

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)

第二章 所得税法の特例

Chapter II Special Provisions for the Income Tax Act

第一節 利子所得及び配当所得の特例

Section 1 Special Provisions for Interest Income and Dividend Income

(振替国債等の利子の課税の特例)

(Special Provisions for Taxation on Interest on Book-Entry National Government Bonds)

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 Cabinet Order prescribed in Article 5-2, paragraph (1) and paragraph (3) of the Act is 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, paragraph (1) of the Act (hereinafter referred to as the "Holding Period" in this Article) for Book-Entry National Government Bonds prescribed in the same paragraph (hereinafter referred to as "Book-Entry 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 Book-Entry National Government Bonds: The amount of interest for the 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 National Government Bonds held by a nonresident or foreign corporation falls after the first day of the accounting period for interest on the Book-Entry National Government Bonds: The amount calculated by multiplying the amount of interest for the accounting period by the number of days in the Holding Period and then dividing the result by the number of days in the 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 local government bonds prescribed in Article 5-2, paragraph (1) of the Act (hereinafter referred to as "Book-Entry 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 Book-Entry Local Government Bonds: The amount of interest for the 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 Local Government Bonds held by a nonresident or foreign corporation falls after the first day of the accounting period for interest on the Book-Entry Local Government Bonds: The amount calculated by multiplying the amount of interest for the accounting period by the number of days in the Holding Period and then dividing the result by the number of days in the 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, paragraph (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, paragraph (1) of the Act with respect to interest on Book-Entry National Government Bonds or Book-Entry Local Government Bonds to be received thereby for the trust property under the Qualified Foreign Securities Investment Trust, the nonresident or foreign corporation is to submit, for each Qualified Foreign Securities Investment Trust accepted thereby, a written application for tax exemption of Book-Entry National Government Bonds prescribed in Article 5-2, paragraph (1), item (i), (a) of the Act (hereinafter referred to as a "Written Application for Tax Exemption of Book-Entry National Government Bonds" in this Article) and a statement of the Holding Period of Book-Entry National Government Bonds prescribed in Article 5-2, paragraph (1), item (i), (b) of the Act (referred to as a "Statement of the Holding Period of Book-Entry National Government Bonds" in paragraphs (7) to (9)), or a Written Application for Tax Exemption of Book-Entry Local Government Bonds prescribed in Article 5-2, paragraph (1), item (ii), (a) of the Act (hereinafter referred to as a "Written Application for Tax Exemption of Book-Entry Local Government Bonds" in this Article) and a statement of the Holding Period of Book-Entry Local Government Bonds prescribed in Article 5-2, paragraph (1), item (ii), (b) of the Act (referred to as a "Statement of the Holding Period of Book-Entry Local Government Bonds" in paragraph (7), paragraph (8) and paragraph (11)), to the district director of the tax office prescribed in Article 5-2, paragraph (1), item (i), (a) of the Act pursuant to the provisions of Article 5-2, paragraph (1), item (i), (a) and (b) of the Act, or the district director of the tax office prescribed in Article 5-2, paragraph (1), item (ii), (a) of the Act pursuant to the provisions of Article 5-2, paragraph (1), item (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。）を經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 system (meaning entries or records under the book-entry system prescribed in Article 5-2, paragraph (5), item (vi) of the Act; hereinafter the same applies in this Article) with regard to Book-Entry National Government Bonds (limited to those bearing interest; hereinafter referred to as "Interest-Bearing Book-Entry 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 entries or records under the book-entry system are made, prepared a document containing the name of the nonresident or foreign corporation and their or its address as prescribed in Article 5-2, paragraph (1), item (i), (a) of the Act (hereinafter referred to as "Address" in this paragraph, paragraph (5) and paragraph (22)) and any other particulars specified by Ministry of Finance Order (hereinafter referred to as a "Document on Special Measures for Book-Entry National Government Bonds" in this paragraph and the following paragraph) and submitted the Document on Special Measures for Book-Entry National Government Bonds to the district director of the tax office prescribed in Article 5-2, paragraph (1), item (i), (a) of the Act (in the case where the specified book-entry institution, etc. (meaning a specified book-entry institution, etc. prescribed in paragraph (1) of the same Article; hereinafter the same applies in this Article) pertaining to the person specified in the relevant items is a Specified Account Management Institution prescribed in Article 5-2, paragraph (5), item (ii) of the Act (hereinafter referred to as a "Specified Account Management Institution" in this Article), if the person has submitted the relevant document to the district director of the tax office via a specified

book-entry institution prescribed in paragraph (5), item (i) of the same Article (hereinafter referred to as a "Specified Book-Entry Institution" in this Article); in the case where the Specified Book-Entry Institution, etc. pertaining to the person specified in the relevant items is a Specified Indirect Account Management Institution prescribed in paragraph (5), item (iii) of the same Article (hereinafter referred to as a "Specified Indirect Account Management Institution" in this Article), if the person has submitted the relevant document to the district director of the tax office via [1] the Specified Account Management Institution pertaining to the entries or records under the book-entry system regarding the Interest-Bearing Book-Entry National Government Bonds (in the case where the Specified Book-Entry Institution, etc. pertaining to the person specified in the relevant items makes entries or records under the book-entry system regarding the Interest-Bearing Book-Entry National Government Bonds through any other Specified Indirect Account Management Institution, via the relevant other Specified Indirect Account Management Institution and the Specified Account Management Institution pertaining to the entries or records under the book-entry system regarding the Interest-Bearing Book-Entry National Government Bonds) and [2] a Specified Book-Entry Institution), the nonresident or foreign corporation is deemed to have submitted a Written Application for Tax Exemption of Book-Entry National Government Bonds pursuant to the provisions of Article 5-2, paragraph (1), item (i), (a) of the Act with respect to the Interest-Bearing Book-Entry National Government Bonds; provided, however, that this does not apply where the name and Address to be entered in the Document on Special Measures for Book-Entry National Government Bonds are inconsistent with the name and Address of the nonresident or foreign corporation for which a confirmation has been provided pursuant to the provisions of paragraph (9) of the same Article (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the same Article) with respect to Book-Entry Local Government Bonds (hereinafter referred to as a "Confirmation Concerning Book-Entry Local Government Bonds" in this paragraph, the following paragraph and paragraph (22)) or a confirmation has been provided pursuant to the provisions of Article 41-12, paragraph (12) of the Act with respect to short-term national government bonds, etc. (meaning national government bonds listed in paragraph (9), items (i) to (viii) of the same Article that fall under the category of specified short-term government or company bonds prescribed in the same paragraph, and principal-only Book-Entry National Government Bonds and coupon-only Book-Entry National Government Bonds prescribed in paragraph (12) of the same Article) (including a confirmation provided pursuant to the provisions of Article 26-18, paragraph (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 system covered by a Confirmation Concerning Book-Entry Local Government Bonds: The head of the Business Office, etc. prescribed in Article 5-2, paragraph (1) of the Act (hereinafter referred to as the "Business Office, etc." through to paragraph (8)) of the Specified Book-Entry Institution, etc. that provides a Confirmation Concerning the Book-Entry Local Government Bonds, or the head of the Business Office, etc. of the Specified Book-Entry Institution, etc. that has received a notice pursuant to the provisions of Article 5-2, paragraph (14) of the Act from the head of the Specified Overseas Business Office, etc. prescribed in paragraph (5), item (v) of the same 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 same paragraph (hereinafter referred to as the "Qualified Foreign Intermediary" in this Article) that provides a Confirmation Concerning the Book-Entry 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十二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 system covered by a Confirmation Concerning Short-Term National Government Bonds, etc.: The head of the Business Office, etc. of the Specified Book-Entry Institution, etc. that provides a confirmation concerning the short-term national government bonds, or the head of the Business Office, etc. of the Specified Book-Entry Institution, etc. that has received a document prescribed in paragraph (14) of Article 41-12 of the Act pursuant to the provisions of the same paragraph from the head of the Specified Overseas Business Office, etc. of the Qualified Foreign Intermediary that provides a confirmation concerning the 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 Institution, etc. who has submitted a Document on Special Measures for Book-Entry National Government Bonds pursuant to the provisions of the same paragraph must, without delay after the date of the submission, give a notice of the submission of the Document on Special Measures for Book-Entry National Government Bonds to the nonresident or foreign corporation that is to be deemed to have submitted a Written Application for Tax Exemption of Book-Entry National Government Bonds pursuant to the provisions of the same paragraph (in the case where a Confirmation Concerning Book-Entry Local Government Bonds or a Confirmation Concerning Short-Term National Government Bonds, etc. with regard to the nonresident or foreign corporation is provided by the head of a Specified Overseas Business Office, etc. of a Qualified Foreign Intermediary, notice must be given to the nonresident or foreign corporation via the head of the 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 system with regard to Book-Entry 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 entries or records under the book-entry system are made, prepared a document containing the name of the nonresident or foreign corporation and their or its Address and any other particulars specified by Ministry of Finance Order (hereinafter referred to as a "Document on Special Measures for Book-Entry Local Government Bonds" in this paragraph and the following paragraph) and submitted the Document on Special Measures for Book-Entry Local Government Bonds to the district director of the tax office prescribed in Article 5-2, paragraph (1), item (ii), (a) of the Act via the person who pays interest on the Book-Entry Local Government Bonds (in the case where the Specified Book-Entry Institution, etc. pertaining to the person specified in the relevant items is a Specified Account Management Institution, if the person has submitted the relevant document to the district director of the tax office via a Specified Book-Entry Institution and the person who pays the interest; in the case where the Specified Book-Entry Institution, etc. pertaining to the person specified in the relevant items is a Specified Indirect Account Management Institution, if the person has submitted the relevant document to the district director of the tax office via [1] the Specified Account Management Institution pertaining to the entries or records under the book-entry system regarding the Interest-Bearing Book-Entry Local Government Bonds (in the case where the Specified Book-Entry Institution, etc. pertaining to the person specified in the relevant items makes entries or records under the book-entry system regarding the Interest-Bearing Book-Entry Local Government Bonds through any other Specified Indirect Account Management Institution, via the relevant other Specified Indirect Account Management Institution and the Specified Account Management Institution pertaining to the entries or records under the book-entry system regarding the Interest-Bearing Book-Entry Local Government Bonds), [2] a Specified Book-Entry Institution, and [3] the person who pays the interest), the nonresident or foreign corporation is deemed to have submitted a Written Application for Tax Exemption of Book-Entry Local Government Bonds pursuant to the provisions of Article 5-2, paragraph (1), item (ii), (a) of the Act with respect to the Interest-Bearing Book-Entry Local Government Bonds; provided, however, that this does not apply where the name and Address to be entered in the Document on Special Measures for Book-Entry Local Government Bonds are inconsistent with the name and Address of the nonresident or foreign corporation for which a confirmation has been provided pursuant to the provisions of paragraph (9) of the same Article (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the

same Article; hereinafter the same applies in this paragraph) with respect to other Book-Entry Local Government Bonds (hereinafter referred to as a "Confirmation Concerning Other Book-Entry Local Government Bonds" in this paragraph, the following paragraph and paragraph (23)), a confirmation has been provided pursuant to the provisions of paragraph (9) of the same Article with respect to Interest-Bearing Book-Entry National Government Bonds (hereinafter referred to as a "Confirmation Concerning Interest-Bearing Book-Entry National Government Bonds" in this paragraph, the following 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 system covered by a Confirmation Concerning Other Book-Entry Local Government Bonds: The head of the Business Office, etc. of the Specified Book-Entry Institution, etc. that provides a confirmation concerning the relevant other Book-Entry Local Government Bonds, or the head of the Business Office, etc. of the Specified Book-Entry Institution, etc. that has received a notice pursuant to the provisions of Article 5-2, paragraph (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 relevant Other Book-Entry 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 system covered by a Confirmation Concerning Interest-Bearing Book-Entry National Government Bonds: The head of the Business Office, etc. of the Specified Book-Entry Institution, etc. that provides a Confirmation Concerning the Interest-Bearing Book-Entry National Government Bonds, or the head of the Business Office, etc. of the Specified Book-Entry Institution, etc. that has received a notice pursuant to the provisions of Article 5-2, paragraph (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 Interest-Bearing Book-Entry 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 system covered by a Confirmation Concerning Short-Term National Government Bonds, etc.: The head of the Business Office, etc. of the Specified Book-Entry Institution, etc. that provides a confirmation concerning the short-term national government bonds, or the head of the Business Office, etc. of the Specified Book-Entry Institution, etc. that has received a document prescribed in paragraph (14) of Article 41-12 of the Act pursuant to the provisions of the same paragraph from the head of the Specified Overseas Business Office, etc. of the Qualified Foreign Intermediary that provides a confirmation concerning the 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 Institution, etc. who has submitted a Document on Special Measures for Book-Entry Local Government Bonds pursuant to the provisions of the same paragraph must, without delay after the date of the submission, give a notice of the submission of the Document on Special Measures for Book-Entry Local Government Bonds, to the nonresident or foreign corporation that is deemed to have submitted a Written Application for Tax Exemption of Book-Entry Local Government Bonds pursuant to the provisions of the same paragraph (in the case where a confirmation concerning other Book-Entry Local Government Bonds, a Confirmation Concerning Interest-Bearing Book-Entry National Government Bonds or a Confirmation Concerning Short-Term National Government Bonds, etc. with regard to the nonresident or foreign corporation is provided by the head of a Specified Overseas Business Office, etc. of a Qualified Foreign Intermediary, the notice must be given to the nonresident or foreign corporation via the head of the 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 Institution, etc. or head of a Specified Overseas Business Office, etc. of a Qualified Foreign Intermediary must, where a statement of the Holding Period of Book-Entry National Government Bonds or statement of the Holding Period of Book-Entry Local Government Bonds has been submitted, confirm whether or not the Holding Period and other particulars specified by Ministry of Finance Order with regard to the Book-Entry National Government Bonds or Book-Entry Local Government Bonds entered in the statement of the Holding Period of Book-Entry National Government Bonds or statement of the Holding Period of Book-Entry Local Government Bonds are consistent with the day on which entries or records under the book-entry system were made with regard to the Book-Entry National Government Bonds or Book-Entry Local Government Bonds and other particulars specified by Ministry of Finance Order as entered or recorded in the books prescribed in Article 5-2, paragraph (13) of the Act (referred to as the "books for book-entry" 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 National Government Bonds or a statement of the Holding Period of Book-Entry Local Government Bonds via a Qualified Foreign Intermediary to the district director of the tax office set forth in Article 5-2, paragraph (1), item (i), (b) or item (ii), (b) of the Act (including the cases where a Qualified Foreign Intermediary submits the document set forth in the following paragraph pursuant to the provisions of the same paragraph as applied mutatis mutandis pursuant to paragraph (10)), the head of the Business Office, etc. of the Specified Book-Entry Institution, etc. that has received a notice set forth in paragraph (14) of the same Article pursuant to the provisions of the same paragraph must confirm whether or not the Holding Period and other particulars specified by Ministry of Finance Order with regard to the Book-Entry National Government Bonds or Book-Entry Local Government Bonds entered in the statement of the Holding Period of Book-Entry National Government Bonds or statement of the Holding Period of Book-Entry Local Government Bonds or the document are consistent with the day on

which entries or records under the book-entry system were made with regard to the Book-Entry National Government Bonds or Book-Entry Local Government Bonds and other particulars specified by Ministry of Finance Order as entered or recorded in the books prescribed in the same 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 Institution, etc. has, pursuant to the provisions of Article 5-2, paragraph (9) of the Act (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the same Article), prepared and preserved a copy of a document prescribed in paragraph (9) of the same Article that has been presented thereto by a nonresident or foreign corporation, and the nonresident or foreign corporation receives payment of interest on the Book-Entry National Government Bonds for which they or it has made entries or records under the book-entry system through the Specified Book-Entry Institution, etc., if the Specified Book-Entry Institution, etc. has, no later than the day preceding the day on which the nonresident or foreign corporation is to receive payment of the interest, prepared a document containing the Holding Period and any other particulars specified by Ministry of Finance Order with regard to the Book-Entry National Government Bonds held by the nonresident or foreign corporation based on the books for book-entry that the Specified Book-Entry Institution, etc. keeps, and submitted the document to the district director of the tax office set forth in paragraph (1), item (i), (b) of the same Article (in the case where the Specified Book-Entry Institution, etc. is a Specified Account Management Institution, if the Specified Book-Entry Institution, etc. has submitted the document to the district director of the tax office via a Specified Book-Entry Institution; in the case where the Specified Book-Entry Institution, etc. is a Specified Indirect Account Management Institution, if the Specified Book-Entry Institution, etc. has submitted the

document to the district director of the tax office via [1] the Specified Account Management Institution pertaining to the entries or records under the book-entry system regarding the Book-Entry National Government Bonds (in the case where the Specified Book-Entry Institution, etc. makes entries or records under the book-entry system regarding the Book-Entry National Government Bonds through any other Specified Indirect Account Management Institution, via the relevant Other Specified Indirect Account Management Institution and Specified Account Management Institution pertaining to the entries or records under the book-entry system regarding the Book-Entry National Government Bonds) and [2] a Specified Book-Entry Institution), the nonresident or foreign corporation is deemed to have submitted a statement of the Holding Period of Book-Entry National Government Bonds pursuant to the provisions of item (i), (b) of the same 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 apply mutatis mutandis where a nonresident or foreign corporation receives payment of interest on the Book-Entry National Government Bonds for which they or it has made entries or records under the book-entry system through a Qualified Foreign Intermediary. In this case, in the same paragraph, the term "to the district director of the tax office set forth in paragraph (1), item (i), (b) of the same Article" is deemed to be replaced with "to the district director of the tax office set forth in paragraph (1), item (i), (b) of the same Article via the Specified Book-Entry Institution, etc. pertaining to the entries or records under the book-entry system regarding the Book-Entry National Government Bonds"; the term "(in the case where the Specified Book-Entry Institution, etc. is a Specified Account Management Institution, if the Specified Book-Entry Institution, etc. has submitting the document to the district director of the tax office via a Specified Book-Entry Institution; in the case where the Specified Book-Entry Institution, etc. is a Specified Indirect Account Management Institution" is deemed to be replaced with "(in the case where the Specified Book-Entry Institution, etc. is a foreign

further indirect account management institution prescribed in paragraph (5), item (vii) of the same 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 system regarding the Book-Entry National Government Bonds (" is deemed to be replaced with "the Foreign Indirect Account Management Institution prescribed in paragraph (5), item (viii) of the same Article (hereinafter referred to as "Foreign Indirect Account Management Institution" in this paragraph) pertaining to the entries or records under the book-entry system regarding the Book-Entry National Government Bonds ("; the term "any other Specified Indirect Account Management Institution" is 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 system regarding the Book-Entry National Government Bonds) and [2] a Specified Book-Entry Institution" is deemed to be replaced with "the Foreign Indirect Account Management Institution pertaining to the entries or records under the book-entry system regarding the Book-Entry National Government Bonds) and [2] the Specified Book-Entry Institution, etc. pertaining to the entries or records under the book-entry system regarding the Book-Entry 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經由して同条第一項第二号口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、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 Institution, etc. has, pursuant to the provisions of Article 5-2, paragraph (9) of the Act (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the same Article),

prepared and preserved a copy of a document prescribed in paragraph (9) of the same Article that has been presented thereto by a nonresident or foreign corporation, and the nonresident or foreign corporation receives payment of interest on the Book-Entry Local Government Bonds for which they or it has made entries or records under the book-entry system through the Specified Book-Entry Institution, etc., if the Specified Book-Entry Institution, etc. has, no later than the day preceding the day on which the nonresident or foreign corporation is to receive payment of the interest, prepared a document containing the Holding Period and any other particulars specified by Ministry of Finance Order with regard to the Book-Entry Local Government Bonds held by the nonresident or foreign corporation based on the books for book-entry that the Specified Book-Entry Institution, etc. keeps, and submitted the document to the district director of the tax office set forth in paragraph (1), item (ii), (b) of the same Article via the person who pays interest on the Book-Entry Local Government Bonds (in the case where the Specified Book-Entry Institution, etc. is a Specified Account Management Institution, if the Specified Book-Entry Institution, etc. has submitted the document to the district director of the tax office via a Specified Book-Entry Institution and the person who pays the interest; in the case where the Specified Book-Entry Institution, etc. is a Specified Indirect Account Management Institution, if the Specified Book-Entry Institution, etc. has submitted the document to the district director of the tax office via [1] the Specified Account Management Institution pertaining to the entries or records under the book-entry system regarding the Book-Entry Local Government Bonds (in the case where the Specified Book-Entry Institution, etc. makes entries or records under the book-entry system regarding the Book-Entry Local Government Bonds through any other Specified Indirect Account Management Institution, via the relevant other Specified Indirect Account Management Institution and the Specified Account Management Institution pertaining to the entries or records under the book-entry system regarding the Book-Entry Local Government Bonds), [2] a Specified Book-Entry Institution, and [3] the person who pays the interest), the nonresident or foreign corporation is deemed to have submitted a statement of the Holding Period of Book-Entry Local Government Bonds pursuant to the provisions of item (ii), (b) of the same paragraph with respect to the interest receivable thereby.

- 1 2 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 apply mutatis mutandis where a nonresident or foreign corporation receives payment of interest on the Book-Entry Local Government Bonds for which they or it has made entries or records under the book-entry system through a Qualified Foreign Intermediary. In this case, in the same paragraph, the term "via the person who pays interest on the Book-Entry Local Government Bonds" is deemed to be replaced with "via the Specified Book-Entry Institution, etc. pertaining to the entries or records under the book-entry system regarding the Book-Entry Local Government Bonds and the person who pays interest on the Book-Entry Local Government Bonds"; the term "(in the case where the Specified Book-Entry Institution, etc. is a Specified Account Management Institution, if the Specified Book-Entry Institution, etc. has submitted the document to the district director of the tax office via a Specified Book-Entry Institution and the person who pays the interest; in the case where the Specified Book-Entry Institution, etc. is a Specified Indirect Account Management Institution" is deemed to be replaced with "(in the case where the Specified Book-Entry Institution, etc. is a Foreign Further Indirect Account Management Institution prescribed in paragraph (5), item (vii) of the same 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 system regarding the Book-Entry National Government Bonds (" is deemed to be replaced with "the Foreign Indirect Account Management Institution prescribed in paragraph (5), item (viii) of the same Article (hereinafter referred to as a "Foreign Indirect Account Management Institution" in this paragraph) pertaining to the entries or records under the book-entry system regarding the Book-Entry National Government Bonds ("; the term "any other Specified Indirect Account Management Institution" is 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 system regarding the Book-Entry Local Government Bonds), [2] a Specified Book-Entry Institution" is deemed to be replaced with "the Foreign Indirect Account Management Institution pertaining to the entries or records under the book-entry system regarding the Book-Entry Local Government Bonds), [2] the Specified Book-Entry Institution pertaining to the entries or records under the

book-entry system regarding the Book-Entry 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、次に掲げる利子とする。

(13) The interest specified by Cabinet Order prescribed in Article 5-2, paragraph (3) of the Act is 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, paragraph (1), item (i) of the Income Tax Act, which is attributed to a business that is conducted by the nonresident in Japan through a fixed place of business as prescribed in Article 164, paragraph (1), item (i) of the same 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, paragraph (1), item (ii) or item (iii) of the Income Tax Act, which is attributed to a business prescribed in these provisions that is conducted by the 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, paragraph (5), item (iv) of the Act must attach, to a document containing the person's name and the location of the person's head office or principal office and any other particulars specified by Ministry of Finance Order, a document in which a Specified Book-Entry Institution certifies that the person is a foreign account management institution prescribed in paragraph (5), item (vii) of the same Article and any other document specified by Ministry of Finance Order, and submit those documents, in the case of Book-Entry National Government Bonds, to the district director of the tax office prescribed in paragraph (1), item (i), (a) of the same Article via the Specified Book-Entry Institution pertaining to the Book-Entry National Government Bonds, or in the case of Book-Entry Local Government Bonds, to the district director of the tax office prescribed in item (ii), (a) of the same paragraph via the Specified Book-Entry Institution pertaining to the Book-Entry Local Government Bonds and the person who pays interest on the Book-Entry Local Government Bonds.

1 5 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 of the tax office, when making a disposition to approve or dismiss the application, gives a notice in writing to the person who has submitted the application to that effect.

1 6 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 is deemed that approval has been granted as of that day.

1 7 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 of the tax office, when the district director makes a disposition to rescind approval pursuant to the provisions of Article 5-2, paragraph (7) of the Act, gives a notice in writing to the person who has obtained the approval to that effect.

1 8 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、その提出の時に於いて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, paragraph (5), item (iv) of the Act with regard to Book-Entry National Government Bonds has already obtained the approval set forth in paragraph (5), item (iv) of the same Article with regard to Book-Entry Local Government Bonds, in paragraph (14), the term "a Specified Book-Entry Institution certifies" is deemed to be replaced with "the Specified Book-Entry Institution pertaining to Book-Entry National Government Bonds certifies"; the term "other particulars specified by Ministry of Finance Order" is deemed to be replaced with "and a document that certifies that the person has obtained the approval set forth in item (iv) of the same paragraph with regard to Book-Entry Local Government Bonds"; the term "submit those documents, in the case of Book-Entry National Government Bonds, to" is deemed to be replaced with "submit those documents to"; the term "to the district director of the tax office prescribed in paragraph (1), item (i), (a) of the same Article via the

Specified Book-Entry Institution pertaining to the Book-Entry National Government Bonds, or in the case of Book-Entry Local Government Bonds, to the district director of the tax office prescribed in item (ii), (a) of the same paragraph via the Specified Book-Entry Institution pertaining to the Book-Entry Local Government Bonds and the person who pays interest on the Book-Entry Local Government Bonds" is deemed to be replaced with "to the district director of the tax office prescribed in paragraph (1), item (i), (a) of the same Article via the Specified Book-Entry Institution pertaining to the Book-Entry National Government Bonds". In this case, where the written application set forth in paragraph (14) has been submitted, it is deemed that the approval set forth in Article 5-2, paragraph (5), item (iv) of the Act has been granted at the time of the 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、その提出の時に於いて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, paragraph (5), item (iv) of the Act with regard to Book-Entry Local Government Bonds has already obtained the approval set forth in paragraph (5), item (iv) of the same Article with regard to Book-Entry National Government Bonds, in paragraph (14), the term "a Specified Book-Entry Institution certifies" is deemed to be replaced with "the Specified Book-Entry Institution pertaining to Book-Entry Local Government Bonds certifies"; the term "other particulars specified by Ministry of Finance Order" is deemed to be replaced with "and a document that certifies that the person has obtained the approval set forth in paragraph (5), item (iv) of the same Article with regard to Book-Entry National Government Bonds"; the term "submit those documents, in the case of Book-Entry National Government Bonds, to the district director of the tax office prescribed in paragraph (1), item (i), (a) of the same Article via the Specified Book-Entry Institution pertaining to the Book-Entry National Government Bonds, or in the case of Book-Entry Local Government Bonds, to" is deemed to be replaced with "submit those documents to"; the term "item (ii), (a) of the same paragraph" is deemed to be replaced with "paragraph (1), item (ii), (a) of the same Article". In this case, where the written application set forth in paragraph (14) has been submitted, it is deemed that the approval set

forth in Article 5-2, paragraph (5), item (iv) of the Act has been granted at the time of the 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, paragraph (5), item (iv) of the Act with regard to Book-Entry Local Government Bonds has already obtained the approval set forth in paragraph (5), item (iv) of the same Article with regard to other Book-Entry Local Government Bonds, in paragraph (14), the term "a document in which a Specified Book-Entry Institution certifies that the person is a foreign account management institution prescribed in paragraph (5), item (vii) of the same Article and any other document specified by Ministry of Finance Order" is deemed to be replaced with "a document that certifies that the person has obtained the approval set forth in paragraph (5), item (iv) of the same Article with regard to other Book-Entry Local Government Bonds"; the term "submit those documents, in the case of Book-Entry National Government Bonds, to the district director of the tax office prescribed in paragraph (1), item (i), (a) of the same Article via the Specified Book-Entry Institution pertaining to the Book-Entry National Government Bonds, or in the case of Book-Entry Local Government Bonds, to" is deemed to be replaced with "submit those documents to"; the term "item (ii), (a) of the same paragraph" is deemed to be replaced with "paragraph (1), item (ii), (a) of the same Article". In this case, where the written application set forth in paragraph (14) has been submitted, it is deemed that the approval set forth in Article 5-2, paragraph (5), item (iv) of the Act has been granted at the time of the submission.

21 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 Cabinet Order prescribed in Article 5-2, paragraph (9) of the Act is 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 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 Ministry of Finance Order;

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 particulars of the corporation, receipt for national tax or local tax, certificate of tax payment or any other document specified by Ministry of Finance Order.

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 system regarding Interest-Bearing Book-Entry National Government Bonds in the account pertaining to the entries or records under the book-entry system covered by a Confirmation Concerning Book-Entry Local Government Bonds or the account pertaining to the entries or records under the book-entry system covered by a Confirmation Concerning Short-Term National Government Bonds, etc., or submits a written application prescribed in Article 5-2, paragraph (10) of the Act pursuant to the provisions of paragraph (10) of the same Article with regard to Interest-Bearing Book-Entry National Government Bonds (hereinafter referred to as a "Written Application for a Change of Book-Entry National Government Bonds" in this paragraph, paragraph (24) and paragraph (25)), in terms of the entries and records under the book-entry system or submission, the fact that the

identification documents set forth Article 5-2, paragraph (9) of the Act (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the same Article; hereinafter the same applies in this paragraph) have been presented pursuant to the provisions of paragraph (9) of the same Article with regard to a confirmation concerning Book-Entry Local Government Bonds or that the identification documents set forth in Article 41-12, paragraph (12) of the Act have been presented pursuant to the provisions of paragraph (12) of the same 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, paragraph (5) have been presented pursuant to the provisions of paragraph (5) of the same Article) is deemed to mean that the document specified by Cabinet Order set forth in Article 5-2, paragraph (9) of the Act has been presented pursuant to the provisions of paragraph (9) of the same Article, and the fact that a Confirmation Concerning the Book-Entry Local Government Bonds or a confirmation concerning the short-term national government bonds, etc. has been provided is deemed to mean that a confirmation has been provided pursuant to the provisions of the same paragraph, respectively; provided, however, that this does not apply where the name and Address entered in a Written Application for Tax Exemption of Book-Entry National Government Bonds or a Written Application for a Change of Book-Entry National Government Bonds to be submitted by the nonresident or foreign corporation are inconsistent with the name and Address of the nonresident or foreign corporation for which a Confirmation Concerning the Book-Entry Local Government Bonds or a confirmation concerning the 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 apply mutatis mutandis where a nonresident or foreign corporation makes, for the first time, entries or records under the book-entry system regarding Book-Entry Local Government Bonds in the account pertaining to the entries or records under the book-entry system

covered by a confirmation concerning other Book-Entry Local Government Bonds, the account pertaining to the entries or records under the book-entry system covered by a Confirmation Concerning Interest-Bearing Book-Entry National Government Bonds or the account pertaining to the entries or records under the book-entry system covered by a Confirmation Concerning Short-Term National Government Bonds, etc., or submits a written application prescribed in Article 5-2, paragraph (11) of the Act pursuant to the provisions of paragraph (11) of the same Article with regard to Book-Entry Local Government Bonds (that written application is referred to as a "Written Application for a Change of Book-Entry Local Government Bonds" in paragraph (26)). In this case, in the preceding paragraph, the term "pursuant to the provisions of paragraph (9) of the same Article with regard to a confirmation concerning the Book-Entry Local Government Bonds" is deemed to be replaced with "pursuant to the provisions of paragraph (9) of the same Article with regard to a confirmation concerning other Book-Entry Local Government Bonds or a Confirmation Concerning Interest-Bearing Book-Entry National Government Bonds"; the term "a Confirmation Concerning the Book-Entry Local Government Bonds or" is deemed to be replaced with "a confirmation concerning other Book-Entry Local Government Bonds, a Confirmation Concerning the Interest-Bearing Book-Entry National Government Bonds or"; the term "a Written Application for Tax Exemption of Book-Entry National Government Bonds or Written Application for a Change of Book-Entry National Government Bonds" is deemed to be replaced with "a Written Application for Tax Exemption of Book-Entry Local Government Bonds or Written Application for a Change of Book-Entry Local Government Bonds".

