" in this item) or a business year within ten years prior to the company split of a split corporation pertaining to a qualified split-off-type company split that started on or after the first day of the consolidated business year including the day of the said qualified split-off-type company split of the consolidated corporation (hereinafter referred to as the "consolidated business year of the split succession" in this item): The consolidated business year including the day preceding the first day of the consolidated business year of the merger or consolidated business year of the split succession of the said consolidated corporation

三 適格分社型分割等（法第六十八条の九十二第三項第三号に規定する適格分社型分割等をいう。以下この項及び第八項において同じ。）に係る分割法人等（分割法人、現物出資法人又は事後設立法人をいう。以下この項及び第八項において同じ。）の同号に規定する分割等前十年内事業年度（以下この条において「分割等前十年内事業年度」という。）（次号に掲げる場合に該当するときの分割等前十年内事業年度及び第五号に掲げる分割等前十年内事業年度を除く。） 当該分割法人等の分割等前十年内事業年度開始の日を含む当該連結法人の各連結事業年度

(iii) A business year within ten years prior to the company split, etc. prescribed in Article 68-92(3)(iii) of the Act (hereinafter referred to as a "business year within ten years prior to the company split, etc." in this Article) of a split corporation, etc. (meaning a split corporation, corporation making a capital contribution-in-kind, or corporation effecting post-formation acquisition of assets and/or liabilities; hereinafter the same shall apply in this paragraph and paragraph (8)) pertaining to a qualified spin-off-type company split, etc. (meaning a qualified spin-off-type company split, etc. prescribed in Article 68-92(3)(iii) of the Act; hereinafter the same shall apply in this paragraph and paragraph (8)) (excluding a business year within ten years prior to the company split when falling under the case listed in the next item and a business year within ten years prior to the company split, etc. listed in item (v)): The relevant consolidated business year of the said consolidated corporation including the first day of a business year within ten years prior to the company split, etc. of the said split corporation, etc.

四 適格分社型分割等に係る分割法人等の当該適格分社型分割等の日を含む連結事業年度又は事業年度開始の日が当該連結法人の当該適格分社型分割等の日を含む連結事業年度開始の日前である場合の当該分割法人等の同号に規定する分割等前十年内事業年度 当該分割法人等の分割等前十年内事業年度終了の日を含む当該連結法人の各連結事業年度

(iv) A consolidated business year of a split corporation, etc. pertaining to a

qualified spin-off-type company split, etc. that includes the day of the said qualified spin-off-type company split, etc. or a business year within ten years prior to the company split, etc. prescribed in the said item of the split corporation, etc. where the first day of the business year falls before the first day of the consolidated business year of the said consolidated corporation that includes the day of the said qualified spin-off-type company split, etc.: The relevant consolidated business year of the said consolidated corporation including the final day of a business year within ten years prior to the company split, etc. of the said split corporation, etc.

五 適格分社型分割等に係る分割法人等の分割等前十年内事業年度のうち当該連結法人の当該適格分社型分割等の日を含む連結事業年度（以下この号において「分割承継等連結事業年度」という。）開始の日以後に開始したもの 当該連結法人の分割承継等連結事業年度開始の日の前日を含む連結事業年度

(v) A business year within ten years prior to the company split, etc. of a split corporation, etc. pertaining to a qualified spin-off-type company split, etc. that started on or after the first day of a consolidated business year of the said consolidated corporation including the day of the said qualified spin-off-type company split, etc. (hereinafter referred to as the "consolidated business year of the split succession, etc." in this item): The relevant consolidated business year of the said consolidated corporation including the day preceding the first day of the consolidated business year of the split succession, etc.

6 法第六十八条の九十二第三項の連結法人の適格合併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又は各事業年度のうち最も古い連結事業年度又は事業年度開始の日（以下この項において「連結法人十年前事業年度開始日」という。）が当該適格合併等に係る被合併法人等の合併前十年内事業年度、分割前十年内事業年度又は分割等前十年内事業年度（以下この項において「被合併法人等前十年内事業年度」という。）のうち最も古い連結事業年度又は事業年度開始の日（二以上の被合併法人等が行う適格合併等にあつては、当該開始の日が最も早い被合併法人等の当該連結事業年度又は事業年度開始の日。以下この項において「被合併法人等十年前事業年度開始日」という。）後である場合には、当該被合併法人等十年前事業年度開始日から当該連結法人十年前事業年度開始日（当該適格合併等が当該連結法人を設立するものである場合にあつては、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開始の日。以下この項において同じ。）の前日までの期間を当該期間に対応する当該被合併法人等十年前事業年度開始日に係る被合併法人等前十年内事業年度ごとに区分したそれぞれの期間（当該前日を含む期間にあつては、当該被合併法人等の当該前日を含む連結事業年度又は事業年度開始の日から当該連結法人十年前事業年度開始日の前日までの期間）は、当該連結法人のそれぞれの連結事業年度とみなして、前項の規定を適用する。

(6) In the case where the first day of the oldest consolidated business year or business year out of the relevant consolidated business years or business years

that started within ten years prior to the first day of the consolidated business year including the day of a qualified merger, etc. of a consolidated corporation set forth in Article 68-92(3) of the Act (hereinafter referred to as the "first day of the business year of the consolidated corporation ten years before" in this paragraph) falls after the first day of the oldest consolidated business year or business year out of a business year within ten years prior to the merger, business year within ten years prior to the company split or business year within ten years prior to the company split, etc. of a merged corporation(s), etc. pertaining to the said qualified merger, etc. (hereinafter referred to as a "business year of the merged corporation(s), etc. within the preceding ten years" in this paragraph) (in the case of a qualified merger, etc. made among two or more merged corporations, etc., after the first day of the relevant consolidated business year or business year of the merged corporations, etc. whichever started the earliest; hereinafter referred to as the "first day of the business year of the merged corporations, etc. ten years before" in this paragraph), the provisions of the preceding paragraph shall apply by deeming respective periods classifying the period between the said first day of the business year of the merged corporations, etc. ten years before and the day preceding the said first day of the business year of the consolidated corporation ten years before (in the case where the said consolidated corporation is to be established through the said qualified merger, etc., the day preceding the first day of the consolidated business year of the consolidated corporation including the day of the qualified merger, etc.; hereinafter the same shall apply in this paragraph) by the corresponding business year of the merged corporation(s), etc. within the preceding ten years pertaining to the said first day of the business year of the merged corporations, etc. ten years before (for the period including the said preceding day, the period between the first day of the consolidated business year or business year of the said merged corporation, etc. including the said preceding day and the day preceding the said first day of the business year of the consolidated corporation ten years before) to be the relevant consolidated business year of the said consolidated corporation.

7 法第六十八条の九十二第三項第二号に規定する政令で定めるところにより計算した金額は、次の各号に掲げる個別課税済留保金額又は課税済留保金額の区分に応じ当該各号に定める金額とする。

(7) The amount calculated as specified by a Cabinet Order prescribed in Article 68-92(3)(ii) of the Act shall be the amount specified respectively in the following items for the category of the individually taxed amount of retained income or taxed amount of retained income listed in the relevant items:

一 個別課税済留保金額 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の個別課税済留保金額にイに掲げる第三十九条の百十六第三項第一号に規定する請求権勘案保有株式等（以下この条において「請求権勘案保有株式等」という。）のう

- ちにロに掲げる請求権勘案保有株式等の占める割合をそれぞれ乗じて計算した金額
- (i) The individually taxed amount of retained income: The amount obtained by multiplying respectively the individually taxed amount of retained income for a business year within ten years prior to the company split of a split corporation pertaining to a qualified split-off-type company split by the ratio of the shares, etc. for considering the claims held prescribed in Article 39-116(3)(i) (hereinafter referred to as the "shares, etc. for considering the claims held" in this Article) that are listed in (b) out of the shares, etc. for considering the claims held that are listed in (a):
- イ 当該適格分割型分割の直前に当該分割法人が保有する当該特定外国子会社等の請求権勘案保有株式等
- (a) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which the split corporation held immediately prior to the said qualified split-off-type company split
- ロ 法第六十八条の九十二第三項の連結法人が当該適格分割型分割により当該分割法人から移転を受ける当該特定外国子会社等の請求権勘案保有株式等
- (b) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which are to be transferred from the split corporation to a consolidated corporation set forth in Article 68-92(3) of the Act through the said qualified split-off-type company split
- 二 課税済留保金額 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の課税済留保金額にイに掲げる請求権勘案保有株式等のうちにロに掲げる請求権勘案保有株式等の占める割合をそれぞれ乗じて計算した金額
- (ii) The taxed amount of retained income: The amount obtained by multiplying respectively the taxed amount of retained income for a business year within ten years prior to the company split of a split corporation pertaining to a qualified split-off-type company split by the ratio of the shares, etc. for considering the claims held that are listed in (b) out of the shares, etc. for considering the claims held that are listed in (a):
- イ 当該適格分割型分割の直前に当該分割法人が保有する当該特定外国子会社等の請求権勘案保有株式等
- (a) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which the split corporation held immediately prior to the said qualified split-off-type company split
- ロ 法第六十八条の九十二第三項の連結法人が当該適格分割型分割により当該分割法人から移転を受ける当該特定外国子会社等の請求権勘案保有株式等
- (b) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which are to be transferred from the split corporation to a consolidated corporation set forth in Article 68-92(3) of the Act through the said qualified split-off-type company split.
- 8 法第六十八条の九十二第三項第三号に規定する政令で定めるところにより計算した

金額は、次の各号に掲げる個別課税済留保金額又は課税済留保金額の区分に応じ当該各号に定める金額とする。

- (8) The amount calculated as specified by a Cabinet Order prescribed in Article 68-92(3)(iii) of the Act shall be the amount specified respectively in the following items for the category of the individually taxed amount of retained income or taxed amount of retained income listed in the relevant items:
- 一 個別課税済留保金額 適格分社型分割等に係る分割法人等の分割等前十年内事業年度の個別課税済留保金額にイに掲げる請求権勘案保有株式等のうちにロに掲げる請求権勘案保有株式等の占める割合をそれぞれ乗じて計算した金額
- (i) The individually taxed amount of retained income: The amount obtained by multiplying respectively the individually taxed amount of retained income for a business year within ten years prior to the company split, etc. of a split corporation, etc. pertaining to a qualified spin-off-type company split, etc. by the ratio of the shares, etc. for considering the claims held that are listed in (b) out of the shares, etc. for considering the claims held that are listed in (a):
- イ 当該適格分社型分割等の直前に当該分割法人等が保有する当該特定外国子会社等の請求権勘案保有株式等
- (a) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which the split corporation, etc. held immediately prior to the said qualified spin-off-type company split, etc.
- ロ 法第六十八条の九十二第三項の連結法人が当該適格分社型分割等により当該分割法人等から移転を受ける当該特定外国子会社等の請求権勘案保有株式等
- (b) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which are to be transferred from the split corporation, etc. to a consolidated corporation set forth in Article 68-92(3) of the Act through the said qualified spin-off-type company split
- 二 課税済留保金額 適格分社型分割等に係る分割法人等の分割等前十年内事業年度の課税済留保金額にイに掲げる請求権勘案保有株式等のうちにロに掲げる請求権勘案保有株式等の占める割合をそれぞれ乗じて計算した金額
- (ii) The taxed amount of retained income: The amount obtained by multiplying respectively the taxed amount of retained income for a business year within ten years prior to the company split, etc. of a split corporation, etc. pertaining to a qualified spin-off-type company split, etc. by the ratio of the shares, etc. for considering the claims held that are listed in (b) out of the shares, etc. for considering the claims held that are listed in (a):
- イ 当該適格分社型分割等の直前に当該分割法人等が保有する当該特定外国子会社等の請求権勘案保有株式等
- (a) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which the split corporation, etc. held immediately prior to the said qualified spin-off-type company split, etc.

ロ 法第六十八条の九十二第三項の連結法人が当該適格分社型分割等により当該分割法人等から移転を受ける当該特定外国子会社等の請求権勘案保有株式等

(b) The said specified foreign subsidiary company, etc.'s shares, etc. for considering the claims held which are to be transferred from the split corporation, etc. to a consolidated corporation set forth in Article 68-92(3) of the Act through the said qualified spin-off-type company split.

9 法第六十八条の九十二第一項の規定の適用を受けた連結法人の連結利益積立金額の計算については、同項の規定により損金の額に算入された金額は、法人税法施行令第九条の二第一項第一号イに規定する個別所得金額に含まれるものとする。

(9) The amount included in deductible expenses pursuant to the provisions of Article 68-92(1) of the Act shall be included in the amount of individual income prescribed in Article 9-2(1)(i)(a) of the Order for Enforcement of the Corporation Tax Act for calculating the amount of consolidated profit reserve of a consolidated corporation subject to the provisions of Article 68-92(1) of the Act.

(外国関係会社の判定等)

(Determination, etc. of Affiliated Foreign Companies)

第三十九条の百二十 法第六十八条の九十第一項の場合において、外国法人が外国関係会社に該当するかどうかの判定は、当該外国法人の各事業年度終了の時の現況によるものとし、連結法人が同項各号に掲げる連結法人に該当するかどうかの判定は、これらの連結法人に係る外国関係会社の各事業年度終了の時の現況による。

Article 39-120 (1) In the case referred to in Article 68-90(1) of the Act, whether or not a foreign company falls under the category of an affiliated foreign company shall be determined according to its status at the end of the relevant business year of the said foreign corporation and whether or not a consolidated corporation falls under the category of a consolidated corporation listed in the items of the said paragraph shall be determined according to its status at the end of the relevant business year of an affiliated foreign company related to such consolidated corporation.