24 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 National Government Bonds (including one who is deemed to have submitted a Written Application for Tax Exemption of Book-Entry National Government Bonds pursuant to the provisions of paragraph (3); hereinafter the same applies in this paragraph, the following paragraph and paragraph (28)) has made entries or records under the book-entry system

regarding Book-Entry National Government Bonds through a Specified Book-Entry Institution, etc. or Qualified Foreign Intermediary, or submitted a Written Application for a Change of Book-Entry National Government Bonds to a Specified Book-Entry Institution, etc. or Qualified Foreign Intermediary, the Specified Book-Entry Institution, etc. or Qualified Foreign Intermediary must, on each occasion, for each person who has submitted the Written Application for Tax Exemption of Book-Entry National Government Bonds (in the case where the person who has submitted the Written Application for Tax Exemption of Book-Entry National Government Bonds is the trustee of a Qualified Foreign Securities Investment Trust, for each person who has submitted the Written Application for Tax Exemption of Book-Entry National Government Bonds and for each Qualified Foreign Securities Investment Trust accepted thereby), enter or record in the books for book-entry the particulars prescribed in Article 5-2, paragraph (13) of the Act, and preserve those books for book-entry pursuant to the provisions of Ministry of Finance Order.

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 National Government Bonds has made entries or records under the book-entry system regarding Book-Entry National Government Bonds through a Qualified Foreign Intermediary, or submitted a Written Application for a Change of Book-Entry National Government Bonds to a Qualified Foreign Intermediary, the Qualified Foreign Intermediary must, for each person who has submitted the Written Application for Tax Exemption of Book-Entry National Government Bonds (in the case where the person who has submitted the Written Application for Tax Exemption of Book-Entry National Government Bonds is the trustee of a Qualified Foreign Securities Investment Trust, for each person who has submitted the Written Application for Tax Exemption of Book-Entry National Government Bonds and for each Qualified Foreign Securities Investment Trust accepted thereby), notify the particulars prescribed in Article 5-2, paragraph (14) of the Act to the Specified Book-Entry Institution, etc. prescribed in the same paragraph of the Qualified Foreign Intermediary pertaining to the Book-Entry 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) apply mutatis mutandis where a person who has submitted a Written Application for Tax Exemption of Book-Entry Local Government Bonds (including one who is deemed to have submitted a Written Application for Tax Exemption of Book-Entry Local Government Bonds pursuant to the provisions of paragraph (5); hereinafter the same applies in this paragraph and paragraph (28)) has made entries or records under the book-entry system regarding Book-Entry Local Government Bonds through a Specified Book-Entry Institution, etc. or Qualified Foreign Intermediary, or submitted a Written Application for a Change of Book-Entry Local Government Bonds to a Specified Book-Entry Institution, etc. or Qualified Foreign Intermediary; and the provisions of the preceding paragraph apply mutatis mutandis where a person who has submitted a Written Application for Tax Exemption of Book-Entry Local Government Bonds has made entries or records under the book-entry system regarding Book-Entry Local Government Bonds through a Qualified Foreign Intermediary, or submitted a Written Application for a Change of Book-Entry Local Government Bonds to a Qualified Foreign Intermediary. In this case, in paragraph (24), the term "the Written Application for Tax Exemption of Book-Entry National Government Bonds" is deemed to be replaced with "the Written Application for Tax Exemption of Book-Entry Local Government Bonds"; in the preceding paragraph, the term "the Written Application for Tax Exemption of Book-Entry National Government Bonds" is deemed to be replaced with "the Written Application for Tax Exemption of Book-Entry Local Government Bonds", and the term "pertaining to the Book-Entry National Government Bonds" is deemed to be replaced with "pertaining to the Book-Entry 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 Cabinet Order prescribed in Article 5-2, paragraph (14) of the Act is a means of using an electronic data processing system or another means of using information and communications technology that is specified by Ministry of Finance Order.

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度、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 Institution, etc. has received the notice prescribed in paragraph (25) (including the cases where it is applied mutatis mutandis pursuant to paragraph (26)), it must, on each occasion of receiving the notice, for each person who has submitted a Written Application for Tax Exemption of Book-Entry National Government Bonds or Written Application for Tax Exemption of Book-Entry Local Government Bonds (in the case where the person who has submitted the Written Application for Tax Exemption of Book-Entry National Government Bonds or Written Application for Tax Exemption of Book-Entry Local Government Bonds is the trustee of a Qualified Foreign Securities Investment Trust, for each person who has submitted the Written Application for Tax Exemption of Book-Entry National Government Bonds or Written Application for Tax Exemption of Book-Entry Local Government Bonds and for each Qualified Foreign Securities Investment Trust accepted thereby), enter or record in the books prescribed in Article 5-2, paragraph (14) of the Act the particulars mentioned in the notice, and preserve those books pursuant to the provisions of Ministry of Finance Order.

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 Cabinet Order prescribed in Article 5-2, paragraph (15), item (i) of the Act are the Book-Entry 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 following item): the Book-Entry National Government Bonds for which the nonresident or foreign corporation made entries or records under the book-entry system (limited to those subject to the provisions of Article 5-2, paragraph (1) of the Act in terms of interest thereon);

二 非居住者又は外国法人で法第八条第一項に規定する金融機関又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 financial institution prescribed in Article 8, paragraph (1) of the Act or the category of financial instruments business operator, etc. prescribed in paragraph (2) of the same Article: the Book-Entry National Government Bonds for which the nonresident or foreign corporation made entries or records under the book-entry system.

3 0 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 Cabinet Order prescribed in Article 5-2, paragraph (15), item (iii) of the Act is a means of using an electronic data processing system or another means of using information and communications technology that is specified by Ministry of Finance Order.

3 1 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 Institution, etc. pertaining to the entries or records under the book-entry system regarding the Book-Entry National Government Bonds held by a nonresident or foreign corporation must, where it has received the notice pursuant to the provisions of Article 5-2, paragraph (15), item (iii) of the Act by means of a document, preserve the document pursuant to the provisions of Ministry of Finance Order.

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 Institution, etc. set forth in the preceding paragraph must, where it has received the notice pursuant to the provisions of Article 5-2, paragraph (15), item (iii) of the Act by the means prescribed in paragraph (30), preserve the document or microfilm produced by outputting the particulars contained in the notice using input-output devices of an electronic data processing system prescribed in the same paragraph (limited to those specified by Ministry of Finance Order), pursuant to the provisions of Ministry of Finance Order.

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 local government bonds specified by Cabinet Order prescribed in Article 5-2, paragraph (16), item (i) of the Act are the Book-Entry Local 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 following item): the Book-Entry Local Government Bonds for which the nonresident or foreign corporation made entries or records under the book-entry system (limited to those subject to the provisions of Article 5-2, paragraph (1) of the Act in terms of interest thereon);

二 非居住者又は外国法人で法第八条第一項に規定する金融機関又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 financial institutions prescribed in Article 8, paragraph (1) of the Act or the category of financial instruments business operator, etc. prescribed in paragraph (2) of the same Article: the Book-Entry Local Government Bonds for which the nonresident or foreign corporation made entries or records under the book-entry system.

3 4 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 Cabinet Order prescribed in Article 5-2, paragraph (16), item (iii) of the Act is a means of using an electronic data processing system or another means of using information and communications technology that is specified by Ministry of Finance Order.

3 5 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) apply mutatis mutandis where the Specified Book-Entry Institution, etc. has received the notice pursuant to Article 5-2, paragraph (16), item (iii) of the Act by means of a document.

3 6 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 Institution, etc. set forth in paragraph (31) as applied mutatis mutandis pursuant to the preceding paragraph must, where it has received the notice pursuant to the provisions of Article 5-2, paragraph (16), item (iii) of the Act by the means prescribed in paragraph (34), preserve the document or microfilm produced by outputting the particulars contained in the notice using input-output devices of an electronic data processing system

prescribed in the same paragraph (limited to those specified by Ministry of Finance Order), pursuant to the provisions of Ministry of Finance Order.

(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 法第六条第一項に規定する政令で定める債券は、次に掲げる債券とする。

Article 3-2 (1) The company bonds specified by Cabinet Order, prescribed in Article 6, paragraph (1) of the Act, are the company 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により国外において発行された債券の利子の全部又は一部が当該外国法人の同号に規定する事業を行う一定の場所を通じて国内において行う事業に帰せられる場合における当該債券

(i) where the interest in whole or in part from bonds issued outside Japan by a foreign corporation listed in Article 141, item (i) of the Corporation Tax Act is attributed to a business which is conducted by the foreign corporation in Japan through a fixed place of business prescribed in the same item, those company bonds;

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により国外において発行された債券の利子の全部又は一部がこれらの外国法人のこれらの号に規定する事業に帰せられる場合における当該債券

(ii) where the interest in whole or in part on company bonds issued outside Japan by a foreign corporation listed in Article 141, item (ii) or item (iii) of the Corporation Tax Act is attributed to a business that is conducted by the foreign corporation as prescribed in these items, those company bonds.

2 法第六条第一項に規定する政令で定める金額は、次に掲げる金額とする。

(2) The amount specified by Cabinet Order, prescribed in Article 6, paragraph (1) of the Act, is an amount 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により発行された一般民間国外債(法第六条第一項に規定する一般民間国外債をいう。以下この条において同じ。)につき支払を受けるべき利子の金額のうち当該外国法人の同号に規定する事業を行う一定の場所を通じて国内において行う事業に帰せられる部分に相当する金額

(i) the part of the amount equivalent to the interest to be received with regard to the general foreign-issued company bonds (meaning the general foreign-issued company bonds prescribed in Article 6, paragraph (1) of the Act; hereinafter the same applies in this Article) issued by a foreign corporation listed in Article 141, item (i) of the Corporation Tax Act, which is attributed to a business that is conducted by the foreign corporation in Japan through a fixed place of business as prescribed in the same 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により発行された一般民間国外債につき支払を受けるべき利子の金額のうちこれらの外国法人のこれらの号に規定する事業に帰せられる部分に相当する金額

- (ii) the part of the amount equivalent to the interest to be received with regard to the general foreign-issued company bonds issued by a foreign corporation listed in Article 141, item (ii) or item (iii) of the Corporation Tax Act, which is attributed to a business that is conducted by the foreign corporation as prescribed in these items.
- 3 法第六条第二項に規定する政令で定める金額は、次に掲げる金額とする。
- (3) The amount specified by Cabinet Order, prescribed in Article 6, paragraph (2) of the Act, is an amount 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発行した一般民間国外債につき居住者又は内国法人に対して支払をする利子の金額のうち当該外国法人の同号に規定する事業を行う一定の場所を通じて国内において行う事業に帰せられる部分の金額
- (i) the part of the amount equivalent to the interest to be paid to a resident or a domestic corporation with regard to the general foreign-issued company bonds issued by a foreign corporation listed in Article 141, item (i) of the Corporation Tax Act, which is attributed to a business that is conducted by the foreign corporation in Japan through a fixed place of business as prescribed in the same 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発行した一般民間国外債につき居住者又は内国法人に対して支払をする利子の金額のうちこれらの外国法人のこれらの号に規定する事業に帰せられる部分の金額
- (ii) the part of the amount equivalent to the interest to be paid to a resident or a foreign corporation with regard to the general foreign-issued company bonds issued by a foreign corporation listed in Article 141, item (ii) or item (iii) of the Corporation Tax Act, which is attributed to a business that is conducted by the foreign corporation as prescribed in these items.
- 4 法第六条第二項の規定により徴収して納付すべき外国法人が発行した一般民間国外債の利子に係る所得税の納税地は、当該外国法人の国内にある主たる事務所の所在地とする。
- (4) The place for paying income tax on the interest on general foreign-issued company bonds issued by a foreign corporation that is to be collected and paid pursuant to the provisions of Article 6, paragraph (2) of the Act is the location of the principal office of the foreign corporation in Japan.
- 5 法第六条第四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) The foreign corporation specified by Cabinet Order, prescribed in Article 6, paragraph (4) of the Act, is a foreign corporation 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 法第六条第四項の規定の適用を受けようとする利子に係る一般民間国外債を発行

した日を含む法第二条第二項第十九号に規定する事業年度（第七項第三号において「国外債発行事業年度」という。）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法人

(ii) a foreign corporation whose tax imposed on the income is not more than 25% of the total income for a business year as prescribed in Article 2, paragraph (2), item (xix) of the Act that includes the day on which it issued general foreign-issued company bonds pertaining to the interest for which it seeks the application of the provisions of Article 6, paragraph (4) of the Act (referred to as "business year of issuing foreign-issued company bonds" in paragraph (7), item (iii)).

6 第二十五条の十九第二項の規定は、一般民間国外債を発行する外国法人（次項から第九項までにおいて「国外債発行外国法人」という。）が前項第二号に掲げる外国法人に該当するかどうかの判定について準用する。この場合において、同条第二項第一号中「各事業年度」とあるのは「国外債発行事業年度（第三条の二第五項第二号に規定する国外債発行事業年度をいう。以下この項において同じ。）」と、同項第二号中「各事業年度」とあるのは「国外債発行事業年度」と読み替えるものとする。

(6) The provisions of Article 25-19, paragraph (2) apply mutatis mutandis to the determination as to whether or not a foreign corporation that issues general foreign-issued company bonds (referred to as a "foreign corporation issuing foreign-issued company bonds" in the following paragraph to paragraph (9)) falls under the category of the foreign corporation listed in item (ii) of the preceding paragraph. In this case, the term "each business year" in paragraph (2), item (i) of the same Article is deemed to be replaced with "the business year of issuing foreign-issued company bonds (meaning the business year of issuing foreign-issued company bonds prescribed in Article 3-2, paragraph (5), item (ii); hereinafter the same applies in this paragraph)", and the term "each business year" in item (ii) of the same paragraph is deemed to be replaced with "the business year of issuing foreign-issued company bonds".

7 国外債発行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) Where a foreign corporation issuing foreign-issued company bonds meets all of the following requirements, it is not included in the category of foreign corporations listed in the items of paragraph (5):

一 株式（出資を含む。第九項から第十一項までにおいて「株式等」という。）若しくは債券の保有、工業所有権その他の技術に関する権利、特別の技術による生産方式若しくはこれらに準ずるもの（これらの権利に関する使用権を含む。）若しくは著作権（出版権及び著作隣接権その他これに準ずるものを含む。）の提供又は船舶若しくは航空機の貸付けを主たる事業とするものでないこと。

(i) its principal business does not fall under any of the categories of the holding of shares (including capital contributions; referred to as "shares, etc." in paragraphs (9) to (11)) or bonds, the provisions 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 those 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（次号ロにおいて「本店所在地国」という。）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) it 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 (referred to as the "State of the Head Office" in (b) of the following item), and takes charge of managing, controlling, and operating the business on its own account;

三 国外債発行事業年度において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) it falls under any of the cases specified as follows for the respective categories of its principal businesses that it conducts in the business year of issuing foreign-issued company bonds:

イ 卸売業、銀行業、信託業、金融商品取引業、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, financial instruments business, insurance business, water transportation business, or air transportation business: The cases specified as follows for the categories of its principal businesses listed respectively as follows:

(1) 卸売業 当該国外債発行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。（1）において同じ。）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。（1）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当該国外債発行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。（1）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 (meaning inventory assets prescribed in Article 2, item (xx) of the Corporation Tax Act; the same applies in 1.) for the business year of issuing foreign-issued company bonds (where there

are any commissions to be received for agent or intermediary services for the buying or selling of inventory assets, the revenues include the amount from the transactions for which the commissions were generated; hereinafter referred to as the "Amount of Sales Transactions" in 1.), 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 the business year of issuing foreign-issued company bonds (where there are any commissions to be received for agent or intermediary services for the buying or selling of inventory assets, the acquisition costs include the amount from the transactions for which the commissions were generated; hereinafter referred to as the "Amount of Purchase Transactions" in 1.), 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 当該国外債発行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国外債発行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
2. banking business: where, out of the sum of the total interest received for the business year of issuing foreign-issued company bonds, the ratio of the sum of the 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 business year of issuing foreign-issued company bonds, the ratio of the sum of the interest to be paid to a person other than affiliated persons exceeds 50 percent;
- (3) 信託業 当該国外債発行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
3. trust business: where, out of the sum of the total trust charge for the business year of issuing foreign-issued company bonds, the ratio of the sum of the trust charge to be received from a person other than affiliated persons exceeds 50 percent;
- (4) 金融商品取引業 当該国外債発行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
4. financial instruments business: where, out of the sum of the total commissions received (including profits from the buying and selling of securities) for the business year of issuing foreign-issued company bonds, the ratio of the sum of the commissions to be received from a

person other than affiliated persons exceeds 50 percent;

- (5) 保険業 当該国外債発行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

5. insurance business: where, out of the sum of the total premium income for the business year of issuing foreign-issued company bonds, the ratio of the sum of the premium income to be received from a person other than affiliated persons (where the 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 当該国外債発行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 the business year of issuing foreign-issued company bonds, the ratio of the sum of the 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 as follows for the respective categories of its principal businesses listed as follows:

- (1) 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。（1）において同じ。）の売買又は貸付け（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つている場合

1. real estate business: where conducting a buying and selling or rental business of real estate (including acts to let others use the real estate) (real estate includes the rights thereon; hereinafter the same applies in 1.) mainly located in the State of the Head Office, providing agent or intermediary services for the buying and selling or rental business of the real estate, and managing the 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つている場合

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) above, and in 1. and 2.: where conducting a business mainly in the State of the Head Office.

8 国外債発行外国法人と当該国外債発行外国法人に係る関連者との間の取引が、当該国外債発行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、当該国外債発行外国法人と当該非関連者との間の取引は、当該国外債発行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 issuing foreign-issued company bonds and an affiliated person related to the foreign corporation issuing foreign-issued company bonds are conducted indirectly via a person other than an affiliated person related to the foreign corporation issuing foreign-issued company bonds (hereinafter referred to as a "Non-Affiliated Person" in this paragraph), transactions between the foreign corporation issuing foreign-issued company bonds and the Non-Affiliated Person are deemed to have been conducted directly between the foreign corporation issuing foreign-issued company bonds and the affiliated person, and the provisions of item (iii), (a) of the preceding paragraph apply, except in the case where there are reasonable grounds for having the Non-Affiliated Person intervene in the 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), item (iii), (a) and the preceding paragraph is a person listed as follows:

一 国外債発行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等を除く。以下この項から第十一項までにおいて「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等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 issuing foreign-issued company bonds 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 either of the corporations' own shares held by the corporation itself; hereinafter referred to as the "Issued Shares, etc." in this paragraph to paragraph (11)), the relevant other corporation (excluding a corporation falling under the category of persons listed in the following item);

二 国外債発行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等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 issuing foreign-issued company bonds and any other corporation are respectively held directly or indirectly by the same person (where the person is an individual, the individual and an individual who has a special relationship as prescribed in Article 4, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with the individual), the relevant other corporation.

10 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総数又は総額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、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等の数又は金額が当該他方の法人の発行済株式等の総数又は総額のうちを占める割合をいう。）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。

(10) In the case referred to in item (i) of the preceding paragraph, whether or not one of the two corporations directly or indirectly holds over 50 percent of the total number or the total amount of the other corporation's Issued Shares, etc. is to be determined according to the ratio obtained by adding the ownership ratio for the shares, etc. pertaining to the relevant other corporation held directly by the relevant one of the two corporations (meaning the ratio of the number or the amount of the relevant other corporation's shares or capital contributions held by the relevant one of the two corporations out of the total Issued Shares, etc. of the relevant other corporation) and the ownership ratio for the shares, etc. pertaining to the relevant other corporation held indirectly by the relevant one of the two corporations.

11 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。

(11) The ownership ratio for the shares, etc. held indirectly that is prescribed in the preceding paragraph is a ratio specified in the following items for the category of cases listed in the respective items (where falling under both of the following cases, the sum of the ratios specified as follows):

一 前項の他方の法人の株主等（所得税法第二条第八号の二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総数又は総額の百分の五十を超える数又は金額の株式等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等の数又は金額が当該他方の法人の発行済株式等の総数又は総額のうちを占める割合（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 over 50 percent of the total number or the total amount of the issued shares, etc. of a corporation which is a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2, item (viii)-2 of the Income Tax Act;

the same applies in the following item) of the other corporation set forth in the preceding paragraph are held by the relevant one of the two corporations set forth in the preceding paragraph: The ratio of the number or the amount of shares, etc. of the relevant other corporation held by the corporation which is a shareholder, etc. out of the total issued shares, etc. of the relevant other corporation (where there are two or more of those 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総数又は総額の百分の五十を超える数又は金額の株式等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総数又は総額の百分の五十を超える数又は金額の株式等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等の数又は金額が当該他方の法人の発行済株式等の総数又は総額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 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 same item) and the relevant one of the two corporations set forth in the preceding paragraph, and have a linkage with them through holding the issued shares, etc. (hereinafter the intervening corporation is referred to as a "Capital Contribution-Related Corporation" in this item) (limited to the case where over 50 percent of the total number or the total amount of the issued shares, etc. of each of a Capital Contribution-Related Corporation and the corporation which is a shareholder, etc. are held by the relevant one of the two corporations or a Capital Contribution-Related Corporation (the relevant one of the two corporations or Capital Contribution-Related Corporations are limited to those over 50 percent of the total number or the total amount of whose issued shares, etc. are held by the relevant one of the two corporations or other Capital Contribution-Related Corporations)): The ratio of the number or the amount of shares, etc. of the relevant other corporation held by the corporation which is a shareholder, etc. out of the total issued shares, etc. of the relevant other corporation (where there are two or more of those corporations which are shareholders, etc., the sum of the ratios calculated for each of them).

1 2 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（第三十三項において「民間国外債」という。）の利子の受領の媒介、取次ぎ又は代理（第二十一項及び第三十五項において「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。

(12) The person in charge of handling payment as specified by Cabinet Order prescribed in Article 6, paragraph (4) of the Act is the person prescribed in Article 2-2, paragraph (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 (21) and paragraph (35)) for the receipt of interest on foreign-issued company bonds prescribed in Article 6, paragraph (1) of the Act (referred to as "foreign-issued company bonds" in paragraph (33)) as the person's own operations or in relation to the operations.

1 3 法第六条第四項の規定による非課税適用申告書（次項から第十七項までにおいて「非課税適用申告書」という。）の提出は、一般民間国外債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）を経由して同項に規定する税務署長に対してしなければならない。

(13) A written application for tax exemption pursuant to the provisions of Article 6, paragraph (4) of the Act (referred to as a "written application for tax exemption" in the following paragraph to paragraph (17)) must be submitted, on each occasion of receiving payment of interest on general foreign-issued company bonds, to the district director of the tax office prescribed in Article 6, paragraph (4) of the Act, via the person who pays the interest (in the case where the interest is paid via a person in charge of handling payment as prescribed in paragraph (4) of the same Article (hereinafter referred to as a "Person in Charge of Handling Payment" in this Article), submission must be made via the Person in Charge of Handling Payment and the person who pays the interest).

1 4 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、次項及び第十九項において「住所等」という。）の記載がされているものに限る。同項において同じ。）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。

(14) A person who submits a written application for tax exemption must, upon submitting it, present a document that certifies that the person falls under the category of nonresidents or foreign corporations (limited to the 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 following paragraph and paragraph (19)), each of which is located outside Japan; the same applies in the same paragraph), to a person who pays interest based on the written application for tax exemption (in the case where the interest is paid via a Person in Charge of Handling Payment, the document must be presented to the Person in Charge of Handling Payment; hereinafter the same applies in this paragraph and the following paragraph), and the person who pays interest must confirm, by the document presented thereto, the name and Domicile, etc. located outside Japan as entered in the written application for tax exemption.

1 5 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。

(15) A person who pays interest on general foreign-issued company bonds must, when they have 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 general foreign-issued company bonds which has been submitted thereto, enter in the written application for tax exemption to that effect that the confirmation has been provided as well as the name and Domicile, etc. of the person who pays interest.

1 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、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。

(16) A person who pays interest on general foreign-issued company bonds must, when they have received a written application for tax exemption pertaining to the interest on the general foreign-issued company bonds, submit the written application for tax exemption to the district director of the tax office prescribed in Article 6, paragraph (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.

1 7 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。

(17) A person who pays interest on general foreign-issued company bonds must, when they have received a written application for tax exemption pertaining to the interest on the general foreign-issued company bonds, prepare and preserve a copy of the written application for tax exemption (including its equivalent), pursuant to the provisions of Ministry of Finance Order.

1 8 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。

(18) The interest specified by Cabinet Order prescribed in Article 6, paragraph (4) and paragraph (10) of the Act is 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, paragraph (1), item (i) of the Income Tax Act, which is attributed to a business that is conducted by the nonresident in Japan through a fixed place of business as prescribed in Article 164, paragraph (1), item (i) of the same 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これらの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 nonresidents listed in Article 164, paragraph (1), item (ii) or item (iii) of the Income Tax Act, which is attributed to a business prescribed in these provisions that is conducted by these nonresidents.

19 法第六条第七項に規定する特定民間国外債（以下第二十九項までにおいて「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。

(19) A nonresident or foreign corporation who seeks the application of Article 6, paragraph (7) of the Act with respect to interest on specified foreign-issued company bonds prescribed in paragraph (7) of the same Article (hereinafter referred to as "Specified Foreign-Issued Company Bonds" through to paragraph (29)) must, upon entrusting a Person in Charge of Handling Payment with custody of the Specified Foreign-Issued Company Bonds, pursuant to the provisions of Ministry of Finance Order, notify the Person in Charge of Handling Payment of their or its name and Domicile, etc. located outside Japan, and obtain a confirmation with regard to the particulars contained in the notification, by presenting a document that certifies that they or it falls under the category of nonresidents or foreign corporations or by any other method equivalent thereto.

20 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。

(20) Where a nonresident or foreign corporation who seeks the application of

Article 6, paragraph (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 Specified Foreign-Issued Company Bonds, if they or it has already obtained a confirmation pursuant to the provisions of the preceding paragraph when entrusting the 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 Ministry of Finance Order as equivalent thereto, notwithstanding the provisions of the same paragraph, the nonresident or foreign corporation is not required to give a notification pursuant to the provisions of the same paragraph when entrusting custody of the Specified Foreign-Issued Company Bonds.

2 1 法第六条第七項に規定する保管支払取扱者（以下第二十六項までにおいて「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（以下第二十七項までにおいて「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經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（以下第二十三項までにおいて「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。

(21) The person in charge of handling custody and payment prescribed in Article 6, paragraph (7) of the Act (hereinafter referred to as the "Person in Charge of Handling Custody and Payment" through to paragraph (26)) must, 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 the 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 same Article (hereinafter referred to as a "Notice" through to paragraph (23)) to provide interest recipient information prescribed in paragraph (7) of the same Article (hereinafter referred to as "Interest Recipient Information" through to paragraph (27)) 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 Person in Charge of Handling Custody and Payment has further entrusted custody, a Notice must be given to the person who pays the interest via the relevant 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

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 Specified Foreign-Issued Company Bonds were issued, the Notice of Interest Recipient Information pertaining to the interest to be delivered thereto must be given on or after that day on which the 40-day period has expired.

2 2 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。

(22) 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 person gave a Notice to the person who pays interest on the Specified Foreign-Issued Company Bonds (limited to the information provided in the Notice stating to the effect that it falls under cases set forth in Article 6, paragraph (7), item (i) of the Act; hereinafter the same applies 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, paragraph (3) or paragraph (6) of the Act; hereinafter the same applies in this paragraph) to be delivered thereto fall under the category of nonresidents or foreign corporations, the 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.

2 3 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。

(23) The provisions of the preceding paragraph apply only where the Person in Charge of Handling Custody and Payment set forth in the same paragraph has obtained approval in advance, pursuant to the provisions of Ministry of Finance Order, from the person who pays interest set forth in the same paragraph with regard to the omission of a notice prescribed in the same

paragraph. In this case, if the 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 is deemed to have been given, as of that day, by the Person in Charge of Handling Custody and Payment to the person who pays interest, stating to the effect that the case falls under cases set forth in Article 6, paragraph (7), item (i) of the Act.

24 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。

(24) 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 issue 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 will be given pursuant to the provisions of Article 6, paragraph (7) of the Act with regard to the Interest Recipient Information pertaining to the interest on the relevant other Specified Foreign-Issued Company Bonds, the person may, pursuant to the provisions of Ministry of Finance Order, give a notice to provide the Interest Recipient Information pertaining to the interest on 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 Person in Charge of Handling Custody and Payment has further entrusted custody, to the person who pays the interest via the relevant other Person in Charge of Handling Payment). In this case, the notice is deemed to be a notice of Interest Recipient Information given pursuant to the provisions of paragraph (7) of the same Article.

25 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。

(25) When a person who is entrusted by subcontract with custody of Specified Foreign-Issued Company Bonds (excluding the 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 issue as that of the 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 following paragraph) has received a notice as the relay point via which the notice will be given pursuant to the provisions of Article 6, paragraph (7) of the Act with regard to two or more pieces of Interest Recipient Information pertaining to the interest on the Specified Foreign-Issued Company Bonds, the person may, pursuant to the provisions of Ministry of Finance Order, 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 Person in Charge of Handling Custody and Payment has further entrusted custody, to the person who pays the interest via the relevant other Person in Charge of Handling Payment). In this case, the notice is deemed to be a notice of Interest Recipient Information given pursuant to the provisions of paragraph (7) of the same Article.

26 第二十二項及び第二十三項の規定は、次に掲げる場合について準用する。

(26) The provisions of paragraph (22) and paragraph (23) 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 will be given pursuant to the provisions of Article 6, paragraph (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 same 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 Specified Foreign-Issued Company Bonds.

27 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、第二十一項、第二十四項又は第二十五項の規定により通知を受けた利子受領者情報（第二十三項（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。

(27) A person who pays interest on Specified Foreign-Issued Company Bonds must, when paying the interest, prepare an interest recipient confirmation document prescribed in Article 6, paragraph (7) of the Act (hereinafter referred to as an "Interest Recipient Confirmation Document" in the following paragraph) based on the interest recipient information provided in the notice given thereto pursuant to the provisions of paragraph (21), paragraph (24) or paragraph (25) (including the interest recipient information of which a notice is deemed to have been given pursuant to the provisions of paragraph (23) (including the cases where it is applied mutatis mutandis pursuant to the preceding paragraph)).

28 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。

(28) A person who pays interest on Specified Foreign-Issued Company Bonds must submit an Interest Recipient Confirmation Document prepared pursuant to the provisions of the preceding paragraph to the district director the tax office prescribed in Article 6, paragraph (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 Interest Recipient Confirmation Document has been paid.

29 特定民間国外債の利子の支払をする者は、第二十七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。

(29) A person who pays interest on Specified Foreign-Issued Company Bonds must enter in the books the interest recipient information provided in the notice given thereto pursuant to the provisions of paragraph (27), and preserve those books pursuant to the provisions of Ministry of Finance Order.

30 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。

(30) The financial institution or financial instruments business operator specified by Cabinet Order prescribed in Article 6, paragraph (8) of the Act is any of the following:

一 銀行、信用金庫、信用金庫連合会、株式会社商工組合中央金庫、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 Limited, 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, paragraph (9) of the Financial Instruments and Exchange Act (limited to one engaged in a Type I financial instruments business prescribed in Article 28, paragraph (1) of the same Act).