2 法第六十八条の九十第一項各号に掲げる連結法人が当該連結法人に係る外国関係会社の各事業年度終了の日以後二月を経過する日までの間に合併により解散した場合には、その有する当該外国関係会社の法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。）でその合併に係る合併法人に引き継がれたものは、その合併法人が当該外国関係会社の各事業年度終了の日において有する直接及び間接保有の株式等の数とみなす。

(2) Where a consolidated corporation listed in the items of Article 68-90(1) of the Act has been dissolved through a merger by the day on which two months have elapsed after the final day of the relevant business year of an affiliated foreign company related to the said consolidated corporation, the number of the shares,

etc. of the said affiliated foreign company prescribed in Article 66-6(2)(iii) of the Act which were directly and indirectly held by the consolidated corporation (hereinafter referred to as the "number of the shares, etc. directly and indirectly held" in this paragraph) and which have been succeeded to by the merging corporation pertaining to the merger shall be deemed to be the number of the shares, etc. directly and indirectly held by the merging corporation on the final day of the relevant business year of the said affiliated foreign company.

- 3 法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の同項の規定により益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ないものとする。
(3) The amount included in the gross profits of a consolidated corporation subject to the provisions of Article 68-90(1) of the Act, pursuant to the provisions of the said paragraph, shall not be included in the amount of consolidated income, etc. prescribed in the provisions of Article 81-13(2) and (4) of the Corporation Tax Act for applying these provisions.
- 4 法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の連結利益積立金額の計算については、同項の規定により益金の額に算入された金額は、法人税法施行令第九条の二第一項第一号イに規定する個別所得金額に含まれないものとする。
(4) The amount included in the gross profits pursuant to the provisions of Article 68-90(1) of the Act shall not be included in the amount of individual income prescribed in Article 9-2(1)(i)(a) of the Order for Enforcement of the Corporation Tax Act for calculating the amount of consolidated profit reserve of a consolidated corporation subject to the provisions of Article 68-90(1) of the Act.
- 5 法人税法施行令第十四条の十第一項から第五項まで及び第七項から第十一項までの規定は、法第六十八条の九十第七項の規定を同条（第三項、第四項及び第六項を除く。）から法第六十八条の九十三までの規定並びに第三十九条の百十四から第三十九条の百十六（第五項を除く。）まで及び第三十九条の百十八からこの条までの規定において適用する場合について準用する。
(5) The provisions of Article 14-10(1) to (5) and (7) to (11) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis where the provisions of Article 68-90(7) of the Act shall apply under the provisions of the said Article (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 68-93 of the Act, Article 39-114 to Article 39-116 (excluding paragraph (5)), and Article 39-118 to this Article.
- 6 前項に定めるもののほか、法人税法第四条の七に規定する受託法人又は法人課税信託の受益者についての法第六十八条の九十（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までの規定又は第三十九条の百十四から第三十九条の百十六（第五項を除く。）まで若しくは第三十九条の百十八からこの条までの規定の適用に関し必要な事項は、財務省令で定める。

(6) With regard to a trust corporation or a beneficiary of a trust subject to corporation taxation prescribed in Article 4-7 of the Corporation Tax Act, in addition to what is specified in the preceding paragraph, other necessary matters concerning the application of the provisions of Article 68-90 (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 68-93 of the Act, or the provisions of Article 39-114 to Article 39-116 (excluding paragraph (5)), or Article 39-118 to this Article shall be specified by an Ordinance of the Ministry of Finance.

(特殊関係株主等の範囲等)

(Scope, etc. of Specially-related Shareholders, etc.)

第三十九条の百二十の八 法第六十八条の九十三の六第一項に規定する政令で定める特殊の関係のある個人は、次に掲げる個人とする。

Article 39-120-8 (1) An individual who has a special relationship specified by a Cabinet Order prescribed in Article 68-93-6(1) of the Act shall be any of the following:

一 特定株主等（法第六十八条の九十三の六第二項第一号に規定する特定株主等をいう。以下この項及び次項において同じ。）に該当する個人と法人税法施行令第四条第一項に規定する特殊の関係のある個人

(i) An individual who has a special relationship prescribed in Article 4(1) of the Order for Enforcement of the Corporation Tax Act with an individual falling under the category of a specially-related shareholder, etc. (meaning a specially-related shareholder, etc. prescribed in Article 68-93-6(2)(i) of the Act; hereinafter the same shall apply in this paragraph and the next paragraph)

二 特定株主等に該当する法人の役員（法人税法第二条第十五号に規定する役員をいう。以下この節において同じ。）

(ii) An officer (meaning an officer prescribed in Article 2(xv) of the Corporation Tax Act; hereinafter the same shall apply in this Section) of a corporation falling under the category of a specially-related shareholder, etc.

三 特殊関係内国法人（法第六十八条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をいう。以下この節において同じ。）の役員

(iii) An officer of a specially-related domestic corporation (meaning a specially-related domestic corporation prescribed in Article 68-93-6(2)(ii) of the Act; hereinafter the same shall apply in this Section)

四 前二号に掲げる役員に係る法人税法施行令第七十二条の三各号に掲げる者

(iv) A person listed in the items of Article 72-3 of the Order for Enforcement of the Corporation Tax Act related to an officer listed in the preceding two

items.

2 法第六十八条の九十三の六第一項に規定する政令で定める特殊の関係のある法人は、次に掲げる法人とする。

(2) A corporation which has a special relationship specified by a Cabinet Order prescribed in Article 68-93-6(1) of the Act shall be any of the following:

一 特定株主等の一人（個人である特定株主等については、その一人及びこれと前項第一号に規定する特殊の関係のある個人。以下この項において同じ。）が他の法人を支配している場合における当該他の法人

(i) Where one of the specially-related shareholders, etc. (regarding a specially-related shareholder, etc. who is an individual, the said specially-related shareholder, etc. and an individual who has a special relationship with him/her as prescribed in item (i) of the preceding paragraph; hereinafter the same shall apply in this paragraph) governs any other corporation, the said other corporation

二 特定株主等の一人及びこれと前号に規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(ii) Where one of the specially-related shareholders, etc. and a corporation which has a special relationship with him/her as prescribed in the preceding item govern any other corporation, the said other corporation

三 特定株主等の一人及びこれと前二号に規定する特殊の関係のある法人が他の法人を支配している場合における当該他の法人

(iii) Where one of the specially-related shareholders, etc. and a corporation which has a special relationship with him/her as prescribed in the preceding two items govern any other corporation, the said other corporation.

3 法人税法施行令第四条第三項及び第四項の規定は、前項の規定を適用する場合について準用する。

(3) The provisions of Article 4(3) and (4) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis where the provisions of the preceding paragraph shall apply.

4 法第六十八条の九十三の六第一項に規定する政令で定める関係は、同項に規定する特殊関係株主等（以下この節において「特殊関係株主等」という。）と特殊関係内国法人との間に特殊関係株主等の特殊関係内国法人に係る間接保有株式等保有割合（次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）をいう。）が百分の八十以上である関係がある場合における当該関係とする。

(4) The relationship specified by a Cabinet Order prescribed in Article 68-93-6(1) of the Act shall be the relevant relationship in the case where a specially-related shareholder, etc. prescribed in the said paragraph (hereinafter referred to as a "specially-related shareholder, etc." in this Section) and a specially-related domestic corporation have a relationship where the ratio of the shares, etc. indirectly held by the specially-related shareholder, etc. pertaining to the

specialty-related domestic corporation (meaning the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows)) is 80 percent or more:

一 特殊関係内国法人の株主等（法人税法第二条第十四号に規定する株主等をいう。以下この節において同じ。）である外国法人（特殊関係株主等に該当するものを除く。以下この号において同じ。）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。）の総数又は総額（以下この節において「発行済株式等」という。）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。以下この節において同じ。）が特殊関係株主等によつて所有されている場合 当該株主等である外国法人の有する特殊関係内国法人の株式等の数又は金額が当該特殊関係内国法人の発行済株式等のうちに占める割合（当該株主等である外国法人が二以上ある場合には、当該二以上の株主等である外国法人につきそれぞれ計算した割合の合計割合）

(i) Where out of the total number or total amount of shares or capital contributions issued by a foreign corporation (excluding that falling under the category of a specialty-related shareholder, etc.; hereinafter the same shall apply in this item) which is a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2(xiv) of the Corporation Tax Act; hereinafter the same shall apply in this Section) of a specialty-related domestic corporation (such issued shares or capital contributions shall exclude those held on their own by the said foreign corporation and the total number or total amount of such issued shares or capital contributions shall be referred to as the "issued shares, etc." in this Section), a specialty-related shareholder, etc. holds 80 percent or more of the number or the amount of such shares, etc. (meaning shares or capital contributions; hereinafter the same shall apply in this Section): The ratio of the number or the amount of shares, etc. of a specialty-related domestic corporation held by the said foreign corporation which is a shareholder, etc. out of the total issued shares, etc. of the said specialty-related domestic corporation (where there are two or more such foreign corporations which are shareholders, etc., the sum of the ratios calculated for each of them)

二 特殊関係内国法人の株主等である法人（前号に掲げる場合に該当する同号の株主等である外国法人及び特殊関係株主等に該当する法人を除く。）と特殊関係株主等との間にこれらの者と株式等の所有を通じて連鎖関係にある一又は二以上の法人（当該株主等である法人が内国法人であり、かつ、当該一又は二以上の法人のすべてが内国法人である場合の当該一又は二以上の内国法人及び特殊関係株主等に該当する法人を除く。以下この号において「出資関連法人」という。）が介在している場合（出資関連法人及び当該株主等である法人がそれぞれその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特殊関係株主等又は出資関連法人（その発行済株式等の百分の八十以上の数又は金額の株式等が特殊関係株主等又は他の出資関連

法人によつて所有されているものに限る。)によつて所有されている場合に限る。) 当該株主等である法人の有する特殊関係内国法人の株式等の数又は金額が当該特殊関係内国法人の発行済株式等のうちに占める割合 (当該株主等である法人が二以上ある場合には、当該二以上の株主等である法人につきそれぞれ計算した割合の合計割合)

(ii) Where a single corporation or two or more corporations intervene(s) between a corporation which is a shareholder, etc. of a specially-related domestic corporation (excluding a foreign corporation which is a shareholder, etc. set forth in the preceding item falling under the case listed in the said item and a corporation falling under the category of a specially-related shareholder, etc.) and a specially-related shareholder, etc. and has(have) a linkage with them through holding the shares, etc. (where the said corporation which is a shareholder, etc. is a domestic corporation and the said intervening corporation(s) is a (are all) domestic corporation(s), excluding the said domestic corporation(s) and the corporation falling under the category of a specially-related shareholder, etc.; hereinafter referred to as a "capital contribution-related corporation(s)" in this item) (limited to the case where 80 percent or more of the number or the amount of the issued shares, etc. of each of a capital contribution-related corporation(s) and the said corporation which is a shareholder, etc. are held by a specially-related shareholder, etc. or a capital contribution-related corporation(s) (such specially-related shareholder, etc. or capital contribution-related corporation(s) shall be limited to those 80 percent or more of the number or the amount of whose issued shares, etc. are held by a specially-related shareholder, etc. or other capital contribution-related corporation(s)): The ratio of the number or the amount of the shares, etc. of a specially-related domestic corporation held by the said corporation which is a shareholder, etc. out of the total issued shares, etc. of the said specially-related domestic corporation (where there are two or more such corporations which are shareholders, etc., the sum of the ratios calculated for each of them).

5 法第六十八条の九十三の六第一項に規定する政令で定める外国法人は、次に掲げる外国法人とする。

(5) A foreign corporation specified by a Cabinet Order prescribed in Article 68-93-6(1) of the Act shall be any of the following:

一 前項に規定する間接保有株式等保有割合が百分の八十以上である場合における同項第一号に規定する株主等である外国法人に該当する外国法人

(i) A foreign corporation falling under the category of a foreign corporation which is a shareholder, etc. prescribed in item (i) of the preceding paragraph, where the ratio of the shares, etc. held indirectly as prescribed in the said paragraph is 80 percent or more

二 前項に規定する間接保有株式等保有割合が百分の八十以上である場合における同

項第二号に規定する株主等である法人に該当する外国法人及び同号に規定する出資関連法人に該当する外国法人

(ii) A foreign corporation falling under the category of a foreign corporation which is a shareholder, etc. prescribed in item (ii) of the preceding paragraph where the ratio of the shares, etc. held indirectly as prescribed in the preceding paragraph is 80 percent or more and a foreign corporation falling under the category of a capital contribution-related corporation prescribed in the said item

三 前二号に掲げる外国法人がその発行済株式等の百分の五十を超える数又は金額の株式等を直接又は間接に保有する外国法人（前二号に掲げる外国法人に該当するもの及び特殊関係株主等に該当するものを除く。）

(iii) A foreign corporation, over 50 percent of the number or the amount of whose issued shares, etc. are held directly or indirectly by a foreign corporation listed in the preceding two items (excluding a foreign corporation falling under the category of a foreign corporation listed in the preceding two items and a foreign corporation falling under the category of a specially-related shareholder, etc.).

6 前項第三号において発行済株式等の百分の五十を超える数又は金額の株式等を直接又は間接に保有するかどうかの判定は、同項第一号及び第二号に掲げる外国法人の他の外国法人（同項第一号又は第二号に掲げる外国法人に該当するもの及び特殊関係株主等に該当するものを除く。以下この項において同じ。）に係る直接保有株式等保有割合（前項第一号及び第二号に掲げる外国法人の有する他の外国法人の株式等の数又は金額が当該他の外国法人の発行済株式等のうちに占める割合をいう。）と同項第一号及び第二号に掲げる外国法人の当該他の外国法人に係る間接保有株式等保有割合（次の各号に掲げる場合の区分に応じ当該各号に定める割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に定める割合の合計割合）をいう。）とを合計した割合により行うものとする。