31 第十三項から第十七項まで及び第十九項から第二十九項までの規定は、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、第十四項中「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、次項及び第十九項において「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、第十五項及び第十九項中「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、第二十二項中「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。

(31) The provisions of paragraphs (13) to (17), and paragraphs (19) to (29) apply mutatis mutandis where a domestic financial institution, etc. prescribed in Article 6, paragraph (8) of the Act is subject to the provisions of the main clause of paragraph (4) of the same Article as well as paragraph (6) and paragraph (7) of the same Article, all of which apply mutatis mutandis pursuant Article 6, paragraph (8) of the Act. In this case, in paragraph (14), 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 following paragraph and paragraph (19)), each of which is located outside Japan" and the term "name and Domicile, etc. located outside Japan" is deemed to be replaced with "name and the location of the person's head office or principal office"; in paragraph (15) and paragraph (19), the term "name and Domicile, etc. located outside Japan" is deemed to be replaced with "name and the location of the person's head office or principal office"; and in paragraph (22), the term "nonresident or foreign corporation" is deemed to be

replaced with "nonresident or foreign corporation, or domestic financial institution, etc. prescribed in Article 6, paragraph (8) of the Act".

3 2 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。

(32) The state designated by Cabinet Order prescribed in Article 6, paragraph (11) of the Act is Switzerland.

3 3 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。

(33) The requirements specified by Cabinet Order prescribed in Article 6, paragraph (11) of the Act are 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, paragraph (11) where the foreign-issued company bonds were issued, using the currency of the 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, paragraph (9), item (i) of the Act) concluded by the person who issues the foreign-issued company bonds, it is provided that the person who performs the underwriting, etc. prescribed in paragraph (9), item (i) of the same Article (referred to as the "underwriting, etc." in the following item) of the foreign-issued company bonds may not have a resident or a domestic corporation acquire or buy the 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 following item) under the 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経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（当該発行をした者が外国法人である場合には、当該外国法人の国内にある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 Ministry of Finance Order, 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 particulars specified by Ministry of Finance Order, to the competent district director having jurisdiction over the location of the head office or principal office of the person who issued the foreign-issued company bonds (where the person who issued the foreign-issued company bonds is a foreign corporation, the location of the foreign corporation's principal office in Japan), via the person who issued the bonds.

34 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。

(34) With respect to the application of the provisions of Article 267, paragraph (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, paragraph (1) of the Act) on general foreign-issued company bonds, submits a final return form prescribed in Article 267, paragraph (2) of the same Act, the term "written statement" in paragraph (2) of the same Article is deemed to be replaced with "written statement or any other document specified by Ministry of Finance Order".

35 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。

(35) 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 Person in Charge of Handling Payment in the course of intermediary services, etc. for the receipt of the interest, which is subject to the provisions of Article 3-3, paragraph (3) or paragraph (6) of the Act.

36 第十二項から前項までの規定は、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。

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

(特別国際金融取引勘定において経理された預金等の利子の非課税)

(Exclusion from Taxation of Interest on Deposits Settled in the Special International Financial Transactions Account)

第三条の二の二 法第七条に規定する債券の買戻又は売戻条件付売買取引として政令で定めるものは、所得税法施行令第二百八十三条第四項に規定する債券現先取引（次項において「債券現先取引」という。）とする。

Article 3-2-2 (1) The bond transaction with a repurchase or resale agreement specified by Cabinet Order as prescribed in Article 7 of the Act is a bond transaction with a repurchase/resale agreement (referred to as a "bond transaction with a repurchase/resale agreement" in the following paragraph) prescribed in Article 283, paragraph (4) of the Order for Enforcement of the Income Tax Act.

2 法第七条に規定する差益として政令で定めるものは、同条に規定する金融機関が同条に規定する外国法人との間で行う債券現先取引で同条に規定する特別国際金融取引勘定において経理したものにおいて、当該外国法人が債券を購入する際の当該購入に係る対価の額を当該債券と同種及び同量の債券を売り戻す際の当該売戻しに係る対価の額が上回る場合における当該売戻しに係る対価の額から当該購入に係る対価の額を控除した金額に相当する差益とする。

(2) The margin specified by Cabinet Order as prescribed in Article 7 of the Act is a margin equivalent to the amount calculated, in the case where in a bond transaction with a repurchase/resale agreement that a financial institution prescribed in the same Article conducts with a foreign corporation prescribed in the same Article and that has been settled in the special international financial transaction account, the value for purchasing bonds upon the purchase is less than the value for reselling bonds of the same type and the same quantity upon resale, by deducting the value for the purchase from the value for the resale.

(外国特定目的信託の利益の分配又は外国特定投資信託の収益の分配に係る課税の特例)

(Special Provisions for Taxation on Distribution of Profit from Foreign Special Purpose Trust or Distribution of Proceeds from Foreign Special Investment Trust)

第四条の九 外国法人に対し国内において法第九条の五の二第七項第一号に規定する外国特定目的信託の利益の分配又は同項第二号に規定する外国特定投資信託の収益の分配の支払をする場合には、所得税法第二百二十五条第一項の規定の適用については、当該外国特定目的信託の利益の分配又は外国特定投資信託の収益の分配を同法第六十一条第五号イに規定する内国法人から受ける剰余金の配当とみなす。

Article 4-9 (1) Where a distribution of profit from a foreign special purpose trust prescribed in Article 9-5-2, paragraph (7), item (i) of the Act or a distribution of proceeds from a foreign special investment trust prescribed in item (ii) of the same paragraph is paid to a foreign corporation in Japan, with regard to the

application of the provisions of Article 225, paragraph (1) of the Income Tax Act, the distribution of profit from a foreign special purpose trust or distribution of proceeds from a foreign special investment trust is deemed to be a dividend of surplus to be received from a domestic corporation prescribed in Article 161, item (v), (a) of the same Act.

2 非居住者又は外国法人に対し国内において法第九条の五の二第七項第一号に規定する外国特定目的信託の利益の分配又は同項第二号に規定する外国特定投資信託の収益の分配の支払をする者に対する所得税法第二百二十五条第一項の規定の適用については、同項第八号中「支払をする者」とあるのは、「支払をする者（非居住者又は外国法人に対し国内において租税特別措置法第九条の五の二第七項第一号（外国特定目的信託の利益の分配又は外国特定投資信託の収益の分配に係る課税の特例）に規定する外国特定目的信託の利益の分配又は同項第二号に規定する外国特定投資信託の収益の分配の支払をする者を含む。）」とする。

(2) With regard to the application of the provisions of Article 225, paragraph (1) of the Income Tax Act to a person who pays a distribution of profit from a special purpose trust prescribed in Article 9-5-2, paragraph (7), item (i) of the Act or a distribution of proceeds from a foreign special investment trust prescribed in item (ii) of the same paragraph to a nonresident or a foreign corporation in Japan, the phrase "a person who makes payment" in item (viii) in the same paragraph is deemed to be replaced with "a person who makes payment (including a person who pays a distribution of profit from a foreign special purpose trust prescribed in Article 9-5-2, paragraph (7), item (i) (Special Provisions for Taxation on Distribution of Profit from Foreign Special Purpose Trust or Distribution of Proceeds from Foreign Special Investment Trust) of the Act on Special Measures Concerning Taxation or a distribution of proceeds from a foreign special investment trust prescribed in item (ii) of the same paragraph to a nonresident or a foreign corporation in Japan)".

第八節の二 有価証券の譲渡による所得の課税の特例等

Section 8-2 Special Provisions for Taxation on Income from Transfer of Securities

(恒久的施設を有しない非居住者の株式等の譲渡に係る国内源泉所得に対する課税の特例)

(Special Provisions for Taxation on Domestic Source Income from Transfer of Shares of a Nonresident Having No Permanent Establishments)

第二十五条の十一 法第三十七条の十二第一項に規定する株式等の譲渡に係る国内源泉所得の金額として政令で定めるところにより計算した金額は、同項に規定する株式等の譲渡に係る国内源泉所得（以下この条において「株式等の譲渡に係る国内源泉所得」という。）について所得税法第二編第二章第二節の規定に準じて計算した場合に事業所得の金額、譲渡所得の金額及び雑所得の金額とされる金額の合計額とする。こ

の場合において、その年中のこれらの金額の計算上生じた損失の金額があるときは、当該損失の金額は、次の各号に掲げる損失の区分に応じ当該各号に定める所得の金額から控除するものとする。

Article 25-11 (1) The amount that is calculated pursuant to the method specified by Cabinet Order as the amount of domestic source income from transfer of shares, etc. prescribed in Article 37-12, paragraph (1) of the Act is the sum of the amounts that are treated as the amount of business income, the amount of capital gains, and the amount of miscellaneous income in the case where domestic source income from the transfer of shares, etc. prescribed in the same paragraph (hereinafter referred to as "Domestic Source Income from the Transfer of Shares, etc." in this Article) is calculated in accordance with the provisions of Part II, Chapter II, Section 2 of the Income Tax Act. In this case, if there is any amount of loss generated when calculating these amounts in the relevant year, the amount of loss is to be deducted from the amount of income prescribed in the following items for the category of loss listed in those items:

一 株式等の譲渡に係る国内源泉所得について所得税法第二編第二章第二節の規定に準じて計算した場合に事業所得の金額とされる金額の計算上生じた損失の金額 株式等の譲渡に係る国内源泉所得について同節の規定に準じて計算した場合に譲渡所得の金額及び雑所得の金額とされる金額

(i) the amount of loss generated when calculating the amount that is treated as the amount of business income in the case where Domestic Source Income from the Transfer of Shares, etc. is calculated in accordance with the provisions of Part II, Chapter II, Section 2 of the Income Tax Act: The amounts that are treated as the amount of capital gain and the amount of miscellaneous income in the case of calculating Domestic Source Income from the Transfer of Shares, etc. in accordance with the provisions of the same Section;

二 株式等の譲渡に係る国内源泉所得について所得税法第二編第二章第二節の規定に準じて計算した場合に譲渡所得の金額とされる金額の計算上生じた損失の金額 株式等の譲渡に係る国内源泉所得について同節の規定に準じて計算した場合に事業所得の金額及び雑所得の金額とされる金額

(ii) the amount of loss generated when calculating the amount that is treated as the amount of capital gains in the case where Domestic Source Income from the Transfer of Shares, etc. is calculated in accordance with the provisions of Part II, Chapter II, Section 2 of the Income Tax Act: The amounts that are treated as the amount of business income and the amount of miscellaneous income in the case where Domestic Source Income from the Transfer of Shares, etc. is calculated in accordance with the provisions of the same Section;

三 株式等の譲渡に係る国内源泉所得について所得税法第二編第二章第二節の規定に準じて計算した場合に雑所得の金額とされる金額の計算上生じた損失の金額 株式

等の譲渡に係る国内源泉所得について同節の規定に準じて計算した場合に事業所得の金額及び譲渡所得の金額とされる金額

(iii) the amount of loss generated when calculating the amount that is treated as the amount of miscellaneous income in the case where Domestic Source Income from the Transfer of Shares, etc. is calculated in accordance with the provisions of Part II, Chapter II, Section 2 of the Income Tax Act: The amounts that are treated as the amount of business income and the amount of capital gains in the case where Domestic Source Income from the Transfer of Shares, etc. is calculated in accordance with the provisions of the same Section.

2 第二十五条の八第六項の規定は、法第三十七条の十二第四項において準用する法第三十七条の十第三項の規定の適用がある場合について準用する。

(2) The provisions of Article 25-8, paragraph (6) apply mutatis mutandis where the provisions of Article 37-10, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 37-12, paragraph (4) of the Act apply.

3 第二十五条の八第七項の規定は、第一項に規定する事業所得の金額の計算について準用する。

(3) The provisions of Article 25-8, paragraph (7) apply mutatis mutandis pursuant to the calculation of the amount of business income prescribed in paragraph (1).

4 その年において株式等の譲渡に係る国内源泉所得を有する法第三十七条の十二第一項に規定する国内に恒久的施設を有しない非居住者が確定申告書を提出する場合は、財務省令で定めるところにより、株式等の譲渡に係る国内源泉所得の金額の計算に関する明細書を当該申告書に添付しなければならない。この場合において、所得税法第百二十条第四項の規定の適用については、同項中「事業所得」とあるのは、「事業所得（租税特別措置法第三十七条の十二第一項（恒久的施設を有しない非居住者の株式等の譲渡に係る国内源泉所得に対する課税の特例）に規定する株式等の譲渡に係る国内源泉所得を除く。）」とする。

(4) Where a nonresident having no permanent establishments in Japan as prescribed in Article 37-12, paragraph (1) of the Act who has Domestic Source Income from the Transfer of Shares, etc. in the relevant year files a final return form, they must, pursuant to the provisions of Ministry of Finance Order, attach a detailed statement concerning the calculation of the amount of Domestic Source Income from the Transfer of Shares, etc. to the final return form. In this case, with regard to the application of the provisions of Article 120, paragraph (4) of the Income Tax Act, the phrase "business income" in the same paragraph is deemed to be replaced with "business income (excluding Domestic Source Income from the Transfer of Shares, etc. prescribed in Article 37-12, paragraph (1) (Special Provisions for Taxation on Domestic Source Income from Transfer of Shares, etc. of a Nonresident Having No Permanent Establishments) of the Act on Special Measures Concerning Taxation)".

5 第二十五条の八第十二項から第十五項までの規定は、法第三十七条の十二第一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、第二十五条の八第十二項から第十五項までの規定中「第三十七条の十第一項」とあるのは「第三十七条の十二第一項」と、「(株式等に係る譲渡所得等の課税の特例)」とあるのは「(恒久的施設を有しない非居住者の株式等の譲渡に係る国内源泉所得に対する課税の特例)」と、「株式等に係る課税譲渡所得等の金額(以下「株式等に係る課税譲渡所得等の金額」という。))及び課税山林所得金額の見積額につき第三章(税額の計算)及び同項」とあるのは「株式等の譲渡に係る国内源泉所得の金額(同条第四項において準用する同法第三十七条の十第六項第五号(株式等に係る譲渡所得等の課税の特例)の規定により適用される第七十二条(雑損控除)、第七十八条(寄附金控除)、第八十六条(基礎控除)及び第八十七条(所得控除の順序)の規定の適用がある場合には、その適用後の金額。以下「株式等の譲渡に係る課税国内源泉所得の金額」という。))及び課税山林所得金額の見積額につき第三章(税額の計算)及び同法第三十七条の十二第一項」と、「株式等に係る譲渡所得等の金額(以下「株式等に係る譲渡所得等の金額」という。))」とあるのは「株式等の譲渡に係る国内源泉所得の金額(以下「株式等の譲渡に係る国内源泉所得の金額」という。))」と、「株式等に係る譲渡所得等の金額」とあるのは「株式等の譲渡に係る国内源泉所得の金額」と、「株式等に係る課税譲渡所得等の金額」とあるのは「株式等の譲渡に係る課税国内源泉所得の金額」と、「株式等に係る課税譲渡所得等の金額(以下「株式等に係る課税譲渡所得等の金額」という。))」とあるのは「株式等の譲渡に係る国内源泉所得の金額(同条第四項において準用する同法第三十七条の十第六項第五号(株式等に係る譲渡所得等の課税の特例)の規定により適用される法第七十二条(雑損控除)、第七十八条(寄附金控除)、第八十六条(基礎控除)及び第八十七条(所得控除の順序)の規定の適用がある場合には、その適用後の金額。以下「株式等の譲渡に係る課税国内源泉所得の金額」という。))」と読み替えるものとする。

(5) The provisions of Article 25-8, paragraphs (12) through (15) apply mutatis mutandis in the case where the provisions of Article 37-12, paragraph (1) of the Act apply. In this case, in the provisions of Article 25-8, paragraphs (12) through (15), the phrase "Article 37-10, paragraph (1)" is deemed to be replaced with "Article 37-12, paragraph (1)"; the phrase "(Special Provisions for Taxation on Capital Gains, etc. from Shares, etc.)" is deemed to be replaced with "(Special Provisions for Taxation on Domestic Source Income from Transfer of Shares, etc. of a Nonresident Having No Permanent Establishments)"; the phrase "with regard to the amount of taxable capital gains, etc. from shares, etc. (hereinafter referred to as the "Amount of Taxable Capital Gains, etc. from Shares, etc.") and the estimated amount of taxable timber income, the provisions of Chapter III (Calculation of Tax Amount) and the same paragraph" is deemed to be replaced with "with regard to the amount of domestic source income from shares, etc. (in the case of applying the provisions of Article 72 (Deduction of Casualty Loss), Article 78 (Deduction of Donation), Article 86 (Basic Exemption), and Article 87 (Order of Exemption

and Deduction from Income) that are applied pursuant to the provisions of Article 37-10, paragraph (6), item (v) (Special Provisions for Taxation on Capital Gains from Shares) of the same Act as applied mutatis mutandis pursuant to paragraph (4) of the same Article, the amount after the application; hereinafter referred to as the "Amount of Taxable Domestic Source Income from the Transfer of Shares, etc.") and the estimated amount of taxable timber income, the provisions of Chapter III (Calculation of Tax Amount) and Article 37-12, paragraph (1) of the same Act"; the phrase "the amount of capital gains, etc. from shares, etc. (hereinafter referred to as the "Amount of Capital Gains, etc. from Shares, etc.")" is deemed to be replaced with "the amount of domestic source income from the transfer of shares, etc. (hereinafter referred to as the "Amount of Domestic Source Income from the Transfer of Shares, etc.")"; the phrase "the Amount of Capital Gains, etc. from Shares, etc." is deemed to be replaced with "the Amount of Domestic Source Income from the Transfer of Shares, etc."; the phrase "the Amount of Taxable Capital Gains, etc. from Shares, etc." is deemed to be replaced with "the Amount of Taxable Domestic Source Income from the Transfer of Shares, etc."; and the phrase "the amount of taxable capital gains, etc. from shares, etc. (hereinafter referred to as "the Amount of Taxable Capital Gains, etc. from Shares, etc.")" is deemed to be replaced with "the Amount of Domestic Source Income from the Transfer of Shares, etc. (in the case of applying the provisions of Article 72 (Deduction of Casualty Loss), Article 78 (Deduction of Donation), Article 86 (Basic Exemption), and Article 87 (Order of Exemption and Deduction from Income) that are applied pursuant to the provisions of Article 37-10, paragraph (6), item (v) (Special Provisions for Taxation on Capital Gains from Shares) of the same Act as applied mutatis mutandis pursuant to paragraph (4) of the same Article, the amount after the application; hereinafter referred to as the "Amount of Taxable Domestic Source Income from the Transfer of Shares, etc.")".

(合併等により外国親法人株式の交付を受ける場合の課税の特例)

(Special Provisions for Taxation in Cases of Receiving Delivery of Foreign Parent Corporation's Shares as a Result of Merger)

第二十五条の十四 法第三十七条の十四の二第一項に規定する国内において行う事業に係る資産として管理する株式として政令で定めるものは、国内に恒久的施設を有する非居住者が国内において行う事業に係る資産として管理し、かつ、国内の恒久的施設（所得税法第百六十四条第一項第一号に規定する事業を行う一定の場所、同項第二号に規定する建設作業等で一年を超えて行われるもの又は同項第三号に規定する代理人等をいう。次項及び第三項において同じ。）において管理する株式（出資を含む。以下この条において同じ。）とする。

Article 25-14 (1) The shares specified by Cabinet Order as shares to be managed

as assets pertaining to business conducted in Japan as prescribed in Article 37-14-2, paragraph (1) of the Act are shares (including capital contributions; hereinafter the same applies in this Article) which are managed as assets pertaining to the business conducted in Japan by a nonresident having permanent establishments in Japan and which are managed at permanent establishments in Japan (meaning the fixed place for conducting a business prescribed in Article 164, paragraph (1), item (i) of the Income Tax Act, the construction work, etc. prescribed in item (ii) of the same paragraph that is carried out for more than one year, or the agent, etc. prescribed in item (iii) of the same paragraph; the same applies in the following paragraph and paragraph (3)).

2 法第三十七条の十四の二第四項に規定する政令で定める行為は、次に掲げるいずれかの行為とする。

(2) The act specified by Cabinet Order as prescribed in Article 37-14-2, paragraph (4) of the Act is any of the following acts:

一 国内において行う事業に係る資産として管理しなくなる行為

(i) an act of discontinuing the management of the shares as assets pertaining to the business conducted in Japan;

二 その者の国外にある住所、居所又は事務所、事業所その他これらに準ずるものに移管する行為

(ii) an act of transferring the shares to the person's domicile, residence or office, place of business, or any other place equivalent thereto located outside Japan;

三 その他国内の恒久的施設において管理しなくなる行為

(iii) any other act of discontinuing the management of the shares at permanent establishments in Japan.

3 国内に恒久的施設を有する非居住者が法第三十七条の十四の二第四項に規定する国内事業管理親法人株式（以下第五項まで、第九項及び第十項において「国内事業管理親法人株式」という。）の全部又は一部をその交付を受けた時に国内において行う事業に係る資産として管理しない場合又は国内の恒久的施設において管理しない場合には、当該国内事業管理親法人株式のうちその管理しない部分については、その交付の時に国内において行う事業に係る資産として管理し、かつ、国内の恒久的施設において管理した後、直ちに前項各号に掲げる行為を行つたものとみなして、同条第四項の規定を適用する。

(3) Where a nonresident having permanent establishments in Japan does not manage all or part of the parent corporation's shares managed in a domestic business prescribed in Article 37-14-2, paragraph (4) of the Act (hereinafter referred to as the "Parent Corporation's Shares Managed in a Domestic Business" through to paragraph (5), and paragraph (9) and paragraph (10)) as assets pertaining to the business conducted in Japan at the time of receiving the delivery thereof or where they do not manage the shares at permanent

establishments in Japan, with regard to the part of the Parent Corporation's Shares Managed in a Domestic Business that is not managed, the provisions of paragraph (4) of the same Article apply by deeming that the nonresident has performed any of the acts listed in the items of the preceding paragraph immediately after they have managed the part as assets pertaining to the business conducted in Japan at the time of the delivery thereof and managed the same at permanent establishments in Japan.

4 国内事業管理親法人株式につき第二項各号に掲げる行為が行われた場合には、当該行為は、所得税法施行令第二百七十九条第三項第二号に掲げる行為に含まれないものとする。

(4) Where any of the acts listed in the items of paragraph (2) is performed with regard to the Parent Corporation's Shares Managed in a Domestic Business, the act is not to be included in the scope of acts listed in Article 279, paragraph (3), item (ii) of the Order for Enforcement of the Income Tax Act.

5 国内に恒久的施設を有する非居住者の有する同一銘柄の株式のうち国内事業管理親法人株式と国内事業管理親法人株式以外の株式とがある場合において、これらの株式につき第二項各号に掲げる行為が行われたときは、当該行為に係る同一銘柄の株式のうち、まず、当該国内事業管理親法人株式につき当該行為が行われたものとして、法第三十七条の十四の二第四項の規定を適用する。

(5) Where the shares of the same issue held by a nonresident having permanent establishments in Japan contain the Parent Corporation's Shares Managed in a Domestic Business and shares other than those Parent Corporation's Shares Managed in a Domestic Business, when any of the acts listed in the items of paragraph (2) is performed with respect to these shares, the provisions of Article 37-14-2, paragraph (4) of the Act apply by deeming that the act has been performed first with respect to the Parent Corporation's Shares Managed in a Domestic Business among those shares of the same issue involved in the act.

6 法第三十七条の十四の二第五項第二号に規定する政令で定める関係は、合併の直前に当該合併に係る同号に規定する合併法人との間に当該合併法人の発行済株式又は出資（自己が有する自己の株式を除く。次項及び第八項において「発行済株式等」という。）の全部を保有する関係がある場合の当該関係とする。

(6) The relationship specified by Cabinet Order as prescribed in Article 37-14-2, paragraph (5), item (ii) of the Act is the relationship with the merging corporation prescribed in the same item involved in a merger whereby the foreign corporation holds the whole of the issued shares of or capital contributions to the merging corporation (excluding the shares of the merging corporation held by itself; referred to as the "issued shares, etc." in the following paragraph and paragraph (8)), if the relationship exists immediately before the merger.

7 法第三十七条の十四の二第五項第四号に規定する政令で定める関係は、法人税法第

二条第十二号の九に規定する分割型分割の直前に当該分割型分割に係る同項第四号に規定する分割承継法人との間に当該分割承継法人の発行済株式等の全部を保有する関係がある場合の当該関係とする。

(7) The relationship specified by Cabinet Order as prescribed in Article 37-14-2, paragraph (5), item (iv) of the Act is the relationship with a succeeding corporation in a company split prescribed in item (iv) of the same paragraph involved in a split-off-type company split prescribed in Article 2, item (xii)-9 of the Corporation Tax Act whereby the foreign corporation holds the whole of the issued shares, etc. of the succeeding corporation in a company split, if the relationship exists immediately before the split-off-type company split.

8 法第三十七条の十四の二第五項第六号に規定する政令で定める関係は、株式交換の直前に当該株式交換に係る同号に規定する株式交換完全親法人との間に当該株式交換完全親法人の発行済株式等の全部を保有する関係がある場合の当該関係とする。

(8) The relationship specified by Cabinet Order as prescribed in Article 37-14-2, paragraph (5), item (vi) of the Act is the relationship with the wholly owning parent corporation in a share exchange prescribed in the same item pertaining to a share exchange whereby the foreign corporation holds the whole of the issued shares, etc. of the wholly owning parent corporation in a share exchange, if the relationship exists immediately before the share exchange.

9 その年において国内事業管理親法人株式の交付を受ける国内に恒久的施設を有する非居住者は、その交付を受ける日の属する年の十二月三十一日において有する国内事業管理親法人株式の銘柄及び数その他の財務省令で定める事項を記載した書類を、その年の翌年三月十五日までに、その者の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。

(9) A nonresident having permanent establishments in Japan who receives the delivery of the Parent Corporation's Shares Managed in a Domestic Business in the relevant year must submit a document stating the issue and number of the Parent Corporation's Shares Managed in a Domestic Business that they hold as of December 31 of the year containing the day on which they receive the delivery thereof, as well as other particulars specified by Ministry of Finance Order, to the competent district director of the tax office having jurisdiction over the person's place for tax payment, no later than March 15 of the year following the relevant year.

10 その年において国内事業管理親法人株式につき法第三十七条の十四の二第四項の規定の適用を受ける国内に恒久的施設を有する非居住者が確定申告書を提出する場合における第二十五条の八第十一項の規定の適用については、同項中「明細書」とあるのは、「明細その他財務省令で定める事項を記載した書類」とする。

(10) With regard to the application of the provisions of Article 25-8, paragraph (11) in the case where a nonresident having permanent establishments in Japan, who is subject to the provisions of Article 37-14-2, paragraph (4) of the Act with regard to the Parent Corporation's Shares Managed in a Domestic

Business, files a final return form in the relevant year, the term "detailed statement concerning..." in Article 25-8, paragraph (11) is deemed to be replaced with "document stating the details of..., and other particulars specified by Ministry of Finance Order".

1 1 非居住者が、その有する株式につき、その株式を発行した内国法人の法第三十七条の十四の二第五項第一号に規定する特定合併により同条第一項に規定する外国合併親法人株式の交付を受ける場合には、当該外国合併親法人株式の評価額の計算については、所得税法第百六十五条の規定により所得税法施行令第百十二条第一項の規定に準じて計算する場合における同項の規定は、適用しない。

(11) Where a nonresident, with regard to the shares they hold, receives the delivery of a foreign merging parent corporation's shares prescribed in Article 37-14-2, paragraph (1) as a result of the specified merger prescribed in paragraph (5), item (i) of the same Article of a domestic corporation that issued those shares held by them, with regard to the calculation of the fair value of the foreign merging parent corporation's shares, the provisions of Article 112, paragraph (1) of the Order for Enforcement of the Income Tax Act in the case of making a calculation in accordance with the provisions of the same paragraph pursuant to the provisions of Article 165 of the Income Tax Act do not apply.

1 2 非居住者が、その有する株式につき、その株式を発行した内国法人の行った法第三十七条の十四の二第五項第三号に規定する特定分割型分割により同条第二項に規定する外国分割承継親法人株式の交付を受ける場合には、当該外国分割承継親法人株式の評価額の計算については、所得税法第百六十五条の規定により所得税法施行令第百十三条第一項の規定に準じて計算する場合における同項の規定は、適用しない。

(12) Where a nonresident, with regard to the shares they hold, receives the delivery of shares of a foreign succeeding parent corporation in a company split prescribed in Article 37-14-2, paragraph (2) as a result of a specified split-off-type company split prescribed in paragraph (5), item (iii) of the same Article which is effected by a domestic corporation that issued those shares held by them, with regard to the calculation of the fair value of the shares of the foreign succeeding parent corporation in a company split, the provisions of Article 113, paragraph (1) of the Order for Enforcement of the Income Tax Act in the case of making a calculation in accordance with the provisions of the same paragraph pursuant to the provisions of Article 165 of the Income Tax Act do not apply.

1 3 非居住者が、その有する株式につき、その株式を発行した内国法人の行った法第三十七条の十四の二第五項第五号に規定する特定株式交換により法人税法第二条第十二号の六の四に規定する株式交換完全親法人に対し当該株式の譲渡をし、かつ、法第三十七条の十四の二第三項に規定する外国株式交換完全支配親法人株式の交付を受けた場合には、当該外国株式交換完全支配親法人株式に係る事業所得の金額、譲渡所得の金額又は雑所得の金額の計算については、所得税法第百六十五条の規定により所得税法施行令第百六十七条の七第三項の規定に準じて計算する場合における同項の規定

は、適用しない。

(13) Where a nonresident, with regard to the shares they hold, has transferred the shares to the wholly owning parent corporation in a share exchange prescribed in Article 2, item (xii)-6-4 of the Corporation Tax Act as a result of a specified share exchange prescribed in Article 37-14-2, paragraph (5), item (v) of the Act which is effected by a domestic corporation that issued those shares held by them, and received the delivery of shares of a fully controlling foreign parent corporation in a share exchange prescribed in article 37-14-2, paragraph (3) of the Act, with regard to the calculation of the amount of business income, the amount of capital gains, or the amount of miscellaneous income pertaining to the fully controlling foreign parent corporation in a share exchange, the provisions of Article 167-7, paragraph (3) of the Order for Enforcement of the Income Tax Act in the case of making a calculation in accordance with the provisions of the same paragraph pursuant to the provisions of Article 165 of the Income Tax Act do not apply.