(6) In item (iii) of the preceding paragraph, whether or not a foreign corporation directly or indirectly holds over 50 percent of the issued shares, etc. shall be determined based on the sum of the ratio of the shares, etc. held directly by a foreign corporation listed in item (i) and item (ii) of the said paragraph pertaining to any other foreign corporation (excluding a foreign corporation falling under the category of a foreign corporation listed in item (i) or item (ii) of the said paragraph and a foreign corporation falling under the category of a specially-related shareholder, etc.; hereinafter the same shall apply in this paragraph) (such ratio of the shares, etc. held directly shall mean the ratio of the number or the amount of the shares, etc. of any other foreign corporation held by a foreign corporation listed in item (i) and item (ii) of the preceding paragraph out of the total issued shares, etc. of the said other foreign corporation) and the ratio of the shares, etc. held indirectly by a foreign corporation listed in item (i) and item (ii) of the said paragraph pertaining to

the said other foreign corporation (such ratio of the shares, etc. held indirectly shall mean the ratio specified respectively in the following items for the category of cases listed in the relevant items (where falling under both of the following cases, the sum of the ratios specified respectively as follows)):

一 当該他の外国法人の株主等である外国法人の発行済株式等の百分の五十を超える数又は金額の株式等が前項第一号及び第二号に掲げる外国法人によつて所有されている場合 当該株主等である外国法人の有する当該他の外国法人の株式等の数又は金額が当該他の外国法人の発行済株式等のうちに占める割合（当該株主等である外国法人が二以上ある場合には、当該二以上の株主等である外国法人につきそれぞれ計算した割合の合計割合）

(i) Where a foreign corporation listed in item (i) and item (ii) of the preceding paragraph holds over 50 percent of the number or the amount of the issued shares, etc. of a foreign corporation which is a shareholder, etc. of the said other foreign corporation: The ratio of the number or the amount of the shares, etc. of the said other foreign corporation held by the said foreign corporation which is a shareholder, etc. out of the total issued shares, etc. of the said other foreign corporation (where there are two or more such foreign corporations which are shareholders, etc., the sum of the ratios calculated for each of them)

二 当該他の外国法人の株主等である外国法人（前号に掲げる場合に該当する同号の株主等である外国法人を除く。）と前項第一号及び第二号に掲げる外国法人との間にこれらの者と株式等の所有を通じて連鎖関係にある一又は二以上の外国法人（以下この号において「出資関連外国法人」という。）が介在している場合（出資関連外国法人及び当該株主等である外国法人がそれぞれその発行済株式等の百分の五十を超える数又は金額の株式等を同項第一号及び第二号に掲げる外国法人又は出資関連外国法人（その発行済株式等の百分の五十を超える数又は金額の株式等が同項第一号及び第二号に掲げる外国法人又は他の出資関連外国法人によつて所有されているものに限る。）によつて所有されている場合に限る。） 当該株主等である外国法人の有する当該他の外国法人の株式等の数又は金額が当該他の外国法人の発行済株式等のうちに占める割合（当該株主等である外国法人が二以上ある場合には、当該二以上の株主等である外国法人につきそれぞれ計算した割合の合計割合）

(ii) Where a single foreign corporation or two or more foreign corporations intervene(s) between a foreign corporation which is a shareholder, etc. of the said other foreign corporation (excluding a foreign corporation which is a shareholder, etc. set forth in the preceding item falling under the case listed in the said item) and a foreign corporation listed in item (i) and item (ii) of the preceding paragraph and has(have) a linkage with them through holding the shares, etc. (hereinafter referred to as a "capital contribution-related foreign corporation(s)" in this item) (limited to the case where over 50 percent of the number or the amount of the issued shares, etc. of each of a capital contribution-related foreign corporation(s) and the said foreign

corporation which is a shareholder, etc. are held by a foreign corporation listed in item (i) and item (ii) of the said paragraph or a capital contribution-related foreign corporation(s) (such foreign corporation or capital contribution-related foreign corporation(s) shall be limited to those over 50 percent of the number or the amount of whose issued shares, etc. are held by a foreign corporation listed in item (i) and item (ii) of the said paragraph or other capital contribution-related corporation(s)): The ratio of the number or the amount of the shares, etc. of the said other foreign corporation held by the said foreign corporation which is a shareholder, etc. out of the total issued shares, etc. of the said other foreign corporation (where there are two or more such foreign corporations which are shareholders, etc., the sum of the ratios calculated for each of them).

7 法第六十八条の九十三の六第一項に規定する政令で定める外国関係法人は、次に掲げるものとする。

(7) An affiliated foreign corporation specified by a Cabinet Order prescribed in Article 68-93-6(1) of the Act shall be any of the following:

一 法人の所得に対して課される税が存在しない国又は地域に本店又は主たる事務所を有する外国関係法人（法第六十八条の九十三の六第一項に規定する外国関係法人をいう。以下この節において同じ。）

(i) An affiliated foreign corporation (meaning an affiliated foreign corporation prescribed in Article 68-93-6(1) of the Act; hereinafter the same shall apply in this Section) which has its head office or principal office in a state or territory where there are no taxes imposed on corporate income

二 その各事業年度の所得に対して課される租税の額が当該所得の金額の百分の二十五以下である外国関係法人

(ii) An affiliated foreign corporation whose tax to be imposed on its income for the relevant business year is 25 percent or less of the said income.

8 第三十九条の百十四第二項の規定は、外国関係法人が前項第二号の外国関係法人に該当するかどうかの判定について準用する。

(8) The provisions of Article 39-114(2) shall apply mutatis mutandis to the determination as to whether or not an affiliated foreign corporation falls under the category of an affiliated foreign corporation set forth in item (ii) of the preceding paragraph.

(特定外国法人の未処分所得の金額の計算)

(Calculation of Undistributed Income of Specified Foreign Corporations)

第三十九条の百二十の九 法第六十八条の九十三の六第二項第三号に規定する政令で定める基準により計算した金額は、同条第一項に規定する特定外国法人（以下この条並びに次条第一項及び第二項において「特定外国法人」という。）の各事業年度の決算に基づく所得の金額につき、第三十九条の百十五第一項若しくは第二項又は同条第三項の規定の例により計算した金額とする。

Article 39-120-9 (1) The amount of undistributed income calculated in accordance with the standards specified by a Cabinet Order prescribed in Article 68-93-6(2)(iii) of the Act shall be the amount calculated, pursuant to the provisions of Article 39-115(1) or (2) or paragraph (3) of the said Article with regard to the income of a specified foreign corporation prescribed in Article 68-93-6(1) of the Act (hereinafter referred to as a "specified foreign corporation" in this Article and paragraph (1) and paragraph (2) of the next Article) in its settlement of accounts for the relevant business year.

2 法第六十八条の九十三の六第二項第三号に規定する欠損の金額に係る調整を加えた金額は、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、前項の規定により計算した金額（以下この項において「調整所得金額」という。）から当該各事業年度開始の日前七年以内に開始した事業年度（平成十九年十月一日前に開始した事業年度及び特定外国法人（法第四十条の十第一項又は第六十六条の九の六第一項に規定する特定外国法人を含む。）に該当しなかつた事業年度を除く。）において生じた欠損金額（この項又は第三十九条の二十の九第二項の規定により当該各事業年度前の事業年度において控除されたものを除く。）の合計額（当該合計額が当該各事業年度の調整所得金額を超える場合には、当該調整所得金額）に相当する金額を控除した金額とする。

(2) The amount obtained as a result of an adjustment for the amount of a loss prescribed in Article 68-93-6(2)(iii) of the Act shall be the amount obtained by calculating the amount of income pursuant to the provisions of the preceding paragraph with regard to the income of a specified foreign corporation in its settlement of accounts for the relevant business year (hereinafter referred to as the "amount of adjusted income" in this paragraph) and then deducting therefrom the amount equivalent to the sum of the loss incurred in business years that commenced within seven years preceding the first day of the relevant business year (excluding a business year that commenced before October 1, 2007 and a business year during which the corporation did not fall under the category of a specified foreign corporation (including a specified foreign corporation prescribed in Article 40-10(1) or Article 66-9-6(1) of the Act)) (such loss shall exclude the amount deducted in business years preceding the said relevant business year pursuant to the provisions of this paragraph or Article 39-20-9(2)) (where the said sum of the loss exceeds the amount of adjusted income for the relevant business year, the said amount of adjusted income).

3 前項に規定する欠損金額とは、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いて、第一項の規定により計算した場合に算出される欠損の金額をいう。

(3) A loss prescribed in the preceding paragraph shall be a loss calculated with regard to the amount of income of a specified foreign corporation in its settlement of accounts for the relevant business year, where the calculation has been made pursuant to the provisions of paragraph (1).

4 第三十九条の百十五第七項及び第八項の規定は、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、同条第一項又は第二項の規定の例により計算する場合について準用する。

(4) The provisions of Article 39-115(7) and (8) shall apply mutatis mutandis where the amount of income of a specified foreign corporation in its settlement of accounts for the relevant business year is calculated pursuant to the provisions of paragraph (1) or paragraph (2) of the said Article.

(特定外国法人の個別課税対象留保金額の計算等)

(Calculation, etc. of the Amount of Individually Taxable Retained Income of Specified Foreign Corporations)

第三十九条の百二十の十 法第六十八条の九十三の六第一項の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の額に関する調整を加えた金額は、特定外国法人の各事業年度の同条第二項第三号に規定する未処分所得の金額につき、第三十九条の百十六第一項の規定の例により計算した金額とする。

Article 39-120-10 (1) The amount obtained as a result of an adjustment to the amount of undistributed income set forth in Article 68-93-6(1) of the Act for the amount of taxes and a dividend of surplus, etc. on the said undistributed income shall be the amount calculated with regard to the amount of undistributed income prescribed in Article 68-93-6(2)(iii) of the Act for the relevant business year of a specified foreign corporation, pursuant to the provisions of Article 39-116(1).

2 法第六十八条の九十三の六第一項に規定する政令で定めるところにより計算した金額は、特殊関係株主等である連結法人に係る特定外国法人の各事業年度の適用対象留保金額（同項に規定する適用対象留保金額をいう。以下この節において同じ。）につき、第三十九条の百十六第二項から第四項までの規定の例により計算した金額とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article 68-93-6(1) of the Act shall be the amount calculated with regard to the eligible retained income (meaning the eligible retained income prescribed in the said paragraph; hereinafter the same shall apply in this Section) for the relevant business year of a specified foreign corporation related to a consolidated corporation which is a specially-related shareholder, etc., pursuant to the provisions of Article 39-116(2) to (4).

3 法第六十八条の九十三の六第三項の規定により読み替えて適用する同条第一項の政令で定める費用の額は、同条第三項に規定する特定外国法人の事業に従事する当該特定外国法人の役員及び使用人に係る人件費の額の合計額につき、第三十九条の百十六第五項の規定の例により計算した金額とする。

(3) The amount of expenses specified by a Cabinet Order set forth in Article 68-93-6(1) of the Act which is applied by replacing the terms pursuant to the provisions of paragraph (3) of the said Article shall be the amount calculated with regard to the sum of personnel expenses for officers and employees of a

specified foreign corporation engaged in the business of the said specified foreign corporation prescribed in paragraph (3) of the said Article, pursuant to the provisions of Article 39-116(5).

(特定外国法人の事業の判定等)

(Determination, etc. of Business of Specified Foreign Corporations)

第三十九条の百二十の十一 法第六十八条の九十三の六第四項第一号に規定する政令で定める者は、次に掲げる者とする。

Article 39-120-11 (1) The person specified by a Cabinet Order prescribed in Article 68-93-6(4)(i) of the Act shall be any of the following:

一 法第六十八条の九十三の六第四項第一号に掲げる事業を主として行う同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。）に係る特殊関係株主等に該当する連結法人との間に連結完全支配関係がある他の連結法人（当該特定外国法人に係る特殊関係株主等に該当する者を除く。）

(i) Other consolidated corporations which have the consolidated full controlling interest with a consolidated corporation falling under the category of a specially-related shareholder, etc. which pertains to a specified foreign corporation prescribed in Article 68-93-6(4) of the Act (hereinafter referred to as a "specified foreign corporation" in this paragraph) mainly engaged in the business listed in item (i) of the said paragraph (such other consolidated corporations shall exclude those falling under the category of specially-related shareholders, etc. pertaining to the said specified foreign corporation)

二 法第六十八条の九十三の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に該当する法人の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国法人に係る特殊関係株主等に該当する者及び前号に掲げる者に該当する者を除く。）

(ii) A person who holds over 50 percent of the number or the amount of the total issued shares, etc. of a corporation falling under the category of a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Article 68-93-6(4)(i) of the Act (excluding a person falling under the category of a specially-related shareholder, etc. pertaining to the said specified foreign corporation and a person falling under the category of persons listed in the preceding item)

三 法第六十八条の九十三の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に該当する連結法人（当該連結法人が連結子法人である場合には、当該連結法人に係る連結親法人）の発行済株式等の百分の五十を超える数又は金額の株式等を有する者（当該特定外国法人に係る特殊関係株主等に該当する者及び前二号に掲げる者に該当する者を除く。）

(iii) A person who holds over 50 percent of the number or the amount of the total issued shares, etc. of a consolidated corporation falling under the category of a specially-related shareholder, etc. (where the said consolidated

corporation is a consolidated subsidiary corporation, a consolidated parent corporation related to the said consolidated corporation) which pertains to a specified foreign corporation mainly engaged in the business listed in Article 68-93-6(4)(i) of the Act (excluding a person falling under the category of a specially-related shareholder, etc. pertaining Article 68-93-6(4)(i) of the Act (excluding a person falling under the category of pto the said specified foreign corporation and a person falling under the category of persons listed in the preceding two items)

四 法第六十八条の九十三の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に係る外国関係法人

(iv) An affiliated foreign corporation related to a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Article 68-93-6(4)(i) of the Act

五 法第六十八条の九十三の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等と特殊関係内国法人との間に介在する第三十九条の百二十の八第四項第二号に規定する株主等である法人又は出資関連法人（第一号又は前号に掲げる者に該当する者を除く。）

(v) A corporation which is a shareholder, etc. prescribed in Article 39-120-8(4)(ii) or capital contribution-related corporation(s) which intervene(s) between a specially-related domestic corporation and a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Persons listed in item (i) or the preceding item)