1 4 第十一項及び第十二項に規定する場合における所得税法施行令第二百八十条及び第二百九十一条の規定の適用については、同令第二百八十条第二項中「又は第四項（）」とあるのは「若しくは第四項（）」と、「又は第四項各号」とあるのは「若しくは第四項各号」と、「又は消滅」とあるのは「若しくは消滅又は租税特別措置法第三十七条の十四の二第一項若しくは第二項（合併等により外国親法人株式の交付を受ける場合の課税の特例）の規定によりその価額に相当する金額が同法第三十七条の十第一項に規定する株式等に係る譲渡所得等に係る収入金額とみなされる同法第三十七条の十四の二第一項に規定する外国合併親法人株式若しくは同条第二項に規定する外国分割承継親法人株式の交付の基因となつた同条第一項に規定する特定合併若しくは同条第二項に規定する特定分割型分割に基づく同条第一項若しくは第二項に規定するその有する株式についての当該外国合併親法人株式若しくは当該外国分割承継親法人株式の価額に対応する権利の移転若しくは消滅」と、同令第二百九十一条第一項第三号中「第二百八十条第二項」とあるのは「租税特別措置法施行令第二十五条の十四第十四項（合併等により外国親法人株式の交付を受ける場合の課税の特例）の規定により読み替えられた第二百八十条第二項」と、同条第七項第一号中「分割型分割（）」とあるのは「分割型分割（租税特別措置法第三十七条の十四の二第五項第三号（合併等により外国親法人株式の交付を受ける場合の課税の特例）に規定する特定分割型分割に限る。」と、「のうち次のいずれかに該当するものにより同条第十二号の三に規定する分割承継法人（以下この号において「分割承継法人」という。）の株式、第百十三条第一項（分割型分割により取得した株式等の取得価額）に規定する分割承継親法人（以下この号において「分割承継親法人」という。）の株式その他の資産」とあるのは「により同条第二項に規定する外国分割承継親法人株式」と、「同条第二項」とあるのは「第百十三条第二項（分割型分割により取得した株式等の取得価額）」とする。

(14) With regard to the application of the provisions of Article 280 and Article 291 of the Order for Enforcement of the Income Tax Act in the cases prescribed in paragraph (11) and paragraph (12): the phrase "or paragraph (4) ("in Article

280, paragraph (2) of the same Order is deemed to be replaced with "or paragraph (4) ("; the phrase "or the items of paragraph (4)" in the same paragraph is deemed to be replaced with "or the items of paragraph (4)"; the phrase "or extinguishment of rights..." in the same paragraph is deemed to be replaced with "or extinguishment of rights..., or transfer or extinguishment of rights corresponding to the value of the shares of the foreign merging parent corporation prescribed in Article 37-14-2, paragraph (1) (Special Provisions for Taxation in Cases of Receiving Delivery of Foreign Parent Corporation's Shares as a Result of Merger) of the Act on Special Measures Concerning Taxation or shares of the foreign succeeding parent corporation in a company split prescribed in paragraph (2) of the same Article, with regard to the shares held as prescribed in paragraph (1) or (2) of the same Article based on the specified merger prescribed in paragraph (1) of the same Article or the specified split-off-type company split prescribed in paragraph (2) of the same Article, which has been the cause of the delivery of the shares of the foreign merging parent corporation or the shares of the foreign succeeding parent corporation in a company split, in the case where the amount equivalent to the value is deemed to be revenue from capital gains, etc. from shares, etc. prescribed in Article 37-10, paragraph (1) of the same Act pursuant to the provisions of Article 37-14-2, paragraph (1) or paragraph (2) of the same Act"; the phrase "Article 280, paragraph (2)" in Article 291, paragraph (1), item (iii) of the same Order is deemed to be replaced with "Article 280, paragraph (2) whose terms and phrases are replaced pursuant to Article 25-14, paragraph (14) (Special Provisions for Taxation in Cases of Receiving Delivery of Foreign Parent Corporation's Shares as a Result of Merger) of the Order for Enforcement of the Act on Special Measures Concerning Taxation"; the phrase "split-off-type company split (" in paragraph (7), item (i) of the same Article is deemed to be replaced with "split-off-type company split (limited to a specified split-off-type company split prescribed in Article 37-14-2, paragraph (5), item (iii) (Special Provisions for Taxation in Cases of Receiving Foreign Parent Corporation's Shares as a Result of Merger) of the Act on Special Measures Concerning Taxation."; the phrase "through a split-off-type merger..., which falls under any of the following cases of company splits, the delivery of shares of a succeeding corporation in a company split prescribed in Article 2, item (xii)-3 of the same Act (hereinafter referred to as a "Succeeding Corporation in a Company Split" in this item), shares of a succeeding parent corporation in a company split prescribed in Article 113, paragraph (1) (Acquisition Cost for Shares Acquired through Split-Off-Type Company Split) (hereinafter referred to as a "Succeeding Parent Corporation in a Company Split" in this item) or other assets" in the same item is deemed to be replaced with "through a split-off-type merger, the delivery of shares of a foreign Succeeding Parent Corporation in a

Company Split prescribed in paragraph (2) of the same Article"; and the phrase "paragraph (2) of the same Article" in the same item is deemed to be replaced with "Article 113, paragraph (2) (Acquisition Cost of Shares Acquired Through Split-Off-Type Company Split)".

15 法第三十七条の十四の二第一項から第三項までの規定の適用がある場合には、次に定めるところによる。

(15) Where the provisions of Article 37-14-2, paragraphs (1) through (3) apply, the following provisions apply:

一 第十九条の三第九項の規定の適用については、同項中「合併親法人株式」とあるのは「合併親法人株式（法第三十七条の十四の二第五項第一号に規定する特定合併に係る同条第一項に規定する外国合併親法人株式を除く。）」と、「分割承継親法人株式」とあるのは「分割承継親法人株式（法第三十七条の十四の二第五項第三号に規定する特定分割型分割に係る同条第二項に規定する外国分割承継親法人株式を除く。）」と、「法人の株式、同条第二項」とあるのは「法人の株式（法第三十七条の十四の二第五項第五号に規定する特定株式交換により株式交換完全親法人から交付を受けた同条第三項に規定する外国株式交換完全支配親法人株式を除く。）」、所得税法第五十七条の四第二項」とする。

(i) with regard to the application of the provisions of Article 19-3, paragraph (9), the phrase "shares of a merging parent corporation" in the same paragraph is deemed to be replaced with "shares of a merging parent corporation (excluding shares of a foreign merging parent corporation prescribed in Article 37-14-2, paragraph (1) of the Act pertaining to the specified merger prescribed in paragraph (5), item (i) of the same Article)"; the phrase "shares of a succeeding parent corporation in a company split" in the same paragraph is deemed to be replaced with "shares of a succeeding parent corporation in a company split (excluding shares of a foreign succeeding parent corporation in a company split prescribed in article 37-14-2, paragraph (2) of the Act pertaining to the specified split-off-type company split prescribed in paragraph (5), item (iii) of the same Article)"; and the phrase "shares of a corporation... paragraph (2) of the same Article" in the same paragraph is deemed to be replaced with "shares of a corporation (excluding shares of a fully controlling foreign parent corporation in a share exchange prescribed in Article 37-14-2, paragraph (3) of the Act that are delivered from the wholly owning parent corporation in a share exchange as a result of a specified share exchange prescribed in paragraph (5), item (v) of the same Article) ... Article 57-4, paragraph (2) of the Income Tax Act";

二 第二十五条の八の二第三項の規定の適用については、同項中「又は第四項の」とあるのは「若しくは第四項の」と、「又は第四項各号」とあるのは「若しくは第四項各号」と、「又は消滅」とあるのは「若しくは消滅又は法第三十七条の十四の二第一項若しくは第二項の規定によりその価額に相当する金額が法第三十七条の十第一項に規定する株式等に係る譲渡所得等に係る収入金額とみなされる法第三十七条

の十四の二第一項に規定する外国合併親法人株式若しくは同条第二項に規定する外国分割承継親法人株式の交付の基因となつた同条第一項に規定する特定合併若しくは同条第二項に規定する特定分割型分割に基づく同条第一項若しくは第二項に規定するその有する株式についての当該外国合併親法人株式若しくは当該外国分割承継親法人株式の価額に対応する権利の移転若しくは消滅」とする。

(ii) with regard to the application of the provisions of Article 25-8-2, paragraph (3), the phrase "or paragraph (4)" in the same paragraph is deemed to be replaced with "or paragraph (4)"; the phrase "or the items of paragraph (4)" in the same paragraph is deemed to be replaced with "or the items of paragraph (4)"; and the phrase "or extinguishment of rights..." in the same paragraph is deemed to be replaced with "or extinguishment of rights..., or transfer or extinguishment of rights corresponding to the value of the shares of the foreign merging parent corporation prescribed in Article 37-14-2, paragraph (1) of the Act or shares of the foreign succeeding parent corporation in a company split prescribed in paragraph (2) of the same Article, with regard to the shares held as prescribed in paragraph (1) or (2) of the same Article based on the specified merger prescribed in paragraph (1) of the same Article or the specified split-off-type company split prescribed in paragraph (2) of the same Article, which has been the cause of the delivery of the shares of the foreign merging parent corporation or the shares of the foreign succeeding parent corporation in a company split, in the case where the amount equivalent to the value is deemed to be revenue from capital gains, etc. from shares, etc. prescribed in Article 37-10, paragraph (1) of the same Act pursuant to the provisions of Article 37-14-2, paragraph (1) or paragraph (2) of the same Act";

三 第二十五条の十の規定の適用については、同条第四項中「取得」とあるのは「取得（法第三十七条の十四の二第五項第三号に規定する特定分割型分割による同条第二項に規定する外国分割承継親法人株式の取得を除く。）」と、同条第五項第一号中「株式交換」とあるのは「株式交換（法第三十七条の十四の二第五項第五号に規定する特定株式交換により同条第三項に規定する外国株式交換完全支配親法人株式を取得した場合の当該特定株式交換を除く。）」と、同条第六項第一号中「法第三十七条の十一の二第二項第二号」とあるのは「法第三十七条の十四の二第六項第一号の規定により読み替えられた法第三十七条の十一の二第二項第二号」と、同項第二号中「第四項」とあるのは「第二十五条の十四第十五項第三号の規定により読み替えられた第四項」と、同項第三号中「前項各号」とあるのは「第二十五条の十四第十五項第三号の規定により読み替えられた前項各号」とする。

(iii) with regard to the application of the provisions of Article 25-10, the phrase "acquisition" in paragraph (4) of the same Article is deemed to be replaced with "acquisition (excluding the acquisition of shares of a foreign succeeding parent corporation in a company split prescribed in Article 37-14-2, paragraph (2) of the Act as a result of a specified split-off-type company split

prescribed in paragraph (5), item (iii) of the same Article"); the phrase "share exchange" in paragraph (5), item (i) of the same Article is deemed to be replaced with "share exchange (excluding the specified share exchange prescribed in Article 37-14-2, paragraph (2), item (v) of the Act in the case of acquiring shares of a fully controlling foreign parent corporation in a share exchange prescribed in paragraph (3) of the same Article as a result of the specified share exchange)"; the phrase "Article 37-11-2, paragraph (2), item (ii) of the Act" in paragraph (6), item (i) of the same Article is deemed to be replaced with "Article 37-11-2, paragraph (2), item (ii) of the Act whose terms and phrase are replaced pursuant to the provisions of Article 37-14-2, paragraph (6), item (i) of the Act"; the phrase "paragraph (4)" in item (ii) of the same paragraph is deemed to be replaced with "paragraph (4) whose terms and phrases are replaced pursuant to the provisions of Article 25-14, paragraph (15), item (iii)"; and the phrase "items of the preceding paragraph" in item (iii) of the same paragraph is deemed to be replaced with "items of the preceding paragraph whose terms and phrases are replaced pursuant to the provisions of Article 25-14, paragraph (15), item (iii)";

四 第二十五条の十の二の規定の適用については、同条第十四項中「次項第十号」とあるのは「第二十五条の十四第十五項第四号の規定により読み替えられた次項第十号」と、同条第十五項第七号中「合併親法人株式で」とあるのは「合併親法人株式（法第三十七条の十四の二第五項第一号に規定する特定合併により取得する同条第一項に規定する外国合併親法人株式を除く。以下この号において同じ。）で」と、同項第九号中「分割承継親法人株式で」とあるのは「分割承継親法人株式（法第三十七条の十四の二第五項第三号に規定する特定分割型分割により取得する同条第二項に規定する外国分割承継親法人株式を除く。以下この号において同じ。）で」と、同項第十号中「株式又は同条第二項」とあるのは「株式（法第三十七条の十四の二第五項第五号に規定する特定株式交換により取得する同条第三項に規定する外国株式交換完全支配親法人株式を除く。）又は所得税法第五十七条の四第二項」と、同条第二十項中「第十五項第五号」とあるのは「第二十五条の十四第十五項第四号の規定により読み替えられた第十五項第五号」とする。

(iv) with regard to the application of the provisions of Article 25-10-2, the phrase "item (x) of the following paragraph" in paragraph (14) of the same Article is deemed to be replaced with "item (x) of the following paragraph whose terms and phrases are replaced pursuant to the provisions of Article 25-14, paragraph (15), item (iv)"; the phrase "shares of a merging parent corporation" in paragraph (15), item (vii) of the same Article is deemed to be replaced with "shares of a merging parent corporation (excluding shares of a foreign merging parent corporation prescribed in Article 37-14-2, paragraph (1) of the Act to be acquired as a result of a specified merger prescribed in paragraph (5), item (i) of the same Article; the same applies in this item)"; the phrase "shares of a succeeding parent corporation in a company split" in

item (ix) of the same paragraph is deemed to be replaced with "shares of a succeeding parent corporation in a company split (excluding shares of a foreign succeeding parent corporation in a company split prescribed in Article 37-14-2, paragraph (2) of the Act to be acquired as a result of a specified split-off-type company split prescribed in paragraph (5), item (iii) of the same Article; the same applies in this item)"; the phrase "shares... or ...in paragraph (2) of the same Article" in item (x) of the same paragraph is deemed to be replaced with "shares (excluding shares of a fully controlling foreign parent corporation in a share exchange prescribed in Article 37-14-2, paragraph (3) of the Act to be acquired as a result of a specified share exchange prescribed in paragraph (5), item (v) of the Act) ... or ... Article 57-4, paragraph (2) of the Income Tax Act"; and the phrase "paragraph (15), item (v)" in paragraph (20) of the same Article is deemed to be replaced with "paragraph (15), item (v) whose terms and phrases are replaced pursuant to the provisions of Article 25-14, paragraph (15), item (iv)";

五 第二十五条の十の五第三項の規定の適用については、同項第三号中「第二十五条の十の二第十五項第七号」とあるのは「第二十五条の十四第十五項第四号の規定により読み替えられた第二十五条の十の二第十五項第七号」と、同項第五号中「第二十五条の十の二第十五項第九号」とあるのは「第二十五条の十四第十五項第四号の規定により読み替えられた第二十五条の十の二第十五項第九号」と、同項第六号中「第二十五条の十の二第十五項第十号」とあるのは「第二十五条の十四第十五項第四号の規定により読み替えられた第二十五条の十の二第十五項第十号」とする。

(v) with regard to the application of the provisions of Article 25-10-5, paragraph (3), the phrase "Article 25-10-2, paragraph (15), item (vii)" in item (iii) of the same paragraph is deemed to be replaced with "Article 25-10-2, paragraph (15), item (vii) whose terms and phrases are replaced pursuant to the provisions of Article 25-14, paragraph (15) item (iv)"; the phrase "Article 25-10-2, paragraph (15), item (ix)" in item (v) of the same paragraph is deemed to be replaced with "Article 25-10-2, paragraph (15), item (ix) whose terms and phrases are replaced pursuant to the provisions of Article 25-14, paragraph (15), item (iv)"; and the phrase "Article 25-10-2, paragraph (15), item (x)" in item (vi) of the same paragraph is deemed to be replaced with "Article 25-10-2, paragraph (15), item (x) whose terms and phrases are replaced with the provisions of Article 25-14, paragraph (15), item (iv)";

六 第二十五条の十一の二の規定の適用については、同条第一項第一号中「法第三十七条の十二の二第二項」とあるのは「法第三十七条の十四の二第六項第二号の規定により読み替えられた法第三十七条の十二の二第二項」と、同条第九項中「第一項各号」とあるのは「第二十五条の十四第十五項第六号の規定により読み替えられた第一項各号」とする。

(vi) with regard to the application of the provisions of Article 25-11-2, the phrase "Article 37-12-2, paragraph (2) of the Act" in paragraph (1), item (i) of

the same Article is deemed to be replaced with "Article 37-12-2, paragraph (2) of the Act whose terms and phrases are replaced pursuant to the provisions of Article 37-14-2, paragraph (6), item (ii) of the Act"; and the phrase "items of paragraph (1)" in paragraph (9) of the same Article is deemed to be replaced with "items of paragraph (1) whose terms and phrases are replaced pursuant to the provisions of Article 25-14, paragraph (15), item (vi)";

七 第二十五条の十二の二第九項の規定の適用については、同項中「法第三十七条の十二の二第二項」とあるのは、「法第三十七条の十四の二第六項第二号の規定により読み替えられた法第三十七条の十二の二第二項」とする。

(vii) with regard to the application of the provisions of Article 25-12-2, paragraph (9), the phrase "Article 37-12-2, paragraph (2) of the Act" in the same paragraph is deemed to be replaced with "Article 37-12-2, paragraph (2) of the Act whose terms and phrase are replaced pursuant to the provisions of Article 37-14-2, paragraph (6), item (ii) of the Act".

16 非居住者が法第三十七条の十四の二第五項第一号又は第三号に規定する特定合併又は特定分割型分割により同項第二号又は第四号に規定する外国合併親法人株式又は外国分割承継親法人株式の交付を受ける場合における所得税法施行令第三百四十五条の規定の適用については、同条第一項第一号中「株式又は出資以外」とあるのは「株式又は出資（租税特別措置法第三十七条の十四の二第五項第二号（合併等により外国親法人株式の交付を受ける場合の課税の特例）に規定する外国合併親法人株式を除く。）以外」と、同項第二号中「株式又は出資以外」とあるのは「株式又は出資（租税特別措置法第三十七条の十四の二第五項第四号に規定する外国分割承継親法人株式を除く。）以外」とする。

(16) With regard to the application of the provisions of Article 345 of the Order for Enforcement of the Income Tax Act in the case where a nonresident receives the delivery of shares of a foreign merging parent corporation or shares of a foreign succeeding parent corporation in a company split prescribed in Article 37-14-2, paragraph (5), item (ii) or item (iv) as a result of a specified merger or specified split-off-type company split prescribed item (i) or item (iii) of the same paragraph, the phrase "other than shares of or capital contributions to" in paragraph (1), item (i) of the same Article is deemed to be replaced with "other than shares of or capital contributions to (excluding shares of a foreign merging parent corporation prescribed in Article 37-14-2, paragraph (5), item (ii) (Special Provisions for Taxation in Cases of Delivery of Receiving Foreign Parent Corporation's Shares as a Result of Merger) of the Act on Special Measures Concerning Taxation)"; and the phrase "other than shares of or capital contributions to" in item (ii) of the same paragraph is deemed to be replaced with "other than shares of or capital contributions to (excluding shares of a foreign succeeding parent corporation in a company split prescribed in Article 37-14-2, paragraph (5), item (iv) of the Act on Special

Measures Concerning taxation)".

(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 in Cases of Specified Merger)

第二十五条の十四の二 個人が、その有する株式（出資を含む。以下第三項までにおいて同じ。）につき、その株式を発行した内国法人の法第三十七条の十四の三第一項に規定する特定非適格合併により同項に規定する外国合併親法人株式の交付を受ける場合において、当該外国合併親法人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。次項及び第三項において同じ。）の株式に該当するときは、当該外国合併親法人株式の評価額の計算については、所得税法施行令第百十二条第一項（所得税法第百六十五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。

Article 25-14-2 (1) Where an individual, with regard to the shares they hold (including capital contributions; hereinafter the same applies through to paragraph (3)), receives the delivery of shares of a foreign merging parent corporation prescribed in Article 37-14-3, paragraph (1) of the Act as a result of the specified non-qualified merger, as prescribed in the same paragraph, of a domestic corporation that issued those shares held by them, when the shares of the foreign merging parent corporation fall under the category of shares of a specified foreign corporation with less tax burden (meaning the foreign corporation with less tax burden prescribed in Article 68-2-3, paragraph (5), item (i) of the Act; the same applies in the following paragraph and paragraph (3)), with regard to the calculation of the fair value of the shares of the foreign merging parent corporation, the provisions of Article 112, paragraph (1) of the Order for Enforcement of the Income Tax Act (including the case of making the calculation in accordance with the provisions of Article 165 of the Income Tax Act) do not apply.

2 個人が、その有する株式につき、その株式を発行した内国法人の行った法第三十七条の十四の三第二項に規定する特定非適格分割型分割により同項に規定する外国分割承継親法人株式の交付を受ける場合において、当該外国分割承継親法人株式が特定軽減課税外国法人の株式に該当するときは、当該外国分割承継親法人株式の評価額の計算については、所得税法施行令第百十三条第一項（所得税法第百六十五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 an individual, with regard to the shares they hold, receives the delivery of shares of a foreign succeeding parent corporation in a company split prescribed in Article 37-14-3, paragraph (2) of the Act as a result of a specified non-qualified split-off-type company split prescribed in the same paragraph which is effected by a domestic corporation that issued those shares held by them, when the shares of the foreign succeeding parent corporation in a company split fall under the category of shares of a specified foreign corporation with less tax burden, with regard to the calculation of the fair

value of the shares of the foreign succeeding parent corporation, the provisions of Article 113, paragraph (1) of the Order for Enforcement of the Income Tax Act (including the case of making the calculation in accordance with the provisions of Article 165 of the Income Tax Act) do not apply.

3 個人が、その有する株式につき、その株式を発行した内国法人の行った法第三十七条の十四の三第三項に規定する特定非適格株式交換により法人税法第二条第十二号の六の四に規定する株式交換完全親法人に対し当該株式の譲渡をし、かつ、同項に規定する外国株式交換完全支配親法人株式の交付を受けた場合において、当該外国株式交換完全支配親法人株式が特定軽減課税外国法人の株式に該当するときは、当該外国株式交換完全支配親法人株式に係る事業所得の金額、譲渡所得の金額又は雑所得の金額の計算については、所得税法施行令第百六十七條の七第三項（所得税法第百六十五條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 an individual, with regard to the shares they hold, has transferred the shares to a wholly owning parent corporation in a share exchange prescribed in Article 2, item (xii)-6-4 of the Corporation Tax Act as a result of a specified non-qualified share exchange prescribed in Article 37-14-3, paragraph (3) of the Act which is effected by a domestic corporation that issued the shares, and received the delivery of shares of a fully controlling foreign parent corporation in a share exchange prescribed in the same paragraph, when the shares of the fully controlling foreign parent corporation in a share exchange fall under the category of shares of a specified foreign corporation with less tax burden, with regard to the calculation of the amount of business income, the amount of capital gains, or the amount of miscellaneous income pertaining to the shares of the fully controlling foreign parent corporation, the provisions of Article 167-7, paragraph (3) of the Order for Enforcement of the Income Tax Act (including the case of making the calculation in accordance with the provisions of Article 165 of the Income Tax Act) do not apply.

4 第一項及び第二項に規定する場合における所得税法施行令第二百八十条及び第二百九十一条の規定の適用については、同令第二百八十条第二項中「又は第四項（）」とあるのは「若しくは第四項（）」と、「又は第四項各号」とあるのは「若しくは第四項各号」と、「又は消滅」とあるのは「若しくは消滅又は租税特別措置法第三十七条の十四の三第一項若しくは第二項（特定の合併等が行われた場合の株主等の課税の特例）の規定によりその価額に相当する金額が同法第三十七条の十第一項に規定する株式等に係る譲渡所得等に係る収入金額とみなされる同法第三十七条の十四の三第一項に規定する外国合併親法人株式若しくは同条第二項に規定する外国分割承継親法人株式の交付の基因となつた同条第一項に規定する特定非適格合併若しくは同条第二項に規定する特定非適格分割型分割に基づく同条第一項若しくは第二項に規定するその有する株式についての当該外国合併親法人株式若しくは当該外国分割承継親法人株式の価額に対応する権利の移転若しくは消滅」と、同令第二百九十一条第一項第三号中「第二百八十条第二項」とあるのは「租税特別措置法施行令第二十五条の十四の二第四項（特定の合併等が行われた場合の株主等の課税の特例）の規定により読み替えられた

第二百八十条第二項」と、同条第七項第一号中「分割型分割（）」とあるのは「分割型分割（租税特別措置法第三十七条の十四の三第二項（特定の合併等が行われた場合の株主等の課税の特例）に規定する特定非適格分割型分割に限る。」と、「のうち次のいずれかに該当するものにより同条第十二号の三に規定する分割承継法人（以下この号において「分割承継法人」という。）の株式、第百十三条第一項（分割型分割により取得した株式等の取得価額）に規定する分割承継親法人（以下この号において「分割承継親法人」という。）の株式その他の資産」とあるのは「により同法第六十八条の二の三第五項第一号（適格合併等の範囲に関する特例）に規定する特定軽課税外国法人の株式に該当する同法第三十七条の十四の三第二項に規定する外国分割承継親法人株式」と、「同条第二項」とあるのは「第百十三条第二項（分割型分割により取得した株式等の取得価額）」とする。

- (4) With regard to the application of the provisions of Article 280 and Article 291 of the Order for Enforcement of the Income Tax Act in the cases prescribed in paragraph (11) and paragraph (12): the phrase "or paragraph (4) ("in Article 280, paragraph (2) of the same Order is deemed to be replaced with "or paragraph (4) ("; the phrase "or the items of paragraph (4)" in the same paragraph is deemed to be replaced with "or the items of paragraph (4)"; the phrase "or extinguishment of rights..." in the same paragraph is deemed to be replaced with "or extinguishment of rights..., or transfer or extinguishment of rights corresponding to the value of the shares of the foreign merging parent corporation prescribed in Article 37-14-3, paragraph (1) (Special Provisions for Taxation on Shareholders in Cases of Specified Merger) of the Act on Special Measures Concerning Taxation or shares of the foreign succeeding parent corporation in a company split prescribed in paragraph (2) of the same Article, with regard to the shares held as prescribed in paragraph (1) or (2) of the same Article based on the specified non-qualified merger prescribed in paragraph (1) of the same Article or the specified non-qualified split-off-type company split prescribed in paragraph (2) of the same Article, which has been the cause of the delivery of the shares of the foreign merging parent corporation or the shares of the foreign succeeding parent corporation in a company split, in the case where the amount equivalent to the value is deemed to be revenue from capital gains, etc. from shares, etc. prescribed in Article 37-10, paragraph (1) of the same Act pursuant to the provisions of Article 37-14-3, paragraph (1) or paragraph (2) of the same Act"; the phrase "Article 280, paragraph (2)" in Article 291, paragraph (1), item (iii) of the same Order is deemed to be replaced with "Article 280, paragraph (2) whose terms and phrases are replaced pursuant to Article 25-14-2, paragraph (14) (Special Provisions for Taxation on Shareholders in Cases of Specified Merger) of the Order for Enforcement of the Act on Special Measures Concerning Taxation"; the phrase "split-off-type company split (" in paragraph (7), item (i) of the same Article is deemed to be replaced with "split-off-type company split (limited to a specified non-qualified

split-off-type company split prescribed in Article 37-14-3, paragraph (2), item (iii) (Special Provisions for Taxation on Shareholders in Cases of Specified Merger) of the Act on Special Measures Concerning Taxation."; the phrase "through a split-off-type merger..., which falls under any of the following cases of company splits, the delivery of shares of a succeeding corporation in a company split prescribed in Article 2, item (xii)-3 of the same Act (hereinafter referred to as a "Succeeding Corporation in a Company Split" in this item), shares of a succeeding parent corporation in a company split prescribed in Article 113, paragraph (1) (Acquisition Cost for Shares Acquired through Split-Off-Type Company Split) (hereinafter referred to as a "Succeeding Parent Corporation in a Company Split" in this item) or other assets" in the same item is deemed to be replaced with "through a split-off-type merger, the delivery of shares of a foreign Succeeding Parent Corporation in a Company Split prescribed in Article 37-14-3, paragraph (2) of the same Act which fall under the category of shares of a foreign corporation with less tax burden prescribed in Article 68-2-3, paragraph (5), item (i) (Special Provisions Concerning the Scope of Qualified Merger) of the same Act"; and the phrase "paragraph (2) of the same Article" in the same item is deemed to be replaced with "Article 113, paragraph (2) (Acquisition Cost of Shares Acquired Through Split-Off-Type Company Split)".