六 次に掲げる者と法第六十六条の九の六第二項第一号に規定する政令で定める特殊の関係のある者（法第六十八条の九十三の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係内国法人に該当する者及び特殊関係株主等に該当する者並びに前各号に掲げる者に該当する者を除く。）

(vi) A person who has a special relationship specified by a Cabinet Order prescribed in Article 66-9-6(2)(i) of the Act with those listed as follows (excluding a person falling under the category of a specially-related domestic corporation pertaining to a specified foreign corporation mainly engaged in the business listed in Article 68-93-6(4)(i) of the Act, a person falling under the category of a specially-related shareholder, etc. and a person falling under the category of persons listed in the preceding items):

イ 法第六十八条の九十三の六第四項第一号に掲げる事業を主として行う特定外国法人

(a) A specified foreign corporation mainly engaged in the business listed in Article 68-93-6(4)(i) of the Act

ロ 法第六十八条の九十三の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係内国法人

(b) A specially-related domestic corporation pertaining to a specified foreign corporation mainly engaged in the business listed in Article 68-93-6(4)(i) of

the Act

ハ 法第六十八条の九十三の六第四項第一号に掲げる事業を主として行う特定外国法人に係る特殊関係株主等に該当する個人又は法人

(c) An individual or corporation falling under the category of a specially-related shareholder, etc. pertaining to a specified foreign corporation mainly engaged in the business listed in Article 68-93-6(4)(i) of the Act

ニ 前各号に掲げる者

(d) Those listed in the preceding items.

2 第三十九条の百十七第二項及び第三項の規定は、法第六十八条の九十三の六第四項第一号に規定する政令で定める場合について準用する。この場合において、第三十九条の百十七第二項第一号中「法第四十条の四第一項各号、第六十六条の六第一項各号、第六十八条の九十第一項各号及び前項各号」とあるのは、「法第六十八条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、同条第一項に規定する特殊関係株主等及び第三十九条の百二十の十一第一項各号」と読み替えるものとする。

(2) The provisions of Article 39-117(2) and (3) shall apply mutatis mutandis to the case specified by a Cabinet Order prescribed in Article 68-93-6(4)(i) of the Act. In this case, the term "those listed in the items of Article 40-4(1), items of Article 66-6(1), items of Article 68-90(1) of the Act and the preceding items" in Article 39-117(2)(i) shall be deemed to be replaced with "a specially-related domestic corporation prescribed in Article 68-93-6(2)(ii) of the Act, specially-related shareholder, etc. prescribed in paragraph (1) of the said Article and those listed in the items of Article 39-120-11(1)."

3 第三十九条の百十七第四項の規定は、法第六十八条の九十三の六第四項第二号に規定する政令で定める場合について準用する。

(3) The provisions of Article 39-117(4) shall apply mutatis mutandis to the case specified by a Cabinet Order prescribed in Article 68-93-6(4)(ii) of the Act.

(特定外国法人の個別課税対象留保金額に係る外国法人税額の計算等)

(Calculation, etc. of Foreign Corporation Tax on Individually Taxable Retained Income of Specified Foreign Corporations)

第三十九条の百二十の十二 法第六十八条の九十三の七第一項に規定する政令で定めるところにより計算した金額は、同項に規定する特定外国法人（第三項において「特定外国法人」という。）の適用対象留保金額を有する事業年度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。第三項において同じ。）の額につき、第三十九条の百十八第一項の規定の例により計算した金額とする。

Article 39-120-12 (1) The amount calculated as specified by a Cabinet Order prescribed in Article 68-93-7(1) of the Act shall be the amount calculated, pursuant to the provisions of Article 39-118(1), with regard to 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 paragraph (3)) to be

imposed on a specified foreign corporation prescribed in Article 68-93-7(1) of the Act (referred to as a "specified foreign corporation" in paragraph (3)) on its income for a business year containing eligible retained income.

2 法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する法人税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とみなして同条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場合におけるこれらの規定の適用に関する事項については、第三十九条の百十八第二項から第十項まで及び第十二項から第十七項までの規定の例による。

(2) In the case where the provisions of Article 81-15(1) to (7), (10) and (15) to (17) of the Corporation Tax Act are applied by deeming the calculated amount to be the amount of individually creditable foreign corporation tax prescribed in paragraph (1) of the said Article payable by a consolidated corporation that is a specially-related shareholder, etc. pursuant to the provisions of Article 68-93-7(1) of the Act, the matters concerning the application of these provisions shall be as prescribed in the provisions of Article 39-118(2) to (10) and (12) to (17).

3 法第六十八条の九十三の七第三項に規定する政令で定める連結事業年度は、特定外国法人の所得に対して課された外国法人税の額が前項の規定によりその例によるものとされる第三十九条の百十八第三項各号のいずれに該当するかに応じ当該各号に定める事業年度とする。

(3) The consolidated business year specified by a Cabinet Order prescribed in Article 68-93-7(3) of the Act shall be the business year specified respectively in the items of Article 39-118(3), in accordance with the category of the amount of foreign corporation tax imposed on the income of a specified foreign corporation.

(特定外国法人の課税済配当等の額の計算)

(Calculation of Taxed Amount of Dividend, etc. of Specified Foreign Corporations)

第三十九条の百二十の十三 法第六十八条の九十三の八第一項に規定する外国関係法人のうち政令で定めるものは、同項に規定する特定外国法人（以下第三項までにおいて「特定外国法人」という。）に係る控除未済課税済配当等の額（特定外国法人の各事業年度の適用対象留保金額につき第三十九条の百二十の十第二項の規定により第三十九条の百十六第二項から第四項までの規定の例により計算する場合の同条第三項第三号に規定する控除未済課税済配当等の額をいう。）を有する外国関係法人とする。

Article 39-120-13 (1) The affiliated foreign corporation prescribed in Article 68-93-8(1) of the Act which is specified by a Cabinet Order shall be one of the affiliated foreign corporations which holds the taxed amount of a dividend, etc. before deduction pertaining to a specified foreign corporation prescribed in Article 68-93-8(1) of the Act (hereinafter referred to as a "specified foreign corporation" through to paragraph (3)) (such taxed amount of a dividend, etc. before deduction shall mean the taxed amount of a dividend, etc. before deduction prescribed in Article 39-116(3)(iii), when calculating the amount of

eligible retained income for the relevant business year of a specified foreign corporation as prescribed in Article 39-116(2) to (4), pursuant to the provisions of Article 39-120-10(2)).

2 法第六十八条の九十三の八第一項に規定する政令で定めるところにより計算した金額は、同項に規定する特殊関係株主等である連結法人に係る特定外国法人又は当該連結法人に係る外国関係法人につき同項各号に掲げる事実が生じた場合における同項各号に定める金額につき、第三十九条の百十九第二項及び第三項の規定の例により計算した金額とする。

(2) The amount calculated as specified by a Cabinet Order prescribed in Article 68-93-8(1) of the Act shall be the amount obtained by calculating the amount specified in the items of the said paragraph, where an event listed in the items of the said paragraph has occurred, with regard to a specified foreign corporation related to a consolidated corporation which is a specially-related shareholder, etc. or an affiliated foreign corporation related to the said consolidated corporation as prescribed in the said paragraph, pursuant to the provisions of Article 39-119(2) and (3).