5 法第三十七条の十四の三第一項から第三項までの規定の適用がある場合には、次に定めるところによる。

(5) Where the provisions of Article 37-14-3, paragraphs (1) through (3) apply, the following provisions apply:

一 第十九条の三第九項の規定の適用については、同項中「合併親法人株式」とあるのは「合併親法人株式（法第三十七条の十四の三第一項に規定する特定非適格合併に係る特定軽課税外国法人（法第六十八条の二の三第五項第一号に規定する特定軽課税外国法人をいう。以下第二十五条の十の二までにおいて同じ。）の株式に該当する法第三十七条の十四の三第一項に規定する外国合併親法人株式を除く。）」と、「分割承継親法人株式」とあるのは「分割承継親法人株式（法第三十七条の十四の三第二項に規定する特定非適格分割型分割に係る特定軽課税外国法人の株式に該当する同項に規定する外国分割承継親法人株式を除く。）」と、「法人の株式、同条第二項」とあるのは「法人の株式（法第三十七条の十四の三第三項に規定する特定非適格株式交換により株式交換完全親法人から交付を受けた特定軽課税外国法人の株式に該当する同項に規定する外国株式交換完全支配親法人株式を除く。）」、所得税法第五十七条の四第二項」とする。

(i) with regard to the application of the provisions of Article 19-3, paragraph (9), the phrase "shares of a merging parent corporation" in the same paragraph is deemed to be replaced with "shares of a merging parent corporation (excluding share of a foreign merging parent corporation prescribed in Article 37-14-3, paragraph (1) of the Act which fall under the

category of 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, paragraph (5), item (i) of the Act; hereinafter the same applies through to Article 25-10-2) pertaining to a specified non-qualified merger prescribed in Article 37-14-3, paragraph (1) of the Act"); the phrase "shares of a succeeding parent corporation in a company split" in the same paragraph is deemed to be replaced with "shares of a succeeding parent corporation in a company split (excluding shares of a foreign succeeding parent corporation in a company split prescribed in Article 37-14-3, paragraph (2) of the Act which fall under the category of shares of a specified foreign corporation with less tax burden pertaining to a specified non-qualified split-off-type company split prescribed in the same paragraph)"; and the phrase "shares of a corporation... paragraph (2) of the same Article" in the same paragraph is deemed to be replaced with "shares of a corporation (excluding shares of a fully controlling foreign parent corporation in a share exchange prescribed in Article 37-14-3, paragraph (3) of the Act which fall under the category of shares of a specified foreign corporation with less tax burden, which are delivered from a wholly owning parent corporation in a share exchange as a result of a specified share exchange prescribed in the same paragraph), ... Article 57-4, paragraph (2) of the Income Tax Act";

二 第二十五条の八の二第三項の規定の適用については、同項中「又は第四項の」とあるのは「若しくは第四項の」と、「又は第四項各号」とあるのは「若しくは第四項各号」と、「又は消滅」とあるのは「若しくは消滅又は法第三十七条の十四の三第一項若しくは第二項の規定によりその価額に相当する金額が法第三十七条の十第一項に規定する株式等に係る譲渡所得等に係る収入金額とみなされる法第三十七条の十四の三第一項に規定する外国合併親法人株式若しくは同条第二項に規定する外国分割承継親法人株式の交付の基因となつた同条第一項に規定する特定非適格合併若しくは同条第二項に規定する特定非適格分割型分割に基づく同条第一項若しくは第二項に規定するその有する株式についての当該外国合併親法人株式若しくは当該外国分割承継親法人株式の価額に対応する権利の移転若しくは消滅」とする。

(ii) with regard to the application of the provisions of Article 25-8-2, paragraph (3), the phrase "or paragraph (4)" in the same paragraph is deemed to be replaced with "or paragraph (4)"; the phrase "or the items of paragraph (4)" in the same paragraph is deemed to be replaced with "or the items of paragraph (4)"; and the phrase "or extinguishment of rights..." in the same paragraph is deemed to be replaced with "or extinguishment of rights..., or transfer or extinguishment of rights corresponding to the value of the shares of the foreign merging parent corporation prescribed in Article 37-14-3, paragraph (1) of the Act or shares of the foreign succeeding parent corporation in a company split prescribed in paragraph (2) of the same Article, with regard to the shares held as prescribed in paragraph (1) or (2) of

the same Article based on the specified non-qualified merger prescribed in paragraph (1) of the same Article or the specified non-qualified split-off-type company split prescribed in paragraph (2) of the same Article, which has been the cause of the delivery of the shares of the foreign merging parent corporation or the shares of the foreign succeeding parent corporation in a company split, in the case where the amount equivalent to the value is deemed to be revenue from capital gains, etc. from shares, etc. prescribed in Article 37-10, paragraph (1) of the same Act pursuant to the provisions of Article 37-14-3, paragraph (1) or paragraph (2) of the same Act";

三 第二十五条の十の規定の適用については、同条第四項中「取得」とあるのは「取得（法第三十七条の十四の三第二項に規定する特定非適格分割型分割による特定軽減課税外国法人の株式に該当する同項に規定する外国分割承継親法人株式の取得を除く。）」と、同条第五項第一号中「株式交換」とあるのは「株式交換（法第三十七条の十四の三第三項に規定する特定非適格株式交換により特定軽減課税外国法人の株式に該当する同項に規定する外国株式交換完全支配親法人株式を取得した場合の当該特定非適格株式交換を除く。）」と、同条第六項第一号中「法第三十七条の十一の二第二項第二号」とあるのは「法第三十七条の十四の三第四項第一号の規定により読み替えられた法第三十七条の十一の二第二項第二号」と、同項第二号中「第四項」とあるのは「第二十五条の十四の二第五項第三号の規定により読み替えられた第四項」と、同項第三号中「前項各号」とあるのは「第二十五条の十四の二第五項第三号の規定により読み替えられた前項各号」とする。

(iii) with regard to the application of the provisions of Article 25-10, the phrase "acquisition" in paragraph (4) of the same Article is deemed to be replaced with "acquisition (excluding the acquisition of shares of a foreign succeeding parent corporation in a company split prescribed in Article 37-14-3, paragraph (2) of the Act, which fall under the category of shares of a specified foreign corporation with less tax burden, as a result of a specified non-qualified split-off-type company split prescribed in the same paragraph)"; the phrase "share exchange" in paragraph (5), item (i) of the same Article is deemed to be replaced with "share exchange (excluding the specified share exchange prescribed in Article 37-14-3, paragraph (2), item (v) of the Act in the case of acquiring shares of a fully controlling foreign parent corporation in a share exchange prescribed in the same paragraph, which fall under the category of shares of a specified foreign corporation with less tax burden, as a result of the specified share exchange)"; the phrase "Article 37-11-2, paragraph (2), item (ii) of the Act" in paragraph (6), item (i) of the same Article is deemed to be replaced with "Article 37-11-2, paragraph (2), item (ii) of the Act whose terms and phrase are replaced pursuant to the provisions of Article 37-14-3, paragraph (4), item (i) of the Act"; the phrase "paragraph (4)" in item (ii) of the same paragraph is deemed to be replaced with "paragraph (4) whose terms and phrases are replaced pursuant to the

provisions of Article 25-14-2, paragraph (5), item (iii)"; and the phrase "items of the preceding paragraph" in item (iii) of the same paragraph is deemed to be replaced with "items of the preceding paragraph whose terms and phrases are replaced pursuant to the provisions of Article 25-14-2, paragraph (5), item (iii)";

四 第二十五条の十の二の規定の適用については、同条第十四項中「次項第十号」とあるのは「第二十五条の十四の二第五項第四号の規定により読み替えられた次項第十号」と、同条第十五項第七号中「合併親法人株式で」とあるのは「合併親法人株式（法第三十七条の十四の三第一項に規定する特定非適格合併により取得する特定軽課税外国法人の株式に該当する同項に規定する外国合併親法人株式を除く。以下この号において同じ。）で」と、同項第九号中「分割承継親法人株式で」とあるのは「分割承継親法人株式（法第三十七条の十四の三第二項に規定する特定非適格分割型分割により取得する特定軽課税外国法人の株式に該当する同項に規定する外国分割承継親法人株式を除く。以下この号において同じ。）で」と、同項第十号中「株式又は同条第二項」とあるのは「株式（法第三十七条の十四の三第三項に規定する特定非適格株式交換により取得する特定軽課税外国法人の株式に該当する同項に規定する外国株式交換完全支配親法人株式を除く。）又は所得税法第五十七条の四第二項」と、同条第二十項中「第十五項第五号」とあるのは「第二十五条の十四の二第五項第四号の規定により読み替えられた第十五項第五号」とする。

(iv) with regard to the application of the provisions of Article 25-10-2, the phrase "item (x) of the following paragraph" in paragraph (14) of the same Article is deemed to be replaced with "item (x) of the following paragraph whose terms and phrases are replaced pursuant to the provisions of Article 25-14-2, paragraph (5), item (iv)"; the phrase "shares of a merging parent corporation" in paragraph (15), item (vii) of the same Article is deemed to be replaced with "shares of a merging parent corporation (excluding shares of a foreign merging parent corporation prescribed in Article 37-14-3, paragraph (1) of the Act, which fall under the category of shares of a specified foreign corporation with less tax burden, to be acquired as a result of a specified non-qualified merger prescribed in the same paragraph; the same applies in this item)"; the phrase "shares of a succeeding parent corporation in a company split" in item (ix) of the same paragraph is deemed to be replaced with "shares of a succeeding parent corporation in a company split (excluding shares of a foreign succeeding parent corporation in a company split prescribed in Article 37-14-3, paragraph (2) of the Act, which fall under the category of shares of a specified foreign corporation with less tax, to be acquired as a result of a specified non-qualified split-off-type company split prescribed in the same paragraph; the same applies in this item)"; the phrase "shares... or ...in paragraph (2) of the same Article" in item (x) of the same paragraph is deemed to be replaced with "shares (excluding shares of a fully controlling foreign parent corporation in a share exchange prescribed in

Article 37-14-3, paragraph (3) of the Act, which fall under the category of shares of a specified foreign corporation with less tax, to be acquired as a result of a specified non-qualified share exchange prescribed in the same paragraph) ... or ... Article 57-4, paragraph (2) of the Income Tax Act"; and the phrase "paragraph (15), item (v)" in paragraph (20) of the same Article is deemed to be replaced with "paragraph (15), item (v) whose terms and phrases are replaced pursuant to the provisions of Article 25-14-2, paragraph (5), item (iv)";

五 第二十五条の十の五第三項の規定の適用については、同項第三号中「第二十五条の十の二第十五項第七号」とあるのは「第二十五条の十四の二第五項第四号の規定により読み替えられた第二十五条の十の二第十五項第七号」と、同項第五号中「第二十五条の十の二第十五項第九号」とあるのは「第二十五条の十四の二第五項第四号の規定により読み替えられた第二十五条の十の二第十五項第九号」と、同項第六号中「第二十五条の十の二第十五項第十号」とあるのは「第二十五条の十四の二第五項第四号の規定により読み替えられた第二十五条の十の二第十五項第十号」とする。

(v) with regard to the application of the provisions of Article 25-10-5, paragraph (3), the phrase "Article 25-10-2, paragraph (15), item (vii)" in item (iii) of the same paragraph is deemed to be replaced with "Article 25-10-2, paragraph (15), item (vii) whose terms and phrases are replaced pursuant to the provisions of Article 25-14-2, paragraph (5), item (iv)"; the phrase "Article 25-10-2, paragraph (15), item (ix)" in item (v) of the same paragraph is deemed to be replaced with "Article 25-10-2, paragraph (15), item (ix) whose terms and phrases are replaced pursuant to the provisions of Article 25-14-2, paragraph (5), item (iv)"; and the phrase "Article 25-10-2, paragraph (15), item (x)" in item (vi) of the same paragraph is deemed to be replaced with "Article 25-10-2, paragraph (15), item (x) whose terms and phrases are replaced with the provisions of Article 25-14-2, paragraph (5), item (iv)";

六 第二十五条の十一の二の規定の適用については、同条第一項第一号中「法第三十七条の十二の二第二項」とあるのは「法第三十七条の十四の三第四項第二号の規定により読み替えられた法第三十七条の十二の二第二項」と、同条第九項中「第一項各号」とあるのは「第二十五条の十四の二第五項第六号の規定により読み替えられた第一項各号」とする。

(vi) with regard to the application of the provisions of Article 25-11-2, the phrase "Article 37-12-2, paragraph (2) of the Act" in paragraph (1), item (i) of the same Article is deemed to be replaced with "Article 37-12-2, paragraph (2) of the Act whose terms and phrases are replaced pursuant to the provisions of Article 37-14-3, paragraph (4), item (ii) of the Act"; and the phrase "items of paragraph (1)" in paragraph (9) of the same Article is deemed to be replaced with "items of paragraph (1) whose terms and phrases are replaced pursuant to the provisions of Article 25-14-2, paragraph (5),

item (vi)";

七 第二十五条の十二の二第九項の規定の適用については、同項中「法第三十七条の十二の二第二項」とあるのは、「法第三十七条の十四の三第四項第二号の規定により読み替えられた法第三十七条の十二の二第二項」とする。

(vii) with regard to the application of the provisions of Article 25-12-2, paragraph (9), the phrase "Article 37-12-2, paragraph (2) of the Act" in the same paragraph is deemed to be replaced with "Article 37-12-2, paragraph (2) of the Act whose terms and phrases are replaced pursuant to the provisions of Article 37-14-3, paragraph (4), item (ii) of the Act".

6 法第三十七条の十四の三第一項又は第二項の規定の適用がある場合における所得税法施行令第三百四十五条の規定の適用については、同条第一項第一号中「株式又は出資以外」とあるのは「株式又は出資（租税特別措置法第三十七条の十四の三第一項（特定の合併等が行われた場合の株主等の課税の特例）に規定する外国合併親法人株式を除く。）以外」と、同項第二号中「株式又は出資以外」とあるのは「株式又は出資（租税特別措置法第三十七条の十四の三第二項に規定する外国分割承継親法人株式を除く。）以外」とする。

(6) With regard to the application of the provisions of Article 345 of the Order for Enforcement of the Income Tax Act in the case where the provisions of Article 37-14-3, paragraph (1) or (2) apply, the phrase "other than shares of or capital contributions to" in paragraph (1), item (i) of the same Article is deemed to be replaced with "other than shares or capital contributions to (excluding shares of a foreign merging parent corporation prescribed in Article 37-14-3, paragraph (1) (Special Provisions for Taxation on Shareholders in Cases of Specified Merger) of the Act on Special Measures Concerning Taxation)"; and the phrase "other than shares of or capital contributions to" in item (ii) of the same paragraph is deemed to be replaced with "other than shares of or capital contributions to (excluding shares of a foreign succeeding parent corporation in a company split prescribed in Article 37-14-3, paragraph (2) of the Act on Special Measures Concerning taxation)".

第八節の四 居住者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 Related to Residents

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 Cabinet Order prescribed in Article 40-4, paragraph (1) of the Act is 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。以下この条において同じ。）

(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, paragraph (2), item (i) of the Act; hereinafter the same applies in this Article);

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, paragraph (2), item (xix) of the Act; hereinafter the same applies in this Section) is 25 percent or less of the 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 is to 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 is 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, paragraph (1) of the Corporation Tax Act; hereinafter the same applies in this paragraph) of the state or territory where the 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 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 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 calculated amount of income and then deducting therefrom the amount listed in (f) pertaining to the 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 is not to 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掲げる金額（同法第二十四条第一項各号に掲げる事由による金銭その他の資産の交付により減少することとなる同法第二条第十八号に規定する利益積立金額に相当する金額を含む。以下この号及び次条において「配当等の額」という。）
1. the amount listed in Article 23, paragraph (1), item (i) of the Corporation Tax Act to be received from a corporation located in the State of the Head Office (including the amount of profit reserve prescribed in Article 2, paragraph (18) of the same Act to be reduced by reason of the delivery of money or any other assets on any of the grounds listed in the items of Article 24, paragraph (1) of the same Act; hereinafter referred to as the "Amount of a Dividend, etc." in this item and the following Article);
- (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 is not to 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 applies in this Section) held by the affiliated foreign company out of the total number or total amount of that corporation's issued shares or capital contributions (excluding its own shares held by that 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 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 pays 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 pays 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, paragraph (1) or Article 57-6, paragraph (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 is not to be included in deductible expenses when the provisions of Article 57-5 or Article 57-6 of the Act are to 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 will be saved when the provisions of Article 57-5 or Article 57-6 of the Act are to be applied) does not reach the amount to be included in gross profits when these provisions are to be applied, the amount of the 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 is 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 is 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 affiliated foreign company has paid the 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、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 affiliated foreign company pursuant to the provisions of the tax convention prescribed in Article 1-3, paragraph (1), item (ii);
- 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 is to be the amount calculated based on the highest rates out of the 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 is to 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 revenue falls under the category of the amount listed in 1. or 2. of item (i), (a), revenue other than the 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 Cabinet Order with a resident or domestic corporation prescribed in Article 40-4, paragraph (2), (i) of the Act is 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 their 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 the person for their 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八項及び第十項において同じ。）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, item (xv) of the Corporation Tax Act; hereinafter the same applies in this item and Article 25-21, paragraph (8) and paragraph (10)) 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 officer.

（特定外国子会社等の適用対象金額の計算）

(Calculation of Eligible Income of Specified Foreign Subsidiary Companies)

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（以下この条並びに次条第一項及び第三項において「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 Cabinet Order prescribed in Article 40-4, paragraph (2), item (ii) of the Act is the amount that remains after deducting the amount listed in Article 39-15, paragraph (1), item (iii) pertaining to the income of a specified foreign subsidiary company, etc. prescribed in Article 40-4, paragraph (1) of the Act (hereinafter referred to as a "Specified Foreign Subsidiary Company, etc." in this Article and paragraph (1) and paragraph (3) of the following Article) in its settlement of accounts for the relevant business year from the sum of the amount listed in Article 39-15, paragraph (1), item (i) and item (ii) and the amount listed in item (ii) of the same paragraph pertaining to the income (where the amount listed in item (i) of the same paragraph pertaining to the income is a loss, the amount of undistributed income is the amount that remains after deducting the sum of the amount of loss and the amount listed in item (iii) of the same paragraph pertaining to the income from the amount listed in item (ii) of the same paragraph pertaining to the 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。以下この条において同じ。）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, paragraph (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 those states or territories including the State of the Head Office (including taxes listed in the items of Article 141, paragraph (2) of the Order for Enforcement of the Corporation Tax Act to be imposed in those states or territories or by local entities of those states or territories) and taxes equivalent to incidental taxes to be imposed incidentally as prescribed in Article 2, item (xlv) of the Corporation Tax Act (excluding interest tax) and other taxes similar to the tax equivalent to the incidental taxes; hereinafter the same applies in this Article) (where there are two or more laws and regulations concerning the 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 Specified Foreign Subsidiary Company, etc. in its settlement of accounts for the relevant business year (where the provisions of Article 66-4, paragraph (1) or Article 68-88, paragraph (1) of the Act are applied to a transaction between the Specified Foreign Subsidiary Company, etc. and a domestic corporation listed in the items of Article 66-6, paragraph (1) of the

Act that relates to the 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, paragraph (2), items (i) to (xiii) pertaining to the calculated amount of income and then deducting therefrom the sum of the amounts listed in items (xiv) to (xvi) of the same paragraph pertaining to the 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 amount may be the amount that remains after deducting the sum of the amount of loss and the amounts listed in items (xiv) to (xvi) of the same paragraph pertaining to the calculated amount from the sum of the amounts listed in items (i) to (xiii) of the same paragraph pertaining to the calculated amount) may be the amount calculated in accordance with the standards specified by Cabinet Order prescribed in Article 40-4, paragraph (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 applies 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, paragraph (1) of the Act, the amount calculated in accordance with the standards specified by Cabinet Order prescribed in Article 40-4, paragraph (2), item (ii) of the Act is the amount that remains after deducting the 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四十条の四第一項に規定する課税対象金額（以下この節において「課税対象金額」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 Specified Foreign Subsidiary

Company, etc. receives from any other Specified Foreign Subsidiary Company, etc. related to the resident (hereinafter referred to as the "Other Specified Foreign Subsidiary Company, etc." in this item) in the relevant business year does not exceed the amount of a dividend payable corresponding to the capital contributions by the Specified Foreign Subsidiary Company, etc. out of the total amount of dividends payable by the relevant other Specified Foreign Subsidiary Company, etc. in the business year containing the base date for paying the dividend, etc. (hereinafter referred to as the "Base Business Year" in this paragraph) and the Base Business Year is the business year during which the taxable income prescribed in Article 40-4, paragraph (1) of the Act (hereinafter referred to as the "Taxable Income" in this Section) arises: The amount of the 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 Specified Foreign Subsidiary Company, etc. receives from any other Specified Foreign Subsidiary Company, etc. related to the 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 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 relevant other Specified Foreign Subsidiary Company, etc. is to be appropriated to the Amount of a Dividend, etc. in reverse chronological order and the Amount of a Dividend, etc. has been categorized for the relevant business year in accordance with the 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 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 set forth in the following items are as prescribed respectively in those items:

一 配当可能金額 特定外国子会社等の各事業年度の適用対象金額（法第四十条の四第二項第二号に規定する適用対象金額をいう。以下この節において同じ。）に当該

適用対象金額に係るイからハまでに掲げる金額の合計額を加算した金額から当該適用対象金額に係るニ及びホに掲げる金額の合計額を控除した残額をいう。

(i) amount of dividend payable: The amount that remains after deducting the sum of the amounts listed in (d) and (e) pertaining to eligible income (meaning eligible income prescribed in Article 40-4, paragraph (2), item (ii) of the Act; hereinafter the same applies in this Section) of a specialized foreign subsidiary company, etc. for the relevant business year, from the amount calculated by adding the eligible income to the sum of the amounts listed in (a) to (c):

イ 前項の規定により控除される同項に規定する控除対象配当等の額

(a) the amount of a deductible dividend, etc. prescribed in the preceding paragraph to be deducted pursuant to the provisions of the same paragraph;

ロ 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おいて第一項又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ときの当該金額

(b) in the case where the provisions of Article 66-4, paragraph (1) or Article 68-88, paragraph (1) of the Act are applied to a transaction with a domestic corporation listed in the items of Article 66-6, paragraph (1) of the Act pertaining to the 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 is not paid to the domestic corporation, the amount that is not paid;

ハ 法第四十条の四第三項の規定により読み替えられた同条第二項第二号の規定により控除される同号に規定する政令で定める費用の額の百分の十に相当する金額

(c) the amount that accounts for ten percent of the amount of expenses specified by Cabinet Order prescribed in Article 40-4, paragraph (2), item (ii) to be deducted pursuant to the provisions of the same item in which the terms and phrases are replaced pursuant to the provisions of paragraph (3) of the same Article;

ニ 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配当等の額を除く。）

(d) 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, etc.);

ホ 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適用対象金額に含まれた金額

(e) the amount paid as the expenses for the relevant business year (excluding

the amount of corporate income tax and the Amount of a Dividend, etc.) which was included in the amount of eligible income for the relevant business year, because the 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 same 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（以下第二十五条の二十三までにおいて「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（次条第二項及び第二十五条の二十三第一項において「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 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 Specified Foreign Subsidiary Company, etc. (where the Specified Foreign Subsidiary Company, etc. has issued the shares, etc. in which claims prescribed in Article 40-4, paragraph (1) of the Act (hereinafter referred to as "Claims" through to Article 25-23) 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 (2) of the following Article and Article 25-23, paragraph (1)), the ratio of the Amount of a Dividend, etc. that the relevant other Specified Foreign Subsidiary Company, etc. can receive based on the 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及び基準所得金額に係る税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号に規定する基準所得金額（第七項において「基準所得金額」という。）から次に掲げる金額の合計額（同条第三項の規定の適用がある場合には、同項の規定により読み替えられた同号に規定する政令で定める費用の額の百分の十に相当する金額を加算した金額）を控除した残額とする。

(5) The amount obtained as a result of an adjustment for the amount of loss and the base income amount prescribed in Article 40-4, paragraph (2), item (ii) of the Act is the amount that remains after deducting, from the base income

amount, prescribed in the same item, of a Specified Foreign Subsidiary Company, etc. for the relevant business year (referred to as the "base income amount" in paragraph (7)), the sum of the amounts listed as follows (where the provisions of paragraph (3) of the same Article are applied, the amount obtained by adding the amount that accounts for ten percent of the amount of expenses specified by Cabinet Order prescribed in Article 40-4, paragraph (2), item (ii) of the Act in which the terms and phrases are replaced pursuant to the provisions of paragraph (3) of the same Article):

一 当該特定外国子会社等の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。）の合計額に相当する金額

(i) the amount equivalent to the sum of the loss incurred in the business years that started within seven years prior to the first day of the relevant business year of the Specified Foreign Subsidiary Company, etc. (excluding the business years that started before April 1, 1978 and the business years during which the company did not fall under the category of specified foreign subsidiary companies, etc. (including specified foreign subsidiary companies, etc. prescribed in Article 60-6, paragraph (1) or Article 68-90, paragraph (1) of the Act)) (that loss excludes the amount deducted in the business years preceding the relevant business year pursuant to the provisions of this paragraph);

二 当該特定外国子会社等が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金額）

(ii) the amount of corporate income tax that the Specified Foreign Subsidiary Company, etc. is to pay in the relevant business year (where there is any amount of corporate income tax to be refunded in the relevant business year, the amount that remains after deducting the amount of corporate income tax to be refunded).

6 前項第一号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 item (i) of the preceding paragraph means 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基準所得金額の計算上、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, paragraph (1), item (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 Articles 42 to 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, Articles 65-7 to 65-9 (limited to the part pertaining to item (xix) of the table in Article 65-7, paragraph (1) of the Act), Article 67-12, paragraph (2) and Article 67-13, paragraph (2) of the Act, whose provisions are to be applicable under the provisions of the same item, the amount is to be included in deductible expenses for calculating the base income amount for the relevant business year, only when detailed statements concerning the inclusion of the 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 amount in deductible expenses, the district director may, when they find that there was any compelling reason therefor, apply the provisions of the main clause of this paragraph, only when the 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 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 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, they must receive approval from the competent district director having jurisdiction over their 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金額の計算等)

(Calculation of the Amount of Taxable Income of Specified Foreign Subsidiary Companies Related to Residents)

第二十五条の二十一 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適用対象金額から当該各事業年度の前条第四項第一号ニ及びホに掲げる金額の合計額を控除した残額に、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とする。

Article 25-21 (1) The amount calculated as specified by Cabinet Order prescribed in Article 40-4, paragraph (1) of the Act is the amount obtained by deducting the sum of the amounts listed in paragraph (4), item (i), (d) and (e) of the preceding Article for the relevant business year from the amount of eligible income for the relevant business year of a specified foreign subsidiary company, etc. related to a resident listed in the items of the same paragraph and then multiplying the amount that remains after deduction by the ratio of the shares, etc. for considering the Claims held by the 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.

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

(2) In the preceding paragraph and this paragraph, the meanings of the terms set forth in the following items are as prescribed respectively in those 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所得税法第二十四条第一項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。)の額がその総額のうち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 resident (where the 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 foreign corporation by the ratio of the amount of a dividend of surplus, dividend of profit or distribution of surplus prescribed in Article 24, paragraph (1) of the Income Tax Act (hereinafter referred to as the "Dividend Surplus, etc." in this Section) that the resident can receive based on the 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, item (xiv) of the Corporation Tax Act; hereinafter the same applies in this Article) of the foreign corporation (hereinafter those other foreign corporations are referred to as "Other Foreign Corporations" in (a)): The ratio obtained by multiplying the 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 shares, etc. (where the

issuing corporation has issued the shares, etc. in which different Claims are vested, the ratio of the amount of a Dividend Surplus, etc. that the shareholder, etc. can receive based on the Claims out of the total amount); hereinafter the same applies in this item) pertaining to the relevant Other Foreign Corporations by the relevant Other Foreign Corporations' ratio of shareholding pertaining to the 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 between the 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 that intervening foreign corporation is referred to as a "capital contribution-related foreign corporation" in this paragraph) and the resident, the relevant Other Foreign Corporation, capital contribution-related foreign corporation and the foreign corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the resident's ratio of shareholding pertaining to the relevant Other Foreign Corporation sequentially by the relevant Other Foreign Corporation's ratio of shareholding pertaining to the capital contribution-related foreign corporations, by the capital contribution-related foreign corporation's ratio of shareholding pertaining to other capital contribution-related foreign corporations, and by the capital contribution-related foreign corporation's ratio of shareholding pertaining to the foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

- 3 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特定外国子会社等の課税対象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、次に掲げる金額の合計額（当該合計額が同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に相当する金額）とする。

(3) The amount that is to be included in the necessary expenses for calculating the amount of miscellaneous income pertaining to the Taxable Income of a specified foreign subsidiary company to be included in the gross revenue pursuant to the provisions of Article 40-4, paragraph (1) of the Act is the sum of the amounts listed as follows (where the sum exceeds the amount deemed to be revenue pertaining to the miscellaneous income under the provisions of the same paragraph, the amount is that equivalent to the sum of the amounts deemed to be the revenue):

一 居住者がその有する当該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（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。以下この号において同じ。）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

(i) 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. held indirectly by the resident in the case where they hold indirectly the shares, etc. pertaining to the specified foreign subsidiary company, etc. (the shares, etc. held indirectly mean the number of shares or the amount of capital contributions of a foreign corporation specified by Cabinet Order as those held indirectly as prescribed in Article 40-4, paragraph (2), item (iii) of the Act) (the shares, etc. of a specified foreign subsidiary corporation are limited to those held by the resident and exclude those falling under the category of the shares, etc. of a specified foreign subsidiary company, etc. related to the resident); hereinafter the same applies in this item) which will be paid for a period of the year during which the resident held the shares, etc. of the specified foreign subsidiary company, etc.;

二 当該特定外国子会社等から受ける所得税法施行令第二百二十二条の二第四項第三号に規定する剰余金の配当等の額を課税標準として課される同号に規定する外国所得税の額でその年中に納付するもの

(ii) the amount of foreign income tax prescribed in Article 222-2, paragraph (4), item (iii) of the Order for Enforcement of the Income Tax Act to be imposed based on the amount of a Dividend Surplus, etc. prescribed in the same item to be received from the specified foreign subsidiary company, etc. which will be paid for the relevant year.

4 前項の規定により課税対象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各号に掲げる金額の合計額は、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。

(4) The sum of the amounts listed in the items of the preceding paragraph which is included in the necessary expenses for calculating the amount of miscellaneous income pertaining to the Taxable Income pursuant to the provisions of the same paragraph is not to 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, paragraph (2) of the Income Tax Act which is deducted for calculating the amount of dividend income pursuant to the provisions of the same paragraph.

5 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。

(5) The number of shares or the amount of capital contributions of a foreign corporation specified by Cabinet Order as those held indirectly as prescribed in Article 40-4, paragraph (2), item (iii) of the Act is 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 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 shares, etc.; hereinafter the same applies in this paragraph) of the individual or domestic corporation pertaining to the relevant Other Foreign Corporations by the relevant other foreign corporations' ratio of shareholding pertaining to the 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 between the 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 that intervening foreign corporation is referred to as a "capital contribution-related foreign corporation" in this paragraph) and the individual or domestic corporation, the relevant Other Foreign Corporation, capital contribution-related foreign corporation(s) and the foreign corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the ratio of shareholding of the individual or domestic corporation pertaining to the relevant Other Foreign Corporation sequentially by the relevant Other Foreign Corporation's ratio of shareholding pertaining to the capital contribution-related foreign corporations, by the capital contribution-related foreign corporation's ratio of shareholding pertaining to other capital contribution-related foreign corporations, and by the capital contribution-related foreign corporation's ratio of shareholding pertaining to the foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

6 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。

(6) The number of voting rights of a foreign corporation specified by Cabinet Order as being held indirectly as prescribed in Article 40-4, paragraph (2), item (iv) of the Act is the number of voting rights obtained by multiplying the total number of voting rights (meaning the voting rights prescribed in Article 40-4, paragraph (1), item (i), (a) of the Act; hereinafter the same applies 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 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 applies in this paragraph) of the individual or domestic corporation pertaining to the relevant Other Foreign Corporations by the relevant Other Foreign Corporations' ratio of voting rights pertaining to the 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 between the 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 that intervening foreign corporation is referred to as a "capital contribution-related foreign corporation" in this paragraph) and the individual or domestic corporation, the Other Foreign Corporation, capital contribution-related foreign corporation(s) and the foreign corporation have a linkage through holding the voting rights: The ratio obtained by multiplying the ratio of voting rights of the individual or domestic corporation pertaining to the relevant Other Foreign Corporation sequentially by the relevant Other

Foreign Corporation's ratio of voting rights pertaining to the capital contribution-related foreign corporations, by the capital contribution-related foreign corporation's ratio of voting rights pertaining to other capital contribution-related foreign corporations, and by the capital contribution-related foreign corporation's ratio of voting rights pertaining to the 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 Surplus, etc. specified by 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, paragraph (2), item (v) of the Act is the amount of a Dividend Surplus, etc. obtained by multiplying the total amount of a Dividend 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 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 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 applies in this paragraph) of the individual or domestic corporation pertaining to the relevant Other Foreign Corporations by the relevant Other Foreign Corporations' ratio of Claims pertaining to the 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 between the 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 that intervening foreign corporation is referred to as a "capital contribution-related foreign corporation" in this paragraph) and the individual or domestic corporation, the relevant Other Foreign Corporation, capital contribution-related foreign corporation and the 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 individual or domestic corporation pertaining to the relevant Other Foreign Corporation sequentially by the relevant Other Foreign Corporation's ratio of Claims pertaining to the capital contribution-related foreign corporations, by the capital contribution-related foreign corporation's ratio of Claims pertaining to other capital contribution-related foreign corporations, and by the capital contribution-related foreign corporation's ratio of Claims pertaining to the 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 Cabinet Order with a resident or a domestic corporation prescribed in Article 40-4, paragraph (2), item (vi) of the Act is 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 their 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 the person for their 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 officer;

二 次に掲げる法人

(ii) a corporation listed as follows:

イ 一の居住者又は内国法人（当該居住者又は内国法人と前号に規定する特殊の関係のある個人を含む。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 or a domestic corporation (including an individual who has a special relationship prescribed in the preceding item with the resident or domestic corporation; hereinafter referred to as a "Resident, etc." in this paragraph) controls any other corporation, the relevant 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 Resident, etc. controls any other corporation, the relevant 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 Resident, etc. controls any other corporation, the relevant 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 Resident, etc. out of those which have the 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, paragraph (3) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where controlling any other corporation listed in (a) to (c) of item (ii) of the preceding paragraph.

10 法第四十条の四第三項の規定により読み替えられた同条第二項第二号に規定する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。

(10) The amount of expenses specified by Cabinet Order prescribed in Article 40-4, paragraph (2), item (ii) of the Act in which the terms and phrases are replaced pursuant to the provisions of paragraph (3) of the same Article is the sum of personnel expenses for officers and employees of a specified foreign subsidiary company, etc. engaged in the business of the specified foreign subsidiary company, etc. prescribed in paragraph (3) of the same 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 paragraph (2) of the preceding Article for the relevant business year of the specified foreign subsidiary company, etc.).

（特定外国子会社等の事業の判定等）

(Determination of Business of Specified Foreign Subsidiary Companies)

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 Cabinet Order prescribed in Article 40-4, paragraph (4), item (i) of the Act is 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, item (xii)-7-4 of the Corporation Tax Act) which have the consolidated full controlling interest prescribed in item (xii)-7-5 of the same Article with a consolidated corporation listed in the items of Article 68-90, paragraph (1) of the Act which pertains to a specified foreign subsidiary company, etc. prescribed in Article 40-4, paragraph (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 same

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, paragraph (1) of the Act which pertains to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 40-4, paragraph (4), item (i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (1) of the Act and the preceding item who is related to the 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, paragraph (1) of the Act (where the consolidated corporation is a consolidated subsidiary corporation prescribed in Article 2, item (xii)-7-3 of the Corporation Tax Act, a consolidated parent corporation prescribed in item (xii)-7-2 of the same Article which pertains to the consolidated corporation) which pertains to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 40-4, paragraph (4), item (i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (1) of the Act and the preceding two items who is related to the 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, paragraph (1), items of Article 66-6, paragraph (1) or items of Article 68-90, paragraph (1) of the Act who is related to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 40-4, paragraph (4), item (i) of the Act holds the shares, etc. indirectly pertaining to the Specified Foreign Subsidiary Company, etc. (the shares, etc. mean the number of shares or the amount of capital contributions of a foreign corporation specified by Cabinet Order as being held through indirect ownership as prescribed in Article 40-4, paragraph (2), item (iii) of the Act), the other foreign corporation prescribed in paragraph (5), item (i) of the preceding Article or the other foreign corporation and capital contribution-related foreign corporation(s) prescribed in item (ii) of the same paragraph which pertain to the 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 Cabinet Order prescribed in Article 40-4, paragraph (2), item (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, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (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, paragraph (4), item (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, paragraph (4), item (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, paragraph (1), items of Article 66-6, paragraph (1) or items of Article 68-90, paragraph (1) of the Act who is related to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 40-4, paragraph (4), item (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 Cabinet Order prescribed in Article 40-4, paragraph (4),

item (i) of the Act is 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 same 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っ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っ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, item (xx) of the Corporation Tax Act; hereinafter the same applies 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, the revenues include the amount from the transactions for which the 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, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (1) of the Act and the preceding items who are related to the specified foreign subsidiary company, etc.; hereinafter the same applies in this paragraph and the following 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, the acquisition costs include the amount from the transactions for which the 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 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 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 trust charge to be received from a person other than affiliated persons exceeds 50 percent;

四 金融商品取引業 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) financial instruments 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 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 premium income to be received from a person other than affiliated persons (where the 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 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 specified foreign subsidiary company, etc. are conducted indirectly via a person other than an affiliated person related to the specified foreign subsidiary company, etc. (hereinafter referred to as a "Non-Affiliated Person" in this paragraph), transactions between the specified foreign subsidiary company, etc. and the Non-Affiliated Person are deemed to have been conducted directly between the specified foreign subsidiary company, etc. and the affiliated person and the provisions of the items of the preceding paragraph are applied, except in the case where there are reasonable grounds for having the Non-Affiliated Person intervene in the 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 Cabinet Order prescribed in Article 40-4, paragraph (4), item (ii) of the Act are 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 same 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 Cabinet Order prescribed in Article 40-4, paragraph (4), item (ii) of the Act is 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 same 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。）の売買又は貸付け（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 real estate) (real estate include the rights thereon; hereinafter the same applies 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 real estate, and managing the 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つ

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.

(特定外国子会社等から受ける剰余金の配当等の額の控除)

(Deduction of Dividend of Surplus to Be Received by Specified Foreign Subsidiary Company)

第二十五条の二十三 法第四十条の五第一項第一号に規定する政令で定める金額は、同号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。）に係る適用対象金額（居住者の同号に規定する年分の雑所得の金額の計算上総収入金額に算入される課税対象金額に係るものに限る。以下この項において同じ。）から当該特定外国子会社等の当該適用対象金額に係る事業年度の第二十五条の二十四第一号ニ及びホに掲げる金額の合計額を控除した残額に、当該特定外国子会社等の当該事業年度終了の時における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直接保有株式等（居住者が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又は金額）をいう。次項において同じ。）の占める割合を乗じて計算した金額とする。

Article 25-23 (1) The amount specified by Cabinet Order prescribed in Article 40-5, paragraph (1), item (i) of the Act is the amount obtained by deducting the sum of the amounts listed in Article 25-20, paragraph (4), item (i), (d) and (e) for the business year pertaining to a specified foreign subsidiary company, etc. prescribed in Article 40-5, paragraph (1), item (i) of the Act (hereinafter referred to a "Specified Foreign Subsidiary Company, etc." in this Article and paragraph (2) of the following Article), from the amount of eligible income (limited to that which pertains to Taxable Income to be included in the Amount of Gross Revenue in the calculation of the amount of miscellaneous income for the years, prescribed in the same item, of a resident; hereinafter the same applies in this paragraph) pertaining to the Specified Foreign Subsidiary Company, etc., and then multiplying the amount that remains after deduction by the ratio of the shares, etc. for considering the claims held directly by the resident 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. (meaning the number or the amount of the shares, etc. of a foreign corporation held by a resident (where the 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 foreign corporation by the ratio of the amount of a dividend of surplus, etc. that the resident can receive based on the claims out of the total amount); the same applies in the following paragraph)

2 法第四十条の五第一項第二号に規定する政令で定める金額は、特定外国子会社等の各事業年度の適用対象金額（居住者の同号に規定する前年以前三年内の各年分の雑所得の金額の計算上総収入金額に算入された課税対象金額に係るものに限る。）から当該各事業年度の第二十五条の二十四第四項第一号ニ及びホに掲げる金額の合計額を控除した残額に、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居住者の有する当該特定外国子会社等の請求権勘案直接保有株式等の占める割合を乗じて計算した金額の合計額とする。

(2) The amount specified by Cabinet Order prescribed in Article 40-5, paragraph (1), item (ii) of the Act is the amount obtained by deducting the sum of the amounts listed in Article 25-20, paragraph (4), item (i), (d) and (e) for the relevant business year from the amount of eligible income (limited to that which pertains to Taxable Income included in the Amount of Gross Revenue in the calculation of the amount of miscellaneous income for the years in the three years preceding the previous year prescribed in Article 40-5, paragraph (1), item (ii) of the Act of a resident) for the relevant business year of a Specified Foreign Subsidiary Company, etc., and then multiplying the amount that remains after deduction by the ratio of the shares, etc. for considering the claims held directly by the resident 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.

（外国関係会社の判定等）

(Determination 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、外国法人が同条第二項第一号に規定する外国関係会社（以下この項において「外国関係会社」という。）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、その者が同条第一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, paragraph (1) of the Act, whether or not a foreign company falls under the category of an affiliated foreign company prescribed in paragraph (2), item (i) of the same Article (hereinafter referred to as an "Affiliated Foreign Company" in this paragraph) is to be determined according to its status at the end of the relevant business year of the foreign corporation and whether or not the person falls under the category of a resident listed in the items of paragraph (1) of the same Article is determined according to its status at the end of the relevant business year of

an Affiliated Foreign Company related to the resident.

2 法第四十条の四第一項又は第四十条の五第一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の規定の適用を受ける特定外国子会社等から受ける剰余金の配当等の額に係る配当所得の金額は同項の規定による控除後の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 creditable amount prescribed in Article 95, paragraph (1) of the Income Tax Act for a resident subject to the provisions of Article 40-4, paragraph (1) of the Act or Article 40-5, paragraph (1) or paragraph (2) of the Act, the amount of miscellaneous income pertaining to the Taxable Income to be included in the gross revenue pursuant to the provisions of Article 40-4, paragraph (1) of the Act is to be included in the domestic source income prescribed in Article 222, paragraph (3) of the same Order, and the amount of dividend income from a dividend, etc. prescribed in Article 40-5, paragraph (1) to be received from a specified foreign subsidiary company, etc. or an affiliated foreign company subject to the provisions of Article 40-5, paragraph (1) or paragraph (2) of the Act is to be the amount of the 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（第十項を除く。）まで、前条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, paragraphs (1) to (5) and paragraphs (7) to (11) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where the provisions of Article 40-4, paragraph (7) of the Act apply under the provisions of Article 40-4 (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 40-6 of the Act and Articles 25-19 to 25-21 (excluding paragraph (10)), the preceding Article 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（第十項を除く。）まで、前条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, beyond what is specified in the preceding paragraph, necessary particulars 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 Articles 25-19 to 25-21 (excluding paragraph (10)), the preceding Article or this Article are specified by Ministry of Finance Order.

第八節の五 特殊関係株主等である居住者に係る特定外国法人に係る所得の課税の特例

Section 8-5 Special Provisions for Taxation on Income of Specified Foreign Corporations Related to Residents Who Are Specially-Related Shareholders

(特殊関係株主等の範囲等)

(Scope of Specially-Related Shareholders)

第二十五条の二十五 法第四十条の七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 25-25 (1) An individual who has a special relationship specified by Cabinet Order prescribed in Article 40-7, paragraph (1) of the Act is any of the following:

一 特定株主等（法第四十条の七第二項第一号に規定する特定株主等をいう。次号及び次項第一号において同じ。）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, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with an individual falling under the category of a specified shareholder, etc. (meaning a specified shareholder, etc. prescribed in Article 40-7, paragraph (2), item (i) of the Act; hereinafter the same applies in the following item and item (i) of the following 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。以下この項及び第二十五条の二十七第四項において同じ。）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（次号において「特殊関係者」という。）

(ii) an officer (meaning an officer prescribed in Article 2, item (xv) of the Corporation Tax Act; hereinafter the same applies in this paragraph and Article 25-27, paragraph (4)) of a corporation falling under the category of a specified shareholder, etc. 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 officer (referred to as a "specially-related person" in the following item);

三 特殊関係内国法人（法第四十条の七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。）の役員及び当該役員に係る特殊関係者

(iii) an officer of a specially-related domestic corporation (meaning a specially-related domestic corporation prescribed in Article 40-7, paragraph (2), item (ii) of the Act; hereinafter the same applies in this Section) and a specially-

related person who is related to the officer.

2 法第四十条の七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 Cabinet Order prescribed in Article 40-7, paragraph (1) of the Act is any of the following:

一 一の特定株主等（当該特定株主等と前項第一号又は第二号に規定する特殊の関係のある個人を含む。）又は一の特殊関係内国法人と同項第三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「判定株主等」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

(i) where a specified shareholder, etc. (including an individual who has a special relationship with the specified shareholder, etc. as prescribed in item (i) or item (ii) of the preceding paragraph) or an individual who has a special relationship with a specially-related domestic corporation as prescribed in item (iii) of the same paragraph (hereinafter referred to as a "Determined Shareholder, etc." in this paragraph) controls any other corporation, the relevant other corporation;

二 判定株主等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 a Determined Shareholder, etc. and a corporation which has a special relationship with the Determined Shareholder, etc. as prescribed in the preceding item control any other corporation, the relevant other corporation;

三 判定株主等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 a Determined Shareholder, etc. and a corporation which has a special relationship with the Determined Shareholder, etc. as prescribed in the preceding two items control any other corporation, the relevant 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, paragraph (3) and paragraph (4) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where the provisions of the preceding paragraph apply.

4 法第四十条の七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 Cabinet Order prescribed in Article 40-7, paragraph (1) of the Act is the relevant relationship in the case where a

pecially-related shareholder, etc. prescribed in the same 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。以下この条において同じ。）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 applies in this item) which is a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2, paragraph (1), item (viii)-2 of the Income Tax Act; hereinafter the same applies in this Article) of a specially-related domestic corporation (the issued shares or capital contributions exclude those held on their own by the foreign corporation; and the total number or total amount of the issued shares or capital contributions is 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 the shares, etc. (meaning shares or capital contributions; hereinafter the same applies in this Section): The ratio of the number or the amount of the shares, etc. of the specially-related domestic corporation held by the foreign corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the specially-related domestic corporation (where there are two or more of those 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 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 same item and a corporation falling under the category of a Specially-Related Shareholder, etc.) and a Specially-Related Shareholder, etc., and have a linkage with them through holding the shares, etc. (where the corporation which is a shareholder, etc. is a domestic corporation and the relevant single corporation is or two or more corporations are all domestic corporations, excluding the domestic corporations and a corporation falling under the category of a Specially-Related Shareholder, etc.; hereinafter referred to as a "Capital Contribution-Related Corporation" 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 and the corporation which is a shareholder, etc. are held by a Specially-Related Shareholder, etc. or a Capital Contribution-Related Corporation (the Specially-Related Shareholder, etc. or capital contribution-related foreign corporation is 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 Corporations)): The ratio of the number or the amount of the shares, etc. of the specially-related domestic corporation held by the corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the specially-related domestic corporation (where there are two or more of those corporations which are shareholders, etc., the sum of the ratios calculated for each of them).

5 法第四十条の七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 Cabinet Order prescribed in Article 40-7, paragraph (1) of the Act is 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 same 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 same 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. is to 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 same 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 same paragraph and a foreign corporation falling under the category of a Specially-Related Shareholder, etc.; hereinafter the same applies in this paragraph) (the ratio of the shares, etc. held directly means 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 relevant 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 same paragraph pertaining to the relevant other foreign corporation (the ratio of the shares, etc. held indirectly means 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 relevant other foreign corporation: The ratio of the number or the amount of the shares, etc. of the relevant other foreign corporation held by the foreign corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the relevant other foreign corporation (where there are two or more of those 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 between a foreign corporation which is a shareholder, etc. of the relevant 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 same item) and a foreign corporation listed in item (i) and item (ii) of the preceding paragraph, and have a linkage with them through holding the

shares, etc. (hereinafter referred to as a "Capital Contribution-Related Foreign Corporation" 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 and the foreign corporation which is a shareholder, etc. are held by a foreign corporation listed in item (i) and item (ii) of the same paragraph or a Capital Contribution-Related Foreign Corporation (the foreign corporation or Capital Contribution-Related Foreign Corporation is 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 same paragraph or other capital contribution-related corporations)): The ratio of the number or the amount of the shares, etc. of the relevant other foreign corporation held by the foreign corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the relevant other foreign corporation (where there are two or more of those foreign corporations which are shareholders, etc., the sum of the ratios calculated for each of them).

7 法第四十条の七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 Cabinet Order prescribed in Article 40-7, paragraph (1) of the Act is 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（法第四十条の七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 40-7, paragraph (1) of the Act; hereinafter the same applies 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, paragraph (2), item (xix) of the Act; hereinafter the same applies in this Section) is 25 percent or less of the 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, paragraph (2) 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 法第四十条の七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 Cabinet Order prescribed in Article 40-7, paragraph (2), item (i) of the Act is an individual who has a special relationship prescribed in Article 4, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with a shareholder, etc. of a domestic corporation.

10 法第四十条の七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 Cabinet Order prescribed in Article 40-7, paragraph (2), item (i) of the Act is 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 domestic corporation holds its own shares, etc., excluding the domestic corporation; hereinafter referred to as a "Determined Shareholder, etc." in this paragraph) (regarding a Determined Shareholder, etc. who is an individual, the Determined Shareholder, etc. and an individual who has a special relationship with the Determined Shareholder, etc. as prescribed in the preceding paragraph; hereinafter the same applies in this paragraph) controls any other corporation, the relevant 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 the Determined Shareholder, etc. as prescribed in the preceding item control any other corporation, the relevant 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 the Determined Shareholder, etc. as prescribed in the preceding two items control any other corporation, the relevant 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, paragraph (3) and paragraph (4) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where the provisions of the preceding paragraph apply.

1 2 法第四十条の七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 Cabinet Order prescribed in Article 40-7, paragraph (2), item (ii) of the Act is a domestic corporation which has received the transfer of almost all the assets and liabilities of a specified domestic corporation prescribed in the same 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 Specified Reasons.

（特定外国法人の適用対象金額の計算）

(Calculation of Eligible Income of Specified Foreign Corporations)

第二十五条の二十六 法第四十条の七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（以下この条及び次条第一項において「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 25-26 (1) The amount of undistributed income calculated in accordance with the standards specified by Cabinet Order prescribed in Article 40-7, paragraph (2), item (iii) of the Act is the amount calculated, pursuant to the provisions of Article 25-20, paragraph (1) or paragraph (2), or paragraph (3) of the same Article, with regard to the income of a specified foreign corporation prescribed in Article 40-10, paragraph (1) of the Act (hereinafter referred to as a "Specified Foreign Corporation" in this Article and paragraph (1) of the following Article) in its settlement of accounts for the relevant business year.

2 法第四十条の七第二項第三号に規定する欠損の金額及び基準所得金額に係る税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号に規定する基準所得金額から次に掲げる金額の合計額（同条第三項の規定の適用がある場合には、同項の規定により読み替えられた同号に規定する政令で定める費用の額の百分の十に相当する金額を加算した金額）を控除した残額とする。

(2) The amount obtained as a result of an adjustment for the amount of loss and base income prescribed in Article 40-7, paragraph (2), item (iii) of the Act is the amount that remains after deducting, from the base income amount prescribed in the same item for the relevant business year of a Specified Foreign Corporation, the sum of the amounts listed as follows (where the provisions of paragraph (3) of the same Article are applied, the amount obtained by adding the amount that accounts for ten percent of the amount of expenses specified by Cabinet Order prescribed in Article 40-7, paragraph (2), item (iii) of the Act in which the terms and phrases are replaced pursuant to the provisions of paragraph (3) of the same Article):

- 一 当該特定外国法人の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二第一項又は第六十八条の九十三の二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。）の合計額に相当する金額
- (i) the amount equivalent to the sum of the loss incurred in the business years that started within seven years prior to the first day of the relevant business year of the Specified Foreign Corporation (excluding the business years that started before October 1, 2007 and the business years during which the corporation did not fall under the category of Specified Foreign Corporations (including Specified Foreign Corporations prescribed in Article 66-9-2, paragraph (1) or Article 68-93-2, paragraph (1) of the Act)) (that loss excludes the amount deducted in the business years preceding the relevant business year pursuant to the provisions of this paragraph);
- 二 当該特定外国法人が当該各事業年度において納付をすることとなる第二十五条の二十第二項に規定する法人所得税（以下この号において「法人所得税」という。）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金額）
- (ii) the amount of corporate income tax prescribed in Article 25-20, paragraph (2) (hereinafter referred to as "Corporate Income Tax" in this item) that the Specified Foreign Corporation is to pay in the relevant business year (where there is any amount of Corporate Income Tax to be refunded in the relevant business year, the amount that remains after deducting the amount of Corporate Income Tax to be refunded).
- 3 前項第一号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 item (i) of the preceding paragraph is 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, paragraph (7) and paragraph (8) 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 same Article.

（特定外国法人の課税対象金額の計算等）

(Calculation of the Amount of Taxable Income of Specified Foreign Corporations)

第二十五条の二十七 法第四十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、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金額（同項に規定する適用対象金額をいう。以下この節において同じ。）につき、第二十五条の二十一第一項及び第二項の規定の例により計算した金額とする。

Article 25-27 (1) The amount calculated as specified by Cabinet Order prescribed in Article 40-7, paragraph (1) of the Act is the amount calculated with regard to the eligible income (meaning the eligible income prescribed in the same paragraph; hereinafter the same applies 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, paragraph (1) and paragraph (2).

2 第二十五条の二十一第三項及び第四項の規定は、法第四十条の七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。この場合において、第二十五条の二十一第三項第一号中「第四十条の四第二項第三号」とあるのは「第四十条の七第二項第四号」と、同項第二号中「第二百二十二条の二第四項第三号」とあるのは「第二百二十二条の二第四項第四号」と読み替えるものとする。

(2) The provisions of Article 25-21, paragraph (3) and paragraph (4) 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 income prescribed in Article 40-7, paragraph (1) of the Act which is to be included in the gross revenue pursuant to the provisions of the same paragraph. In this case, the term "Article 40-4, paragraph (2), item (iii)" in Article 25-21, paragraph (3), item (i) is deemed to be replaced with "Article 40-7, paragraph (2), item (i)", and the term "Article 222-2, paragraph (4), item (iii)" in item (ii) of the same paragraph is deemed to be replaced with "Article 222-2, paragraph (4), item (iv)".

3 第二十五条の二十一第五項の規定は、法第四十条の七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五項中「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 25-21, paragraph (5) apply mutatis mutandis to the number of shares or the amount of capital contributions of a foreign corporation specified by Cabinet Order as being held indirectly as prescribed in Article 40-7, paragraph (2), item (iv) of the Act. In this case, the term "an individual" in Article 25-21, paragraph (5) is deemed to be replaced with "a resident".

4 法第四十条の七第三項の規定により読み替えられた同条第二項第三号に規定する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、第二十五条の第二十一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 Cabinet Order set forth in Article 40-7, paragraph (2), item (iii) of the Act in which the terms and phrases are replaced pursuant to the provisions of paragraph (3) of the same Article is 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 specified foreign corporation prescribed in paragraph (3) of the same Article, pursuant to the provisions of Article 25-21, paragraph (10).

(特定外国法人の事業の判定等)

(Determination of Business of Specified Foreign Corporations)

第二十五条の二十八 法第四十条の七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 25-28 (1) The person specified by Cabinet Order prescribed in Article 40-7, paragraph (4), item (i) of the Act is any of the following:

一 法第四十条の七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, item (xii)-7-4 of the Corporation Tax Act; hereinafter the same applies in this item and item (iii)) which have the consolidated full controlling interest prescribed in Article 2, item (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 40-7, paragraph (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 same paragraph (hereinafter the Specified Foreign Corporation is referred to as a "Specified Foreign Corporation" in this paragraph) (those other consolidated corporations exclude those falling under the category of Specially-Related Shareholders, etc. pertaining to the Specified Foreign Corporation);

二 法第四十条の七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 40-7, paragraph (4), item (i) of the Act (excluding a person falling under the category of a Specially-Related Shareholder, etc. pertaining to the Specified Foreign Corporation and a person falling under the category of persons listed in the preceding item);

三 法第四十条の七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 consolidated corporation is a consolidated subsidiary corporation prescribed in Article 2, item (xii)-7-3 of the Corporation Tax Act, a consolidated parent corporation prescribed in item (xii)-7-2 of the same Article related to the consolidated corporation) which pertains to a Specified Foreign Corporation mainly engaged in the business listed in Article 40-7, paragraph (4), item (i) of the Act (excluding a person falling under the category of a Specially-Related Shareholder, etc. pertaining to the Specified Foreign Corporation and a person falling under the category of persons listed in the preceding two items);

四 法第四十条の七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 40-7, paragraph (4), item (i) of the Act;

五 法第四十条の七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二十五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 25-25, paragraph (4), item (ii) or a 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 40-7, paragraph (4), item (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七第一項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 Cabinet Order prescribed in Article 40-7, paragraph (1) 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, paragraph (4), item (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 法第四十条の七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 40-7, paragraph (4), item (i) of the Act;

ロ 法第四十条の七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 40-7 paragraph (4), item (i) of the Act;

ハ 法第四十条の七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 40-7, paragraph (4), item (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、法第四十条の七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、「法第四十条の七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二十八第一項各号」と読み替えるものとする。

(2) The provisions of Article 25-22, paragraph (2) and paragraph (3) apply mutatis mutandis to the case specified by Cabinet Order prescribed in Article 40-7, paragraph (4), item (i) of the Act. In this case, the term "those listed in the items of Article 40-4, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (1) of the Act and the preceding items" in Article 25-22, paragraph (2), item (i) is deemed to be replaced with "a specially-related domestic corporation prescribed in Article 40-7, paragraph (2), item (ii) of the Act, Specially-Related Shareholder, etc. prescribed in paragraph (1) of

the same Article and those listed in the items of Article 25-28, paragraph (1)".

3 第二十五条の二十二第五項の規定は、法第四十条の七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, paragraph (5) apply mutatis mutandis to the case specified by Cabinet Order prescribed in Article 40-7, paragraph (4), item (ii) of the Act.

(特定外国法人から受ける剰余金の配当等の額の控除)

(Deduction for the Amount of Dividends of Surplus from Specified Foreign Corporation)

第二十五条の二十九 法第四十条の八第一項第一号に規定する政令で定める金額は、同号に規定する特定外国法人（次項において「特定外国法人」という。）に係る適用対象金額（特殊関係株主等である居住者の同号に規定する年分の雑所得の金額の計算上総収入金額に算入される同号に規定する課税対象金額に係るものに限る。）につき、第二十五条の二十三第一項の規定の例により計算した金額とする。

Article 25-29 (1) The amount specified by Cabinet Order as prescribed in Article 40-8, paragraph (1), item (i) of the Act is the amount calculated in accordance with the provisions of Article 25-23, paragraph (1), with regard to the amount of eligible income (limited to that which pertains to taxable income prescribed in the same item that is included in the Amount of Gross Revenue in the calculation of the amount of miscellaneous income, for the years prescribed in the same item, of a resident who is a Specially-Related Shareholder, etc.) pertaining to a specified foreign corporation prescribed in the same item (referred to as a "Specified Foreign Corporation" in the following paragraph).

2 法第四十条の八第一項第二号に規定する政令で定める金額は、特定外国法人の各事業年度の適用対象金額（特殊関係株主等である居住者の同号に規定する前年以前三年内の各年分の雑所得の金額の計算上総収入金額に算入された同号に規定する課税対象金額に係るものに限る。）につき、第二十五条の二十三第二項の規定の例により計算した金額とする。

(2) The amount specified by Cabinet Order as prescribed in Article 40-8, paragraph (1), item (ii) of the Act is the amount calculated in accordance with the provisions of Article 25-23, paragraph (2), with regard to the amount of eligible income (limited to that which pertains to taxable income prescribed in the same item that is included in the Amount of Gross Revenue in the calculation of the amount of miscellaneous income for each of the three years preceding or including the previous year, prescribed in the same item, of a resident who is a Specially-Related Shareholder, etc.) for each business year of a Specified Foreign Corporation.

(特定関係の判定等)

(Determination of Specified Relationship)

第二十五条の三十 法第四十条の七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、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 25-30 (1) Where the provisions of Article 40-7, paragraph (1) of the Act apply, whether or not a domestic corporation falls under the category of a specified domestic corporation prescribed in Article 40-7, paragraph (2), item (i) of the Act is to be determined according to its status immediately before an event causing a specified relationship prescribed in paragraph (1) of the same Article occurred, and whether or not the 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 is determined according to its status at the end of the relevant business year of the 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（法第四十条の七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 preceding paragraph, the provisions of Article 40-7 of the Act apply to the eligible income for the relevant business year containing the day on which the affiliated foreign corporation (limited to that falling under the category of a specified foreign corporation prescribed in Article 40-7, paragraph (1) of the Act) was determined as falling under that category.

3 第二十五条の二十四第二項の規定は、法第四十条の七第一項又は第四十条の八第一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, paragraph (2) 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 creditable amount prescribed in Article 95, paragraph (1) of the Income Tax Act for a resident subject to the provisions of Article 40-7, paragraph (1) or Article 40-8, paragraph (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、法第四十条の七第八項の規定を同条（第三項、第四項及び第六項を除く。）から法第四十条の九までの規定並びに第二十五条の二十五から第二十五条の二十七

(第四項を除く。)まで、前条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, paragraphs (1) to (5) and paragraphs (7) to (11) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where the provisions of Article 40-7, paragraph (8) of the Act apply under the provisions of Article 40-7 (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 40-9 of the Act, Articles 25-25 to 25-27 (excluding paragraph (5)), the preceding Article 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七(第三項、第四項及び第六項を除く。)から第四十条の九までの規定又は第二十五条の二十五から第二十五条の二十七(第四項を除く。)まで、前条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, beyond what is specified in the preceding paragraph, other necessary particulars concerning the application of the provisions of Article 40-7 (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 40-9 of the Act, Articles 25-25 to 25-27 (excluding paragraph (5)), the preceding Article or this Article are specified by Ministry of Finance Order.

第十節 その他の特例

Section 10 Other Special Provisions

(償還差益の金額等)

(Amount of Profit from Redemption)

第二十六条の九の二 法第四十一条の十二第一項に規定する政令で定める金額は、次に掲げる金額とする。

Article 26-9-2 (1) The amount specified by Cabinet Order as prescribed in Article 41-12, paragraph (1) of the Act is the following amount:

一 法人税法第百四十一条第一号に掲げる外国法人により国外において発行された法第四十一条の十二第七項に規定する割引債(以下この条から第二十六条の十三までにおいて「割引債」という。)について支払を受けるべき同項に規定する償還差益(以下この条から第二十六条の十五の二までにおいて「償還差益」という。)の金額にイに掲げる金額のうちにロに掲げる金額の占める割合を乗じて計算した金額

(i) the amount calculated by multiplying the amount of profit from redemption prescribed in article 41-12, paragraph (7) of the Act (hereinafter referred to as "Profit for Redemption" in this Article through to Article 26-15-2) to be paid with respect to discount bonds prescribed in the same paragraph (hereinafter referred to as "Discount Bonds" in this Article through to Article 26-13) issued outside Japan by a foreign corporation listed in Article 141,

item (i) of the Corporation Tax Act, by the ratio of the amount listed in (b) to the amount listed in (a):

イ 当該割引債の法人税法施行令第百三十六条の二第一項に規定する満たない部分の金額（以下この条から第二十六条の十五の三までにおいて「社債発行差金」という。）

(a) the amount of the shortfall of the Discount Bonds as prescribed in Article 136-2, paragraph (1) of the Order for Enforcement of the Corporation Tax Act (hereinafter referred to as "Discount on Company Bonds Premium" in this Article through to Article 26-15-3);

ロ イに掲げる金額のうち当該外国法人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部分の金額

(b) the part of the amount listed in (a) that is attributed to a business conducted by the foreign corporation in Japan through a fixed place for conducting a business prescribed in Article 141, item (i) of the Corporation Tax Act;

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により国外において発行された割引債について支払を受けるべき償還差益の金額にイに掲げる金額のうちにロに掲げる金額の占める割合を乗じて計算した金額

(ii) the amount calculated by multiplying the amount of Profit for Redemption to be paid with respect to Discount Bonds issued outside Japan by a foreign corporation listed in Article 141, item (ii) or item (iii) of the Corporation Tax Act, by the ratio of the amount listed in (b) to the amount listed in (a):

イ 当該割引債の社債発行差金

(a) Discount on Company Bonds Premium of the Discount Bonds;

ロ イに掲げる金額のうちこれらの外国法人の法人税法第百四十一条第二号又は第三号に規定する事業に帰せられる部分の金額

(b) the part of the amount listed in (a) that is attributed to businesses prescribed in Article 141, item (ii) or item (iii) of the Corporation Tax Act conducted by those foreign corporations.

2 法第四十一条の十二第三項に規定する政令で定める金額は、次に掲げる金額とする。

(2) The amount specified by Cabinet Order as prescribed in Article 41-12, paragraph (3) of the Act is the following amount:

一 法人税法第百四十一条第一号に掲げる外国法人が国外において発行した割引債の券面金額から発行価額を控除した金額にイに掲げる金額のうちにロに掲げる金額の占める割合を乗じて計算した金額

(i) the amount calculated by deducting the issue price from the face value of the Discount Bonds issued outside Japan by a foreign corporation listed in Article 141, item (i) of the Corporation Tax Act and then multiplying the amount that remains after deduction by the ratio of the amount listed in (b) to the amount listed in (a):

イ 当該割引債の社債発行差金

(a) Discount on Company Bonds Premium of the Discount Bonds;

ロ イに掲げる金額のうち当該外国法人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部分の金額

(b) the part of the amount listed in (a) that is attributed to a business conducted by the foreign corporation in Japan through a fixed place for conducting a business prescribed in Article 141, item (i) of the Corporation Tax Act;

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国外において発行した割引債の券面金額から発行価額を控除した金額にイに掲げる金額のうちにロに掲げる金額の占める割合を乗じて計算した金額

(ii) the amount calculated by deducting the issue price from the face value of Discount Bonds issued outside Japan by a foreign corporation listed in Article 141, item (ii) or item (iii) of the Corporation Tax Act and then multiplying the amount that remains after deduction by the ratio of the amount listed in (b) to the amount listed in (a):

イ 当該割引債の社債発行差金

(a) Discount on Company Bonds Premium of the Discount Bonds;

ロ イに掲げる金額のうちこれらの外国法人の法人税法第百四十一条第二号又は第三号に規定する事業に帰せられる部分の金額

(b) the part of the amount listed in (a) that is attributed to the businesses prescribed in Article 141, item (ii) or item (iii) of the Corporation Tax Act pertaining to these foreign corporations.