3 法第六十八条の九十三の八第一項に規定する特殊関係株主等である連結法人が当該連結法人に係る特定外国法人に係る同項に規定する個別課税済留保金額及び当該連結法人に係る法第六十八条の九十第一項に規定する特定外国子会社等（当該特定外国法人と同一の外国法人に限る。）に係る法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有する場合には、法第六十八条の九十三の八第一項に規定する政令で定めるところにより計算した金額は、同項各号に定める金額から法第六十八条の九十二第一項の規定により損金の額に算入される金額を控除した残額を基礎として前項の規定により計算した金額を限度とする。

(3) In the case where a consolidated corporation, which is a specially-related shareholder, etc. prescribed in Article 68-93-8(1) of the Act, holds the individually taxed amount of retained income prescribed in the said paragraph that pertains to a specified foreign corporation related to the said consolidated corporation, and the individually taxed amount of retained income prescribed in Article 68-92(1) of the Act that pertains to a specified foreign subsidiary company, etc. prescribed in Article 68-90(1) of the Act (limited to a foreign corporation that is the same as the said specified foreign corporation) related to the said consolidated corporation, the amount calculated as specified by a Cabinet Order prescribed in Article 68-93-8(1) of the Act shall not exceed the amount calculated pursuant to the provisions of the preceding paragraph based on the remaining amount after deducting the amount to be included in deductible expenses pursuant to the provisions of Article 68-92(1) of the Act from the amount specified in the items of Article 68-93-8(1) of the Act.

4 法第六十八条の九十三の八第三項において準用する法第六十八条の九十二第三項から第六項までの規定の適用に関する事項については、第三十九条の百十九第五項から第八項までの規定の例による。

- (4) The matters concerning the application of the provisions of Article 68-92(3) to (6) of the Act which are applied mutatis mutandis pursuant to Article 68-93-8(3) of the Act shall be as prescribed in the provisions of Article 39-119(5) to (8).
- 5 第三十九条の百十九第九項の規定は、法第六十八条の九十三の八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連結利益積立金額の計算について準用する。
- (5) The provisions of Article 39-119(9) shall apply mutatis mutandis to the calculation of the amount of consolidated profit reserve of a consolidated corporation which is a specially-related shareholder, etc. subject to the provisions of Article 68-93-8(1) of the Act.

(特定関係の判定等)

(Determination, etc. of Specified Relationship)

第三十九条の百二十の十四 第三十九条の二十の十四第一項及び第二項の規定は、法第六十八条の九十三の六第一項の規定を適用する場合について準用する。

Article 39-120-14 (1) The provisions of Article 39-20-14(1) and (2) shall apply mutatis mutandis where the provisions of Article 68-93-6(1) of the Act shall apply.

2 特殊関係内国法人に係る特殊関係株主等である連結法人が当該連結法人に係る外国関係法人の各事業年度終了の日以後二月を経過する日までの間に合併により解散した場合には、その有する当該外国関係法人の法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（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。）でその合併に係る合併法人（当該特殊関係内国法人に係る特殊関係株主等に該当するもの及びその合併により当該連結法人が有する当該外国関係法人の直接及び間接保有の株式等の数の移転を受けることにより当該特殊関係内国法人に係る特殊関係株主等に該当することとなるものに限る。以下この項において同じ。）が移転を受けたものは、その合併法人が当該外国関係法人の各事業年度終了の日において有する直接及び間接保有の株式等の数とみなす。

- (2) Where a consolidated corporation which is a specially-related shareholder, etc. pertaining to a specially-related domestic corporation has been dissolved through a merger by the day on which two months have elapsed after the final day of the relevant business year of an affiliated foreign corporation related to the said consolidated corporation, the number of the shares, etc. of the said affiliated foreign corporation prescribed in Article 66-9-6(2)(iv) of the Act which were directly and indirectly held by the consolidated corporation (hereinafter referred to as the "number of the shares, etc. directly and indirectly held" in this paragraph) and which have been transferred to the merging corporation pertaining to the merger (such merging corporation shall be limited to one falling under the category of a specially-related shareholder, etc. related to the said specially-related domestic corporation and one that proves to fall under the category of a specially-related shareholder, etc. related to the said

pecially-related domestic corporation by receiving the transfer of the number of the shares, etc. of the said affiliated foreign corporation directly and indirectly held by the said consolidated corporation through the merger; hereinafter the same shall apply in this paragraph) shall be deemed to be the number of the shares, etc. directly and indirectly held by the merging corporation on the final day of the relevant business year of the said affiliated foreign corporation.

- 3 第三十九条の百二十第三項及び第四項の規定は、法第六十八条の九十三の六第一項の規定により特殊関係株主等である連結法人の益金の額に算入された金額がある場合の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並びに当該連結法人の連結利益積立金額の計算について準用する。
- (3) The provisions of Article 39-120(3) and (4) shall apply mutatis mutandis to the application of the provisions of Article 81-13(2) and (4) of the Corporation Tax Act and the calculation of the amount of consolidated profit reserve of a consolidated corporation which is a specially-related shareholder, etc., where there is any amount included in gross profits of the said consolidated corporation pursuant to the provisions of Article 68-93-6(1) of the Act.
- 4 法人税法施行令第十四条の十第一項から第五項まで及び第七項から第十一項までの規定は、法第六十八条の九十三の六第八項の規定を同条（第三項、第四項及び第六項を除く。）から法第六十八条の九十三の九までの規定並びに第三十九条の百二十の八から第三十九条の百二十の十（第三項を除く。）まで及び第三十九条の百二十の十二からこの条までの規定において適用する場合について準用する。
- (4) The provisions of Article 14-10(1) to (5) and (7) to (11) of the Order for Enforcement of the Corporation Tax Act shall apply mutatis mutandis where the provisions of Article 68-93-6(8) of the Act shall apply under the provisions of the said Article (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 68-93-9 of the Act, Article 39-120-8 to Article 39-120-10 (excluding paragraph (3)), and Article 39-120-12 to this Article.
- 5 前項に定めるもののほか、法人税法第四条の七に規定する受託法人又は法人課税信託の受益者についての法第六十八条の九十三の六（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又は第三十九条の百二十の八から第三十九条の百二十の十（第三項を除く。）まで若しくは第三十九条の百二十の十二からこの条までの規定の適用に関し必要な事項は、財務省令で定める。
- (5) With regard to a trust corporation or a beneficiary of a trust subject to corporation taxation prescribed in Article 4-7 of the Corporation Tax Act, in addition to what is specified in the preceding paragraph, other necessary matters concerning the application of the provisions of Article 68-93-6 (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 68-93-9 of the Act, Article 39-120-8 to Article 39-120-10 (excluding paragraph (3)), or Article 39-120-12 to this Article shall be specified by an Ordinance of the Ministry of Finance.