(償還差益に対する所得税の納付等)

(Payment of Income Tax on Profit from Redemption)

第二十六条の十 割引債の発行者は、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 must, when they pay income tax collected pursuant to the provisions of Article 41-12, paragraph (3) of the Act, attach a financial statement specified by Ministry of Finance Order to a payment statement prescribed in Article 34, paragraph (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、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し、外国法人が発行したものである場合には当該外国法人の国内にある主たる事務所の所在地とする。）とする。

(2) The place for paying income tax to be collected and paid pursuant to the provisions of Article 41-12, paragraph (3) of the Act is at the location of the head office or principal office of an issuer of Discount Bonds (where the

Discount Bonds are national government bonds (excluding those listed in Article 41-12, paragraph (7), item (i) of the Act), at the location of the head office of the Bank of Japan, and where the Discount Bonds are issued by a foreign corporation, at the location of the foreign corporation's principal office in 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, paragraph (4) of the Act pursuant to the provisions of the same paragraph is the amount of income tax that is to be collected from a person who receives the redemption, with regard to Discount Bonds that they hold at the time of the redemption, at the time of issuance of the Discount Bonds pursuant to the provisions of paragraph (3) of the same Article.

(償還差益に対する所得税額の法人税額からの控除)

(Credit of the Amount of Income Tax on Profit from Redemption against 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（当該割引債が外国法人が国外において発行したものであるときは、法第四十一条の十二第三項に規定する政令で定める金額）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、法人税法施行令第四百十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（租税特別措置法第四十一条の十二第七項（償還差益等に係る分離課税等）に規定する償還差益をいう。次項及び第三項において同じ。）」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 credited against corporation tax out of the amount deemed to be income tax to be collected when receiving the redemption prescribed in Article 41-12, paragraph (4) of the Act pursuant to the provisions of the same paragraph is 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 income tax (where the amount of the income tax is not clear, with regard to the amount obtained by deducting the issue price for the Discount Bonds (where the Discount Bonds are national government bonds listed in Article 41-12, paragraph (9), items (i) to (viii) of the Act which are those falling under the category of short-term government or company bonds prescribed in the same paragraph or other national government bonds specified by Ministry of Finance Order (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, that issue price is the issue price on the final issue date for the Discount Bonds, and where the Discount Bonds are the Short-Term National Government Bonds, etc., that issue price is the price specified by Ministry of Finance Order as equivalent to the issue price for the Discount Bonds; that issue price is referred to as the "issue price, etc. on the final issue date" in Article 26-13, paragraph (1), item (i) and paragraph (5), item (ii)) from the face value of the Discount Bonds and then multiplying the amount that remains after deduction (where the Discount Bonds are issued outside Japan by a foreign corporation, the amount specified by Cabinet Order, prescribed in Article 41-12, paragraph (3) of the Act) by the rate of income tax on profit from redemption for the Discount Bonds collected at the time of issuance pursuant to the provisions of paragraph (3) of the same Article, 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 amount that remains after deducting the amount to be refunded that was calculated pursuant to the provisions of paragraph (1) of the following Article from the amount of the income tax). In this case, the term "interest" in Article 140-2, paragraph (1), item (i) of the Order for Enforcement of the Corporation Tax Act is deemed to be replaced with "profit from redemption (meaning profit from redemption as prescribed in Article 41-12, paragraph (7) (Separate Taxation for Profit from Redemption) of the Act on Special Measures Concerning Taxation; the same applies in the following paragraph and paragraph (3))"; the term "out of the number of months" in paragraph (2) of the same Article is deemed to be replaced with "out of the number of months (the number of days, where the 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, paragraph (9) of the Act on Special Measures Concerning Taxation; the same applies in the following paragraph); hereinafter the same applies in this paragraph); and the term "the amount of income prescribed in paragraph (1), item (i)" in paragraph (3) of the same Article is 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), item (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, paragraph (3) of the Act, where a corporation acquired Discount Bonds at the time of issue, is to be included in the acquisition costs of the 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 same Article is not to be included in deductible expenses for calculating the amount of income for a business year containing 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, item (xviii)-4 of the same Act for the consolidated business year; hereinafter the same applies in this paragraph); and the amount of income tax to be credited against corporation tax pursuant to the provisions of Article 68 (including the cases where it is applied mutatis mutandis pursuant to Article 144 of the same Act) or Article 81-14 of the same Act is to be included in gross profits for calculating the amount of income that is to be credited for that business year.

（繰上償還等の場合の所得税の還付）

(Refund of Income Tax in Cases of Advanced Redemption)

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、割引債の券面金額から償還金額（買入消却が行われる場合には、その買入金額。以下この項において同じ。）を控除した金額（当該割引債が外国法人が国外において発行したものであるときは、次に掲げる金額）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, paragraph (5) of the Act is the amount obtained by deducting the redemption price (where retirement by purchase is performed, the purchase price; hereinafter the same applies in this paragraph) from the face value of the Discount Bonds and then multiplying the amount that remains after deduction (where the Discount Bonds are issued outside Japan by a foreign corporation, the amount listed as follows) by the rate of income tax on profit from redemption for the Discount Bonds collected at the time of issue, pursuant to the provisions of paragraph (3) of the same Article:

一 法人税法第百四十一条第一号に掲げる外国法人が国外において発行した割引債の券面金額から償還金額を控除した金額にイに掲げる金額のうちロに掲げる金額の占める割合を乗じて計算した金額

(i) the amount obtained by deducting the redemption price from the face value of the Discount Bonds issued outside Japan by a foreign corporation listed in Article 141, item (i) of the Corporation Tax Act and then multiplying the amount that remains after deduction by the rate of the amount listed in (b) out of the amount listed in (a):

イ 当該割引債の社債発行差金

(a) Discount on Company Bonds Premium for the Discount Bonds;

ロ イに掲げる金額のうち当該外国法人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部分の金額

(b) the part of the amount listed in (a) that is attributed to a business conducted by the foreign corporation in Japan through a fixed place for conducting a business as prescribed in Article 141, item (i) of the Corporation Tax Act;

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国外において発行した割引債の券面金額から償還金額を控除した金額にイに掲げる金額のうちロに掲げる金額の占める割合を乗じて計算した金額

(ii) the amount obtained by deducting the redemption price from the face value of the Discount Bonds issued outside Japan by a foreign corporation listed in Article 141, item (ii) or item (iii) of the Corporation Tax Act and then multiplying the amount that remains after deduction by the rate of the amount listed in (b) out of the amount listed in (a):

イ 当該割引債の社債発行差金

(a) Discount on Company Bonds Premium for the Discount Bonds;

ロ イに掲げる金額のうちこれらの外国法人の法人税法第百四十一条第二号又は第三号に規定する事業に帰せられる部分の金額

(b) the part of the amount listed in (a) that is attributed to businesses conducted by these foreign corporations as prescribed in Article 141, item

(ii) or item (iii) of the Corporation Tax Act.

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, paragraph (5) of the Act is made at the time of redemption prescribed in the same paragraph. In this case, the amount to be refunded is deducted from the amount payable pursuant to the provisions of paragraph (3) of the same Article or Article 181 or Article 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)

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, paragraph (6) of the Act with regard to Discount Bonds set forth in the same paragraph is 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（当該割引債が外国法人が国外において発行したものであるときは、同項に規定する政令で定める金額）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内国法人又は受託者（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 Discount Bonds pursuant to the provisions of Article 41-12, paragraph (3) of the Act (where the amount of the income tax is not clear, the amount obtained by deducting the issue price, etc. on the final issue date for the Discount Bonds from the face value of the Discount Bonds and then multiplying the amount that remains after deduction (where the Discount Bonds are issued outside Japan by a foreign corporation, the amount listed as follows) by the rate of income tax on profit from redemption for the Discount Bonds collected at the time of issuance pursuant to the provisions of the same paragraph; hereinafter the same applies in this Article), the amount corresponding to the period during which a domestic corporation or trustee prescribed in Article 41-12, paragraph (6) of the Act (hereinafter referred to as a "Non-taxable Corporation, etc." in this Article) held the 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 amount that remains after deducting the amount to be refunded pursuant to the provisions of Article 41-12, paragraph (5) of the Act from the income tax collected on the Discount Bonds pursuant to the provisions of paragraph (3) of the same Article, the amount corresponding to the period during which a Non-taxable Corporation, etc. held the 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 Discount Bonds as prescribed in items of the preceding paragraph is the amount obtained by multiplying the amount of income tax or remaining amount prescribed in those items by the ratio of the number of months (where the Discount Bonds are short-term government or company bonds prescribed in Article 41-12, paragraph (9) of the Act, the number of days; hereinafter the same applies in this paragraph and paragraph (5), item (iii)) up to the redemption date during which the Non-taxable Corporation, etc. held the Discount Bonds out of the number of months from the issue date (where the date is not clear, the final issue date for the Discount Bonds) to the redemption date (including a date for retirement by purchase; hereinafter the same applies in this Article) of the 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 is calculated by calendar month, and when there are any fractions less than one month, those fractions are deemed to be one month for counting the period during which a Non-taxable Corporation, etc. held the Discount Bonds and are to be rounded off for calculating the period from the issue date to the redemption date of the Discount Bonds, and when the ratio set forth in the same paragraph exceeds one, the ratio is 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、償還差益の同項に規定する支払をする際、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, paragraph (6) is made at the time of paying the profit from redemption as prescribed in the same paragraph upon request from a Non-taxable Corporation, etc. In this case, the provisions of the second sentence of Article 26-12, paragraph (2) 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償還差益の同項に規定する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, paragraph (6) of the Act must submit a written request for a refund containing the following particulars, along with a document certifying the date of acquisition of the Discount Bonds, to the issuer of the Discount Bonds by the day on which they receive the payment of the profit from redemption as prescribed in the same paragraph for the Discount Bonds set forth in the same 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 issue price is not clear, the issue price, etc. on the final issue date for the Discount Bonds) and the amount of income tax on the Discount Bonds collected pursuant to the provisions of Article 41-12, paragraph (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 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, paragraph (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 particulars for 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, paragraph (2) or paragraph (4) of the preceding Article apply, when there is any amount that an issuer prescribed in Article 41-12, paragraph (5) or paragraph (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, paragraph (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 they are to make a refund pursuant to the provisions of Article 41-12, paragraph (5) or paragraph (6) of the Act, the competent district director having jurisdiction over the place for tax payment prescribed in Article 26-10, paragraph (2) for income tax pertaining to the profit from redemption for discount bonds prescribed in Article 41-12, paragraph (5) or paragraph (6) of the Act refunds the amount that cannot be deducted to the 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 must 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 they are to refund pursuant to the provisions of Article 41-12, paragraph (5) or paragraph (6) of the Act, the amount that they cannot deduct as prescribed in the preceding paragraph out of the amount, which of the provisions of paragraph (5) or paragraph (6) of the same Article the refund is based on, and other necessary particulars.

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, paragraph (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, paragraph (1) of the same Act to be used as the basis for the calculation is 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 that 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 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 Cabinet Order prescribed in Article 41-12, paragraph (7) of the Act are 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 外国法人が発行する債券（国外において発行する債券にあつては、次に掲げるものに限る。）

(iii) bonds issued by a foreign corporation (for bonds issued outside Japan, limited to those listed as follows):

イ 法人税法第百四十一条第一号に掲げる外国法人が国外において発行する債券の社債発行差金の全部又は一部が当該外国法人の同号に規定する事業を行う一定の場所を通じて国内において行う事業に帰せられる場合における当該債券

(a) where the whole or a part of Discount on Company Bonds Premium for the company bonds issued outside Japan by a foreign corporation listed in Article 141, item (i) of the Corporation Tax Act is attributed to a business conducted by the foreign corporation in Japan through a fixed place of business prescribed in the same item, the company bonds;

ロ 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国外において発行する債券の社債発行差金の全部又は一部がこれらの外国法人のこれらの号に規定する事業に帰せられる場合における当該債券

(b) where the whole or a part of Discount on Company Bonds Premium for the company bonds issued outside Japan by a foreign corporation listed in Article 141, item (ii) or item (iii) of the Corporation Tax Act is attributed to a business conducted by the foreign corporation as prescribed in these items, those company bonds.

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) Those specified by Cabinet Order prescribed in Article 41-12, paragraph (7), item (ii) of the Act are 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, paragraph (4) of the Okinawa Development Finance Corporation Act (Act No. 31 of 1972) or Article 15, paragraph (1) of the Supplementary Provisions of the Urban Renaissance Agency Act.

（非居住者が支払を受けるべき償還差益に関する所得税法等の適用）

(Application of the Income Tax Act to Profit from Redemption to Be Received by Nonresident)

第二十六条の十五の二 非居住者が支払を受けるべき前条第一項第三号に掲げる公社債（法第四十一条の十二第九項に規定する特定短期公社債を除く。）の償還差益については、所得税法第百六十一条第一号に規定する国内にある資産の運用又は保有により生ずる所得とみなして、同法その他所得税に関する法令の規定（所得税法第二条第一項第四十五号に規定する源泉徴収に係る所得税に関する規定を除く。）を適用する。

Article 26-15-2 Profit from redemption of government or company bonds listed in paragraph (1), item (iii) of the preceding Article (excluding specified short-term government or company bonds prescribed in Article 41-12, paragraph (9) of the Act) that is to be received by a nonresident are deemed to be income arising from the utilization or holding of assets located in Japan prescribed in Article 161, item (i) of the Income Tax Act, and the provisions of the same Act and other income tax-related laws and regulations (excluding provisions concerning withholding income tax prescribed in Article 2, paragraph (1), item (xlv) of the Income Tax Act) apply.

（非課税とされる割引債の譲渡による所得等）

(Income from Transfer of Discount Bonds Deemed to Be Non-Taxable)

第二十六条の十五の三 居住者又は国内に恒久的施設を有する非居住者が、割引の方法により発行される公社債で次に掲げるものを国内において譲渡したことによる所得については、法第三十七条の十六第一項の規定は、適用しない。

Article 26-15-3 The provisions of Article 37-16, paragraph (1) of the Act do not apply to income arising from the transfer of the following government or company bonds, issued by means of a discount, that was carried out by a resident or a nonresident who maintains a permanent establishment in Japan:

一 法人税法第百四十一条第一号に掲げる外国法人により国外において発行される債券の社債発行差金の全部が当該外国法人の同号に規定する事業を行う一定の場所を通じて国内において行う事業に帰せられる場合における当該債券

(i) where the whole of the Discount on Company Bonds Premium for the company bonds issued outside Japan by a foreign corporation listed in Article 141, item (i) of the Corporation Tax Act is attributed to a business that is conducted by the foreign corporation in Japan through a fixed place of business as prescribed in the same item, those company bonds;

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により国外において発行される債券の社債発行差金の全部がこれらの外国法人のこれらの号に規定する事業に帰せられる場合における当該債券

(ii) where the whole of the Discount on Company Bonds Premium for the company bonds issued outside Japan by a foreign corporation listed in Article 141, item (ii) or item (iii) of the Corporation Tax Act is attributed to a business that is conducted by the foreign corporation as prescribed in these items, those company bonds.

(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 system specified by Cabinet Order prescribed in Article 41-12, paragraph (9) of the Act are the entries or records under the book-entry 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, paragraph (9) of the Act; the same applies in the following item) listed in items (i) to (viii) of the same paragraph: Entries or records under the book-entry system (meaning entries or records under the book-entry system prescribed in Article 41-12, paragraph (9) of the Act; hereinafter the same applies through to Article 26-20) where entries or records under the book-entry system are not made in an account established by a foreign intermediary (meaning a foreign intermediary prescribed in Article 41-12, paragraph (12) of the Act; hereinafter the same applies through to Article 26-20) other than a Qualified Foreign Intermediary prescribed in Article 5-2, paragraph (5), item (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 system where entries or records under the book-entry 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 法第四十一条の第十二十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 Cabinet Order prescribed in Article 41-12, paragraph (10) of the Act is the income from a transfer of specified short-term government or company bonds prescribed in the same paragraph that was carried out by a resident or a nonresident 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 of a Written Notice by a Person Who Makes Entries or Records under the Book-Entry Transfer System for Specified Book-Entry National Government Bonds)

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) Those specified by Cabinet Order prescribed in Article 41-12, paragraph (12) of the Act are 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 special acts and where it is determined thereunder that letters used in the name may not be used for any other persons' names);
三 法第四十一条の十二第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 institution, etc. prescribed in Article 41-12, paragraph (12) of the Act (hereinafter referred to as a "Specified Book-Entry Institution, etc." in this Article and Article 26-20, paragraph (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 Cabinet Order prescribed in Article 41-12, paragraph (12) of the Act are 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 individual and other documents specified by Ministry of Finance Order;
 - 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, item (viii) of the Corporation Tax Act; hereinafter the same applies in this item): A certificate of registered particulars concerning registration for establishment, receipt of national or local tax and certificate of tax payment of the corporation and other documents specified by Ministry of Finance Order.
- 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, paragraph (12) of the Act (hereinafter referred to as the "Identification Documents" through to Article 26-20) must be presented pursuant to the provisions of Article 41-12, paragraph (12) of the Act when submitting a written notice set forth in the same 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, paragraph (12) of the Act has changed the person's name or address (or any other place specified by Ministry of Finance Order in the case where the person does not have an address in Japan; hereinafter the same applies through to Article 26-20), the person must 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, paragraph (12) of the Act; hereinafter the same applies in this Article) of the Specified Book-Entry Institution, etc. to which the person had submitted the written notice (where the person had submitted the written notice, pursuant to the provisions of the same paragraph, via a foreign intermediary to the head of the Business Office, etc. of the Specified Book-Entry Institution, etc. where they make entries or records under the book-entry system for the specified Book-Entry National Government Bonds, etc. (meaning specified Book-Entry National Government Bonds, etc. prescribed in the same paragraph; hereinafter the same applies through to Article 26-20), the person must promptly submit that document via the foreign intermediary to the head of the Business Office, etc. of the Specified Book-Entry Institution, etc., according to the provisions of the first sentence of Article 41-12, paragraph (12) of the Act). The same applies where the person has changed the name or address again after submitting that 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十二

第十二項の經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 must, when submitting that document, present the Identification Documents to the head of the Business Office, etc. of the Specified Book-Entry Institution, etc. to which they submit that document (excluding the case where they submit that document via a foreign intermediary; the same applies in the following paragraph) or to the head of the overseas Business Office, etc. (meaning the overseas Business Office, etc. prescribed in Article 41-12, paragraph (12) of the Act) of the foreign intermediary set forth in the same paragraph via which they had submitted a written notice prescribed in the preceding paragraph as prescribed in Article 41-12, paragraph (12) of the Act (referred to as the "head of the overseas Business Office, etc. of the foreign intermediary" in the following 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 Institution, etc. or the head of the overseas Business Office, etc. of the foreign intermediary must, when a written notice prescribed in Article 41-12, paragraph (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 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, paragraph (12) of the Act or the preceding paragraph at the time of the submission of the 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經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 same paragraph must submit the documents prescribed in Article 41-12, paragraph (14) of the Act for each person who makes entries or records under the book-entry system set forth in paragraph (12) of the same Article to the head of the Business

Office, etc. of the Specified Book-Entry Institution, etc. where the foreign intermediary makes entries or records under the book-entry system for specified Book-Entry National Government Bonds, etc. pertaining to the confirmation (where the foreign intermediary is a foreign further indirect account management institution (meaning a foreign further indirect account management institution prescribed in the same paragraph), to the head of the Business Office, etc. of the Specified Book-Entry Institution, etc. where the foreign further indirect account management institution prescribed in paragraph (14) of the same Article pertaining to the specified Book-Entry National Government Bonds, etc. makes entries or records under the book-entry system for the specified Book-Entry National Government Bonds, etc. via the 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 Institution, etc. or the head of the overseas Business Office, etc. of the foreign intermediary must, when having provided a confirmation pursuant to the provisions of paragraph (6), clearly record that they have provided the confirmation in the books concerning the confirmation (including the books or documents equivalent thereto), pursuant to the provisions of Ministry of Finance Order, and preserve those books; and the head of the Business Office, etc. of the Specified Book-Entry Institution, etc. who has received the submission of a written notice prescribed in Article 41-12, paragraph (12) of the Act, the document prescribed in paragraph (4) or the documents prescribed in the preceding paragraph must preserve the written notice and documents, pursuant to the provisions of Ministry of Finance Order.

- 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), item (i), item (iii), or item (iv); hereinafter the same applies in this paragraph) makes entries or records under the book-entry system for Short-Term National Government Bonds, etc. (meaning national government bonds listed in Article 41-12, paragraph (9), items (i) to (viii) of the Act which fall under the category of specified short-term government or company bonds and principal-only Book-Entry National Government Bonds and coupon-only Book-Entry National Government Bonds prescribed in paragraph (12) of the same Article) for the first time on or after April 1, 1999 in the account pertaining to entries or records under the book-entry system that has gone through the confirmation pursuant to the provisions of Article 5-2, paragraph (9) of the Act (including the cases where it is applied mutatis mutandis pursuant to paragraph (12) of the same Article; hereinafter the same applies in this paragraph) (hereinafter that confirmation is referred to as a "confirmation pertaining to Book-Entry National Government Bonds, etc." in this paragraph), with regard to the entries or records under the book-entry system, it is deemed that the submission of a written notice set forth in Article 41-12, paragraph (12) of the Act under the provisions of the same paragraph (including the submission of the document set forth in paragraph (4) under the provisions of the same paragraph) has been made by the submission of a Written Application for Tax Exemption of Book-Entry National Government Bonds set forth in Article 5-2, paragraph (1), item (i), (a) of the Act under the provisions of (a) of the same item (including the submission of a written application set forth in paragraph (10) of the same Article under the provisions of the same paragraph) or the submission of a Written Application for Tax Exemption of Book-Entry Local Government Bonds set forth in Article 5, paragraph (1), item (ii), (a) of the Act under the provisions of (a) of the same item (including the submission of a written application set forth in paragraph (11) of the same Article under the provisions of the same paragraph) for the confirmation pertaining to Book-Entry National Government Bonds, etc., that the presentation of the Identification Documents under the provisions of Article 41-12, paragraph (12)

of the Act (including the provisions of paragraph (5)) has been made by the presentation of the documents specified by Cabinet Order set forth in Article 5-2, paragraph (9) of the Act under the provisions of the same paragraph for the confirmation pertaining to Book-Entry 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 same paragraph) has been provided by the confirmation pertaining to Book-Entry National Government Bonds, etc.; provided, however, that this does not apply when the name and address to be entered in a written notice set forth in Article 41-12, paragraph (12) of the Act or the document set forth in paragraph (4) are inconsistent with the name and address of the nonresident or foreign corporation for which the confirmation pertaining to Book-Entry National Government Bonds, etc. has been provided.

10 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, paragraph (12) of the Act is specified by Ministry of Finance Order.

11 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 Cabinet Order prescribed in Article 41-12, paragraph (14) of the Act are a document certifying that the confirmation prescribed in the same paragraph has been provided, the Identification Documents and a copy of the 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 system prescribed in Article 41-12, paragraph (15) of the Act (hereinafter referred to as "Customers" in this Article) have made entries or records under the book-entry system for specified Book-Entry National Government Bonds, etc. via a foreign intermediary, the foreign intermediary must enter or record the particulars prescribed in the same paragraph in the books prescribed in the same paragraph, for each of the Customers each time, and preserve those books pursuant to the provisions of Ministry of Finance Order.

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 system for specified Book-Entry National Government Bonds, etc. via a foreign intermediary, the foreign intermediary must provide information about the particulars prescribed in Article 41-12, paragraph (16) of the Act for each of the Customers to the Specified Book-Entry Institution, etc. prescribed in the same paragraph of the foreign intermediary pertaining to the specified Book-Entry National Government Bonds, etc. by way of a document or any other means prescribed in the following 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 Cabinet Order prescribed in Article 41-12, paragraph (16) of the Act is a means of using an electronic data processing system or another means of using information and communications technology that is specified by Ministry of Finance Order.

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 Institution, etc. prescribed in paragraph (2) must, when having received a notification set forth in the same paragraph, enter or record the particulars notified, for each of the Customers each time, in the books prescribed in Article 41-12, paragraph (16) of the Act and preserve those books pursuant to the provisions of Ministry of Finance Order.

(特定振替国債等の譲渡の対価の受領者の告知等)

(Notification of a Recipient of a Consideration for the Transfer of Specified Book-Entry National Government Bonds)

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 Cabinet Order prescribed in Article 41-12, paragraph (17) of the Act are the national government and those listed in Article 26-18, paragraph (1), item (i), item (ii) and item (iv) (referred to as "public corporations, etc." in paragraph (1) of the following 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, paragraph (17) of the Act must be made each time, on receipt of the payment of a consideration for the

transfer of specified Book-Entry National Government Bonds, etc. prescribed in the same 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 must be presented pursuant to the provisions of Article 41-12, paragraph (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 particulars concerning the scope of the Identification Documents that a person intending to make a notification under the provisions of Article 41-12, paragraph (17) of the Act must present pursuant to the provisions of the same paragraph are specified by Ministry of Finance Order.

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 defrayer prescribed in Article 41-12, paragraph (17) of the Act (referred to as a "Defrayer" in the following paragraph) must, when having received a notification under the provisions of paragraph (17) of the same 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 the Defrayer at the time of the notification pursuant to the provisions of the same 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 Defrayer must, when having provided a confirmation under the provisions of the preceding paragraph, clearly record that they have provided the confirmation in the books concerning the confirmation (including the books or documents equivalent thereto), pursuant to the provisions of Ministry of Finance Order, and preserve those 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 of a Written Notice by a Recipient of Redemption Money of Specified Book-Entry National Government Bonds)

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 Cabinet Order prescribed in Article 41-12, paragraph (18) of the Act are 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 institution, etc. and a foreign intermediary receive redemption money (meaning redemption money prescribed in Article 41-12, paragraph (18) of the Act; hereinafter the same applies in this Article) or payment of interest (meaning interest prescribed in Article 41-12, paragraph (18) of the Act; hereinafter the same applies in this Article) pertaining to specified Book-Entry National Government Bonds, etc., due to the redemption (meaning the redemption prescribed in Article 41-12, paragraph (18) of the Act; the same applies in paragraph (7)) or payment of interest, a written notice set forth in Article 41-12, paragraph (18) of the Act under the provisions of the same paragraph is not required to be submitted for the receipt of the 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 must be presented pursuant to the provisions of Article 41-12, paragraph (18) of the Act when submitting a written notice set forth in the same 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 particulars concerning the scope of the identification documents that a person intending to submit a written notice under the provisions of Article 41-12, paragraph (18) of the Act must present pursuant to the provisions of the same paragraph are specified by Ministry of Finance Order.

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 National Government Bonds, etc. must, when a written notice prescribed in Article 41-12, paragraph (18) of the Act has been submitted, confirm whether or not the name and address entered in the written notice are consistent with the name and address entered in the identification documents that were presented to the person at the time of the submission of the written notice pursuant to the provisions of the same 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 National Government Bonds, etc. must, when having provided a confirmation under the provisions of the preceding paragraph, clearly record that they have provided the confirmation in the books concerning the confirmation (including the books or documents equivalent thereto), pursuant to the provisions of Ministry of Finance Order, and preserve those books and the written notice prescribed in Article 41-12, paragraph (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, paragraph (18) of the Act receives redemption money or payment of interest pertaining to specified Book-Entry 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, paragraph (6) (hereinafter referred to as a "Confirmation Pertaining to Entries or Records Under the Book-Entry System" in this paragraph), with regard to the receipt of the redemption money or payment of interest, it is deemed that the submission of a written notice set forth in Article 41-12, paragraph (18) of the Act under the provisions of the same paragraph has been made by the submission of a written notice set forth in Article 41-12, paragraph (12) of the Act under the provisions of the same paragraph (including the submission of the document set forth in Article 26-18, paragraph (4) under the provisions of the same paragraph) for the Confirmation Pertaining to Entries or Records Under the Book-Entry System, that the presentation of the identification documents under the provisions of

Article 41-12, paragraph (18) of the Act has been made by the presentation of the identification documents under the provisions of Article 41-12, paragraph (12) of the Act (including the provisions of Article 26-18, paragraph (5)) for the Confirmation Pertaining to Entries or Records Under the Book-Entry System, and that the confirmation under the provisions of Article 41-12, paragraph (18) of the Act (including the submission of the documents set forth in paragraph (14) of the same Article under the provisions of the same paragraph which is applied mutatis mutandis pursuant to paragraph (19) of the same Article) has been provided by the Confirmation Pertaining to Entries or Records Under the Book-Entry System; provided, however, that this does not apply when the name and address to be entered in a written notice set forth in Article 41-12, paragraph (18) of the Act are inconsistent with the name and address of the person for which the Confirmation Pertaining to Entries or Records Under the Book-Entry 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, paragraph (18) of the Act is specified by Ministry of Finance Order.

(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 National Government Bonds)

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 Cabinet Order prescribed in Article 41-12, paragraph (21) of the Act are the national government and those listed in the items of Article 26-18, paragraph (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 defrayer prescribed in Article 41-12, paragraph (21) of the Act who intends to obtain the approval set forth in the same paragraph must submit a written application containing their name and location, intention to obtain the approval, and any other particulars specified by Ministry of Finance Order to the competent district director prescribed in the same 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 same paragraph has granted approval or has decided not to grant approval, the director is to 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 National Government Bonds, etc. prescribed in Article 41-12, paragraph (22) of the Act who intends to obtain the approval set forth in the same paragraph must submit a written application containing their name and location, intention to obtain the approval, and any other particulars specified by Ministry of Finance Order to the competent district director prescribed in the same 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 same paragraph has granted approval or has decided not to grant approval, the director is to 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 National Government Bonds, etc. or who is in charge of handling payment of redemption money or interest pertaining to specified Book-Entry National Government Bonds, etc. prescribed in Article 41-12, paragraph (23) of the Act, who intends to obtain the approval set forth in the same paragraph, must submit a written application containing their name and location, the type of optical disk prescribed in the same paragraph which they intend to submit, and any other particulars specified by Ministry of Finance Order to the competent district director having jurisdiction over the 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 same paragraph has granted approval or has decided not to grant approval, the director is to 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 National Government Bonds, etc. prescribed in Article 41-12, paragraph (21) of the Act or a report of payment of redemption money, etc. of specified Book-Entry National Government Bonds, etc. prescribed in paragraph (22) of the same Article is specified by Ministry of Finance Order.

(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 Cabinet Order prescribed in Article 41-13 of the Act is 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, paragraph (1), item (i) of the Income Tax Act which is attributed to a business conducted by the nonresident in Japan at any fixed place prescribed in the same 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, paragraph (1), item (ii) or item (iii) of the Income Tax Act which is attributed to a business conducted by the nonresident prescribed in these items.

(外国組合員に対する課税の特例)

(Special Provisions for Taxation on Foreign Partners)

第二十六条の三十 法第四十一条の二十一第一項第二号に規定する業務の執行として政令で定める行為は、次に掲げる行為とする。

Article 26-30 (1) The act specified by Cabinet Order as the execution of operations, as prescribed in Article 41-21, paragraph (1), item (ii) of the Act, is the following acts:

一 投資組合契約（法第四十一条の二十一第二項第一号に規定する投資組合契約をいう。以下この条及び次条において同じ。）に基づいて行う事業（以下この項及び次項において「投資組合事業」という。）に係る業務の執行（以下この項において「業務執行」という。）

(i) execution of operations pertaining to the business conducted under an investment partnership contract (meaning an investment partnership contract prescribed in Article 41-21, paragraph (2), item (i) of the Act;

hereinafter the same applies in this Article and the following Article) (that business is hereinafter referred to as an "investment partnership business" in this paragraph and the following paragraph; that execution is hereinafter referred to as the "execution of operations" in this paragraph);

二 投資組合事業に係る業務執行の決定

(ii) determination of the execution of operations pertaining to the investment partnership business;

三 投資組合事業に係る業務執行又は業務執行の決定についての承認、同意その他これらに類する行為

(iii) giving approval or consent for the execution of operations pertaining to the investment partnership business or on the determination thereof, or any other acts similar thereto.

2 法第四十一条の二十一第一項第二号の規定を適用する場合において、特例適用投資組合契約（同項の規定の適用を受ける非居住者又は外国法人が締結している当該適用に係る投資組合契約をいう。以下この条及び次条において同じ。）を締結している一の組合員が締結している次の各号に掲げる組合契約（当該特例適用投資組合契約を除く。以下この項において同じ。）に係る組合財産として当該特例適用投資組合契約に係る組合財産（第四項及び第五項において「投資組合財産」という。）に対する持分を有する者（当該一の組合員を除く。）が、当該各号に掲げる組合契約に基づいて行う事業に係る業務の執行として当該特例適用投資組合契約に係る投資組合事業に係る前項各号に掲げる行為をするときは、当該一の組合員が当該投資組合事業に係るこれらの行為をするものとみなす。

(2) In the case of applying the provisions of Article 41-21, paragraph (1), item (ii) of the Act, when a person who has an equity interest in the partnership property (referred to as "Investment Partnership Property" in paragraph (4) and paragraph (5)) pertaining to an investment partnership contract subject to special provisions (meaning an investment partnership contract subject to the provisions of Article 41-21, paragraph (1), item (ii) of the Act, which is concluded by a nonresident or foreign corporation who is subject to the provisions of the same paragraph; hereinafter the same applies in this Article and the following Article), as partnership property pertaining to any of the partnership contracts listed in the following items (excluding the investment partnership contract subject to special provisions; hereinafter the same applies in this paragraph), which is concluded by one of the partners who has concluded the investment partnership contract subject to special provisions (the relevant person means a person other than the partner), performs the acts listed in the items of the preceding paragraph pertaining to the investment partnership business under the investment partnership contract subject to special provisions as the execution of operations of the business conducted based on the partnership contract listed in those items, it is deemed that the partner performs the acts pertaining to the investment partnership business:

- 一 当該一の組合員が直接に締結している組合契約
(i) a partnership contract that the partner has concluded directly;
 - 二 前号に掲げる組合契約による組合（これに類するものを含む。以下この項において同じ。）が直接に締結している組合契約
(ii) a partnership contract that a partnership established under the partnership contract listed in the preceding item (including partnerships similar thereto; hereinafter the same applies in this paragraph) has concluded directly;
 - 三 前号又は次号に掲げる組合契約による組合が直接に締結している組合契約
(iii) a partnership contract that a partnership established under the partnership contract listed in the preceding item or the following item has concluded directly;
 - 四 前号に掲げる組合契約による組合が直接に締結している組合契約
(iv) a partnership contract that a partnership established under the partnership contract listed in the preceding item has concluded directly.
- 3 前項に規定する組合契約とは次の各号に掲げる契約をいい、同項に規定する組合財産とは当該各号に掲げる契約の区分に応じ当該各号に定めるものをいう。
- (3) The partnership contract prescribed in the preceding paragraph means a contract listed in the following items, and the partnership property prescribed in the same paragraph means property specified in those items for the category of contracts listed in those items:
- 一 民法（明治二十九年法律第八十九号）第六百六十七条第一項に規定する組合契約 同法第六百六十八条に規定する組合財産
(i) partnership contract prescribed in Article 667, paragraph (1) of the Civil Code (Act No. 89 of 1896): partnership property prescribed in Article 668 of the same Code;
 - 二 投資事業有限責任組合契約に関する法律（平成十年法律第九十号）第三条第一項に規定する投資事業有限責任組合契約 同法第十六条において準用する民法第六百六十八条に規定する組合財産
(ii) investment limited partnership contract prescribed in Article 3, paragraph (1) of the Limited Partnership Act for Investment (Act No. 90 of 1998): partnership property prescribed in Article 668 of the Civil Code as applied mutatis mutandis pursuant to Article 16 of the same Act;
 - 三 有限責任事業組合契約に関する法律第三条第一項に規定する有限責任事業組合契約 同法第五十六条において準用する民法第六百六十八条に規定する組合財産
(iii) limited liability business partnership contract prescribed in Article 3, paragraph (1) of the Limited Liability Partnership Act: partnership property prescribed in Article 668 of the Civil Code as applied mutatis mutandis pursuant to Article 56 of the same Act;
 - 四 外国における前三号に掲げる契約に類する契約（以下この号において「外国組合契約」という。） 当該外国組合契約に係る前三号に規定する組合財産に類する財

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(iv) a contract in a foreign state similar to the contracts listed in the preceding three items (hereinafter referred to as a "Foreign Partnership Contract" in this item): property similar to partnership property prescribed in the preceding three items pertaining to the Foreign Partnership Contract.

4 法第四十一条の二十一第一項第三号に規定する持分割合として政令で定めるところにより計算した割合は、次に掲げる割合のうちいずれか高い割合とする。

(4) The ratio calculated pursuant to the provisions of Cabinet Order as the ratio of equity interest as prescribed in Article 41-21, paragraph (1), item (iii) of the Act is either of the following ratios, which is higher:

一 投資組合財産に対する法第四十一条の二十一第一項の非居住者又は外国法人に係る各特殊関係組合員の持分の割合（当該特殊関係組合員が次項第三号に掲げる者である場合には、同号に規定する組合財産に係るものに限る。）を合計した割合

(i) the total of the ratios of equity interest of each specially-related partner pertaining to the nonresident or foreign corporation set forth in Article 41-21, paragraph (1) of the Act in the Investment Partnership Property (in the case where the specially-related partner is a person listed in item (iii) of the following paragraph, limited to the ratio pertaining to the partnership property prescribed in the same item);

二 特例適用投資組合契約に係る前号の各特殊関係組合員の損益分配割合（投資事業有限責任組合契約に関する法律第十六条において準用する民法第六百七十四条の規定による損益分配の割合又は法第四十一条の二十一第二項第六号に規定する外国組合契約におけるこれに類する割合をいい、当該特殊関係組合員が次項第三号に掲げる者である場合には同号に規定する組合契約に係るものに限る。）を合計した割合

(ii) the total of the profit and loss distribution ratios of each specially-related partner set forth in the preceding item pertaining to an investment partnership contract subject to special provisions (the term "profit and loss distribution ratio" means the ratio of the distribution of profits and losses under the provisions of Article 674 of the Civil Code as applied mutatis mutandis pursuant to Article 16 of the Limited Partnership Act for Investment or the ratio similar thereto under a Foreign Partnership Contract prescribed in Article 41-21, paragraph (2), item (vi) of the Act; in the case where the specially-related partner is a person listed in item (iii) of the following paragraph, limited to the ratio pertaining to the partnership contract prescribed in the same item).

5 前項に規定する特殊関係組合員とは、次に掲げる者をいう。

(5) The specially-related partner prescribed in the preceding paragraph is one of the following persons:

一 特例適用投資組合契約を締結している組合員である一の非居住者又は外国法人

(i) a nonresident or foreign corporation who is a partner who has concluded an investment partnership contract subject to special provisions;

二 当該一の非居住者又は外国法人与特殊の関係のある者

(ii) a person who has a special relationship with the nonresident or foreign corporation;

三 当該一の非居住者又は外国法人が締結している第二項各号に掲げる組合契約（特別適用投資組合契約を除く。）に係る同項に規定する組合財産として投資組合財産に対する持分を有する者（前二号に掲げる者を除く。）

(iii) a person (excluding the persons listed in the preceding two items) who has equity interest in the Investment Partnership Property as partnership property prescribed in paragraph (2) pertaining to the partnership contract (excluding an investment partnership contract subject to special provisions) listed in the items of the same paragraph that the single nonresident or foreign corporation has concluded.

6 前項第二号に規定する一の非居住者又は外国法人与特殊の関係のある者とは、次に掲げる者をいう。

(6) The person who has a special relationship with a nonresident or foreign corporation as prescribed in item (ii) of the preceding paragraph is one of the following persons:

一 次に掲げる個人

(i) one of the following individuals:

イ 当該非居住者の親族

(a) a relative of the nonresident;

ロ 当該非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 nonresident where a marital relationship is de facto, though a marriage has not been registered;

ハ 当該非居住者の使用人

(c) an employee of the nonresident;

ニ イからハマまでに掲げる者以外の者で当該非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 one of those listed in (a) through (c), who maintains their living by receiving money or other assets received from the nonresident;

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) through (d) who depends on the person for their livelihood;

ヘ 当該外国法人の役員（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

(f) an officer of the foreign corporation (meaning an officer prescribed in Article 2, item (xv) of the Corporation Tax Act; hereinafter the same applies in this item) and a person listed in the items of Article 72-3 of the

Order for Enforcement of the Corporation Tax Act pertaining to the officer;
二 当該一の非居住者又は外国法人（次号において「非居住者等」という。）と他の者との間にいずれか一方の者（当該者が個人である場合には、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を含む。）が他方の者（法人に限る。）を直接又は間接に支配する関係がある場合における当該他の者

(ii) in the case where there is a relationship between the relevant one nonresident or foreign corporation (referred to as a "nonresident, etc." in the following item) and another person whereby either one of them (if the relevant other person is an individual, including an individual who has a special relationship prescribed in Article 4, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with the relevant other person) controls the other (limited to a corporation): the relevant other person directly or indirectly;

三 当該一の非居住者等と他の者（法人に限る。）との間に同一の者（当該者が個人である場合には、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を含む。）が当該一の非居住者等及び当該他の者を直接又は間接に支配する関係がある場合における当該他の者

(iii) in the case where there is a relationship between the nonresident, etc. and another person (limited to a corporation) whereby the same person (if the relevant other person is an individual, including an individual who has a special relationship as prescribed in Article 4, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with the relevant other person) controls the relevant one nonresident, etc. directly or indirectly and the relevant other person: the relevant other person.

7 前項第二号又は第三号に規定する直接又は間接に支配する関係とは、一方の者と他方の者との間に当該他方の者が次に掲げる法人に該当する関係がある場合における当該関係をいう。

(7) The relationship of direct or indirect control prescribed in item (ii) or item (iii) of the preceding paragraph means any relationships between one person and another person whereby the relevant other person falls under the category of corporation listed in the following:

一 当該一方の者が法人を支配している場合における当該法人

(i) in the case where the person controls a corporation: the corporation;

二 前号若しくは次号に掲げる法人又は当該一方の者及び前号若しくは次号に掲げ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) in the case where the corporation or the person listed in the preceding item or the following item and the corporation listed in the preceding item or the following item control another corporation: the relevant other corporation;

三 前号に掲げる法人又は当該一方の者及び同号に掲げ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) in the case where the corporation or the person listed in the preceding item

and the corporation listed in the corporation control another corporation: the relevant other corporation.

8 法人税法施行令第四条第三項及び第六項の規定は、前項第一号に規定する法人を支配している場合及び同項第二号又は第三号に規定する他の法人を支配している場合について準用する。

(8) The provisions of Article 4, paragraph (3) and paragraph (6) of the Order for Enforcement of the Corporation Tax Act apply *mutatis mutandis* pursuant to the case of controlling the corporation prescribed in item (i) of the preceding paragraph and the case of controlling another corporation prescribed in item (ii) or item (iii) of the same paragraph.

9 法第四十一条の二十一第一項第四号に規定する無限責任組合員と政令で定める特殊の関係のある者は、当該無限責任組合員が第六項各号に掲げる者に該当することとなる非居住者又は外国法人とする。

(9) The person who has a special relationship specified by Cabinet Order with an unlimited liability partner as prescribed in Article 41-21, paragraph (1), item (iv) of the Act is a nonresident or foreign corporation in the relationship whereby the unlimited liability partner falls under any of the categories of persons listed in the items of paragraph (6).

10 法第四十一条の二十一第四項に規定する政令で定める事由は、次に掲げる事由とする。

(10) The grounds specified by Cabinet Order as prescribed in Article 41-21, paragraph (4) of the Act are the following grounds:

一 法第四十一条の二十一第四項の特例適用申告書に係る同条第二項第二号に規定する投資組合（次号及び次条において「投資組合」という。）の解散

(i) dissolution of the investment partnership prescribed in Article 41-21, paragraph (2), item (ii) of the Act (referred to as an "investment partnership" in the following item and the following Article) pertaining to the written application for special provisions set forth in paragraph (4) of the same Article;

二 前号の特例適用申告書を提出した者が当該特例適用申告書に係る投資組合からの脱退その他の事由により当該投資組合の組合員でなくなること。

(ii) the fact that the person who has submitted the written application for special provisions set forth in the preceding item is no longer a partner of an investment partnership pertaining to the written application for special provisions due to a withdrawal from the investment partnership or on other grounds.

11 法第四十一条の二十一第三項に規定する配分の取扱者（次項において「配分の取扱者」という。）は、同条第三項に規定する特例適用申告書又は同条第七項に規定する変更申告書（以下この項及び次項において「特例適用申告書等」という。）を受理した場合には、その受理した日の属する月の翌月十日までに、当該特例適用申告書等を同条第三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、当該特例適用申告書等の写し（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。

(11) Where the person in charge of handling distribution prescribed in Article 41-21, paragraph (3) of the Act (referred to as a "person in charge of handling distribution" in the following paragraph) has received a written application for special provisions prescribed in paragraph (3) of the same Article or a written statement of change prescribed in paragraph (7) of the same Article (hereinafter referred to as a "Written Application for Special Provisions, etc." in this paragraph and the following paragraph), they must submit the Written Application for Special Provisions, etc. to the district director of the tax office prescribed in paragraph (3) of the same Article no later than the tenth of the month following the month including the day of the receipt, and prepare and preserve a copy of the Written Application for Special Provisions, etc. (including those equivalent thereto) pursuant to the provisions of Ministry of Finance Order.

1 2 特例適用申告書等を受理した配分の取扱者は、当該特例適用申告書等を提出した者の各人別に、当該特例適用申告書等を提出した者が当該特例適用申告書等に係る投資組合契約を締結した日その他の財務省令で定め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) The person in charge of handling distribution who has received a Written Application for Special Provisions, etc. must, for each person who has submitted the Written Application for Special Provisions, etc., enter or record in their book the day on which the person who has submitted the Written Application for Special Provisions, etc. concluded the investment partnership contract pertaining to the Written Application for Special Provisions, etc. and other particulars specified by Ministry of Finance Order, and must preserve that book pursuant to the provisions of Ministry of Finance Order.

1 3 法第四十一条の二十一第九項に規定する非居住者は、同項に規定する書類を、同項に規定する国内源泉所得に係る所得の金額を有することとなつた日の属する年の翌年三月十五日までに、納税地の所轄税務署長に提出しなければならない。

(13) The nonresident prescribed in Article 41-21, paragraph (9) of the Act must submit the document prescribed in the same paragraph to the competent district director of the tax office having jurisdiction over the place for tax payment, no later than March 15 of the year following the year containing the day on which they have obtained any amount of income categorized as domestic source income prescribed in the same paragraph.

1 4 投資組合契約を締結している組合員である非居住者又は外国法人であつて当該投資組合契約の締結の時に於いて法第四十一条の二十一第一項第五号に掲げる要件（以下この項及び次項において「第五号要件」という。）を満たしていない者が、当該投資組合契約につき第五号要件を満たすこととなる場合において、当該投資組合契約につきその締結の日からその満たすこととなる日まで継続して同条第一項第一号から第

四号までに掲げる要件を満たしているときにおける当該投資組合契約についての同条第三項の規定の適用については、同項中「の締結の日」とあるのは「につき第一項第五号に掲げる要件を満たすこととなる日」と、「第一項各号」とあるのは「同項各号」とする。

(14) Where a nonresident or foreign corporation who is a partner having concluded an investment partnership contract and who has not satisfied the requirements listed in Article 41-21, paragraph (1), item (v) of the Act (hereinafter referred to as the "Item (v) Requirement" in this paragraph and the following paragraph) by the time of the conclusion of the investment partnership contract, comes to satisfy the Item (v) Requirement in respect of the investment partnership contract, with regard to the application of the provisions of paragraph (3) of the same Article to the investment partnership contract in the case where the nonresident or foreign corporation satisfies the requirements listed in paragraph (1), items (i) through (iv) of the same Article in respect of the investment partnership contract continuously during the period from the date of conclusion until the day on which the nonresident or foreign corporation comes to satisfy the Item (v) Requirement, the phrase "date of conclusion of " in paragraph (3) of the same Article is deemed to be replaced with "the day on which the nonresident or foreign corporation comes to satisfy the requirements listed in paragraph (1), item (v) in respect of"; and the phrase "items of paragraph (1)" in the same paragraph is deemed to be replaced with "items of the same paragraph".

15 二以上の投資組合契約を締結している組合員である非居住者又は外国法人であつてそれぞれの投資組合契約の締結の時に於いて第五号要件を満たしていない者が、当該二以上の投資組合契約のうち一の投資組合契約以外の投資組合契約（以下この項において「他の投資組合契約」という。）に基づいて国内において事業を行っていないとしたならば当該一の投資組合契約につき第五号要件を満たすこととなる場合において、それぞれの投資組合契約につきその締結の日からその満たすこととなる日まで継続して法第四十一条の二十一第一項第一号から第四号までに掲げる要件を満たしているときにおける当該一の投資組合契約についての同条第三項の規定の適用については、同項中「の締結の日」とあるのは「につき第一項第五号に掲げる要件を満たすこととなる日」と、「第一項各号」とあるのは「同項各号」と、「その提出の日以後」とあるのは「当該非居住者又は外国法人が締結しているすべての投資組合契約につき特例適用申告書を提出した日以後」とする。

(15) Where a nonresident or foreign corporation who is a partner having concluded two or more investment partnership contracts and who has not satisfied the Item (v) Requirement at the time of the conclusion of each investment partnership contract, would come to satisfy the Item (v) Requirement in respect of one of the relevant two or more investment partnership contracts provided that the nonresident or foreign corporation does not conduct a business in Japan under an investment partnership contract(s)

other than the relevant one of the two or more investment partnership contracts (hereinafter referred to as the "Other Investment Partnership Contract(s)" in this paragraph), with regard to the application of the provisions of Article 41-21, paragraph (3) of the Act to the relevant one investment partnership contract in the case where the nonresident or foreign corporation satisfies the requirements listed in paragraph (1), items (i) through (iv) of the same Article in respect of the investment partnership contract continuously during the period from the date of the conclusion of each investment partnership contract until the day on which the nonresident or foreign corporation comes to satisfy the Item (v) Requirement, the phrase "the date of conclusion of" in paragraph (3) of the same Article is deemed to be replaced with "the day on which the nonresident or foreign corporation comes to satisfy the requirements listed in paragraph (1), item (v) in respect of"; the phrase "items of paragraph (1)" in the same paragraph is deemed to be replaced with "items of the same paragraph"; and the phrase "on the date of the submission and thereafter" in the same paragraph is deemed to be replaced with "on the day on which the nonresident or foreign corporation has submitted written applications for special provisions in respect of all of the investment partnership contracts concluded thereby, and thereafter".

16 法第四十一条の二十一第一項の規定の適用を受けようとする外国法人が法第六十七条の十六第二項において準用する法第四十一条の二十一第三項の規定により同項に規定する特例適用申告書を提出した場合又は法第六十七条の十六第二項において準用する法第四十一条の二十一第七項の規定により同項に規定する変更申告書を提出した場合には、それぞれ、法第四十一条の二十一第三項の規定により同項に規定する特例適用申告書を提出し、又は同条第七項の規定により同項に規定する変更申告書を提出したものとみなす。

(16) Where a foreign corporation who seeks the application of the provisions of Article 41-21, paragraph (1) of the Act has submitted a written application for special provisions prescribed in paragraph (3) of the same Article pursuant to the provisions of the same paragraph as applied mutatis mutandis pursuant to Article 67-16, paragraph (2) of the Act or where the foreign corporation has submitted a written statement of change prescribed in Article 41-21, paragraph (7) of the Act pursuant to the provisions of the same paragraph as applied mutatis mutandis pursuant to Article 67-16, paragraph (2) of the Act, it is deemed that the foreign corporation has submitted a written application for special provisions prescribed in Article 41-21, paragraph (3) of the Act pursuant to the provisions of the same paragraph or a written statement of change prescribed in paragraph (7) of the same Article pursuant to the provisions of the same paragraph, respectively.

(恒久的施設を有しない外国組合員の課税所得の特例)

(Special Provisions for Taxable Income of Foreign Partner Having No Permanent Establishments)

第二十六条の三十一 所得税法第百六十四条第一項第四号に掲げる非居住者（以下この条において「国内に恒久的施設を有しない非居住者」という。）が、特例適用投資組合契約等（特例適用投資組合契約及び投資組合契約（当該国内に恒久的施設を有しない非居住者が特例適用投資組合契約以外の投資組合契約につき第一号及び第二号に掲げる要件を満たす場合の当該投資組合契約に限る。以下この項及び第五項において同じ。）をいう。以下この条において同じ。）を締結している場合において、所得税法施行令第二百九十一条第六項各号に掲げる要件を満たす内国法人の株式又は出資の譲渡（同条第一項第三号に規定する譲渡をいう。以下この条において同じ。）をしたとき（同令第二百九十一条第七項の規定により同条第六項第二号に掲げる要件を満たす同号に規定する株式又は出資の譲渡をしたものとされる場合を含むものとし、当該内国法人の株式又は出資につき第三号に掲げる要件を満たす場合に限る。）は、当該内国法人の株式又は出資の譲渡については、同令第二百九十一条第六項及び第七項に規定する特殊関係株主等には、当該特例適用投資組合契約等に係る同条第四項第三号に掲げる者は含まれないものとして、同条の規定を適用する。

Article 26-31 (1) Where a nonresident listed in Article 164, paragraph (1), item (iv) of the Income Tax Act (hereinafter referred to as a "Nonresident Having No Permanent Establishments in Japan" in this Article) has concluded an investment partnership contract subject to special provisions, etc. (meaning an investment partnership contract subject to special provisions and an investment partnership contract (limited to the investment partnership contract in the case where the Nonresident Having No Permanent Establishments in Japan satisfies the requirements listed in item (i) and item (ii) in respect of an investment partnership contract other than an investment partnership contract subject to special provisions; hereinafter the same applies in this paragraph and paragraph (5)); hereinafter the same applies in this Article), when the nonresident has transferred (meaning a transfer as prescribed in Article 291, paragraph (1), item (iii) of the Order for Enforcement of the Income Tax Act; hereinafter the same applies in this Article) shares of or capital contributions to a domestic corporation that satisfy the requirements listed in the items of paragraph (6) of the same Article (including the case where the domestic corporation is deemed, pursuant to the provisions of Article 291, paragraph (7) of the same Order, to have conducted the transfer of shares or capital contributions as prescribed in paragraph (6), item (ii) of the same Article that satisfies the requirements listed in the same item, and limited to the case where the nonresident satisfies the requirements listed in item (iii) in respect of the shares or capital contributions of a domestic corporation), with regard to the transfer of shares of or capital contributions to the domestic corporation, the provisions of Article 291 of the same Order apply by deeming that the person listed in paragraph (4), item (iii) of the same Article pertaining

to the investment partnership contract subject to special provisions, etc. is not included in the scope of specially-related shareholders, etc. prescribed in paragraph (6) and paragraph (7) of the same Article:

一 譲渡の日の属する年（以下この項及び第五項において「譲渡年」という。）以前三年内で投資組合契約を締結していた期間において当該投資組合契約によつて成立する投資組合の法第四十一条の二十一第二項第三号に規定する有限責任組合員であること。

(i) for the period within the three years preceding or including the year containing the date of transfer (hereinafter referred to as the "Year Containing the Date of Transfer" in this paragraph and paragraph (5)), during which the nonresident has been under an investment partnership contract, they have been a limited liability partner prescribed in Article 41-21, paragraph (2), item (iii) of the Act of an investment partnership that is established by the investment partnership contract;

二 譲渡年以前三年内で投資組合契約を締結していた期間において当該投資組合契約に基づいて行う事業に係る前条第一項各号に掲げる行為を行わないこと。

(ii) for the period within the three years preceding or including the Year Containing the Date of Transfer, during which the nonresident has been under an investment partnership contract, they have not performed any act listed in the items of paragraph (1) of the preceding Article pertaining to the business conducted under the investment partnership contract;

三 譲渡年以前三年内のいずれの時においても、当該国内に恒久的施設を有しない非居住者に係る所得税法施行令第二百九十一条第一項第三号ロの内国法人の特殊関係株主等（特例適用投資組合契約等に係る同条第四項第三号に掲げる者を除く。）が当該内国法人の発行済株式又は出資の総数又は総額の百分の二十五以上に相当する数又は金額の株式又は出資（当該特殊関係株主等が同条第四項第三号に規定する組合契約（当該特例適用投資組合契約等を除く。）に係る同号に掲げる者である場合には、同号の組合財産であるものに限る。）を所有していなかつたこと。

(iii) at any time within the three years preceding or including the Year Containing the Date of Transfer, the specially-related shareholder, etc. (excluding the person listed in Article 291, paragraph (4), item (iii) of the Order for Enforcement of Income Tax Act pertaining to an investment partnership contract subject to special provisions, etc.) of a domestic corporation set forth in paragraph (1), item (iii), (b) of the same Article which pertains to the Nonresident Having No Permanent Establishments in Japan, has not held shares or capital contributions that account for 25 percent or more of the total number or total amount of issued shares of or capital contributions to the domestic corporation (in the case where the specially-related shareholder, etc. is a person listed in paragraph (4), item (iii) of the same Article pertaining to the partnership contract prescribed in the same item (excluding the investment partnership contract subject to special

provisions, etc.), limited to those that are partnership property set forth in the same item).

- 2 前条第二項の規定は、前項第二号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、同条第二項中「特例適用投資組合契約（同項の規定の適用を受ける非居住者又は外国法人が締結している当該適用に係る投資組合契約をいう。以下この条及び次条において同じ。）」とあるのは「投資組合契約（次条第一項に規定する投資組合契約をいう。以下この項において同じ。）」と、「当該特例適用投資組合契約」とあるのは「当該投資組合契約」と読み替えるものとする。

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis in the case of applying the provisions of item (ii) of the preceding paragraph. In this case, the phrase "investment partnership contract subject to special provisions (meaning an investment partnership contract subject to the provisions of Article 41-21, paragraph (1), item (ii) of the Act, which is concluded by a nonresident or foreign corporation who is subject to the provisions of the same paragraph; hereinafter the same applies in this Article and the following Article)" in paragraph (2) of the same Article is deemed to be replaced with "investment partnership contract (meaning an investment partnership contract prescribed in paragraph (1) of the following Article; hereinafter the same applies in this paragraph)"; and the phrase "the investment partnership contract subject to special provisions" in the same paragraph is deemed to be replaced with "the investment partnership contract".

- 3 国内に恒久的施設を有しない非居住者が、その締結している特例適用投資組合契約等に係る法第四十一条の二十一第二項第四号に規定する組合財産（以下この項及び次項において「投資組合財産」という。）である内国法人の株式又は出資で次に掲げるものを譲渡した場合には、当該株式又は出資の譲渡については、第一項の規定は、適用しない。

(3) Where a Nonresident Having No Permanent Establishments in Japan has transferred the shares of or capital contributions to a domestic corporation which are partnership property prescribed in article 41-21, paragraph (2), item (iv) of the Act (hereinafter referred to as "Investment Partnership Property" in this paragraph and the following paragraph) pertaining to the investment partnership contract subject to special provisions, etc. concluded by the nonresident and which fall under the following, with regard to the transfer of shares or capital contributions, the provisions of paragraph (1) do not apply:

一 その譲渡の日においてその譲渡をした当該投資組合財産である内国法人の株式又は出資を当該投資組合財産として取得をした日の翌日から引き続き所有していた期間が一年に満たないもの（次号に掲げるものを除く。）

(i) as of the date of transfer, the nonresident has held continuously the shares or capital contributions of the domestic corporation, which are the Investment Partnership Property and have been transferred by the nonresident, for a period of only less than one year since the day following

the date of the acquisition thereof as the Investment Partnership Property (excluding those listed in the following item);

二 預金保険法第百十二条第一項の規定により預金保険機構が取得する同法第百十一条第二項に規定する特別危機管理銀行の株式で、同法第百二十条第一項第四号の規定により預金保険機構が当該特別危機管理銀行の株式を譲渡する場合において預金保険機構から当該投資組合財産として取得する当該特別危機管理銀行の株式に該当するもの

(ii) the shares or capital contributions fall under the category of shares of a bank under special crisis management as prescribed in Article 111, paragraph (2) of the Deposit Insurance Act that the Deposit Insurance Corporation acquires pursuant to the provisions of Article 112, paragraph (1) of the same Act, which are shares of the bank under special crisis management that the nonresident acquires from the Deposit Insurance Corporation in the case where the Deposit Insurance Corporation transfers the shares of the bank under special crisis management pursuant to the provisions of Article 120, paragraph (1), item (iv) of the same Act.

4 国内に恒久的施設を有しない非居住者が譲渡した投資組合財産である内国法人の株式又は出資（以下この項において「譲渡株式等」という。）が前項第一号に掲げる株式又は出資に該当するかどうかの判定は、当該譲渡の日前に当該投資組合財産として取得をした当該譲渡株式等と同一銘柄の内国法人の株式又は出資（同項第二号に掲げる株式を除く。）のうち先に当該投資組合財産として取得をしたものから順次譲渡をしたものとした場合に当該譲渡をしたものとされる当該同一銘柄の内国法人の株式又は出資の取得の日により行うものとする。

(4) The determination as to whether or not the shares of or capital contributions to a domestic corporation which are Investment Partnership Property and have been transferred by a Nonresident Having No Permanent Establishments in Japan (hereinafter referred to as the "Transferred Shares, etc." in this paragraph) fall under the category of shares or capital contributions listed in item (i) of the preceding paragraph is to be made as of the day of acquiring the same issue of shares of or capital contributions to a domestic corporation that are deemed to have been transferred in the case where the same issue of shares of (excluding the shares listed in item (ii) of the same paragraph) or contributions to a domestic corporation as the Transferred Shares, etc. that have been acquired as the Investment Partnership Property prior to the date of the transfer are deemed to have been transferred successively, starting from those acquired as the Investment Partnership Property earlier.

5 第一項の規定は、国内に恒久的施設を有しない非居住者が、同項の規定の適用を受けようとする旨、その者の氏名及び住所（国内に居所を有する国内に恒久的施設を有しない非居住者にあつては、居所）その他の財務省令で定める事項を記載した書類（投資組合契約につき同項の規定の適用を受けようとする場合には、当該書類に当該投資組合契約に係る同項第一号及び第二号に掲げる要件を満たすものであることを証

する書類として財務省令で定める書類の添付があるものに限る。)を、譲渡年の翌年三月十五日までに、納税地の所轄税務署長に提出している場合に限り、適用する。

- (5) The provisions of paragraph (1) apply only where a Nonresident Having No Permanent Establishments in Japan has submitted a document stating to the effect that they seek the application of the provisions of the same paragraph, their name and address (in the case of a Nonresident Having No Permanent Establishments in Japan who has a residence in Japan, their residence), and other particulars specified by Ministry of Finance Order (in the case of seeking the application of the provisions of the same paragraph with regard to an investment partnership contract, limited to the document with a document specified by Ministry of Finance Order as a document certifying that they satisfy the requirements listed in item (i) and item (ii) of the same paragraph pertaining to the investment partnership contract) to the competent district director of the tax office having jurisdiction over the place for tax payment, no later than March 15 of the year following the Year Containing the Date of Transfer.

(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 Paid by Tax-Exempt Entertainment Corporations to Entertainers for Their Provision of Services)

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, paragraph (1) of the Act, for the payment of the remuneration paid by a tax-exempt entertainment corporation, etc. prescribed in Article 42, paragraph (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 "the place prescribed in those items" in Article 55 of the Order for Enforcement of the Income Tax

Act is deemed to be replaced with "the place prescribed in those items (with respect to the remuneration paid by a tax-exempt entertainment corporation, etc. prescribed in Article 42, paragraph (1) (Special Provisions for Withholding at Source of Remuneration Paid by Tax-Exempt Entertainment Corporations to Entertainers for Their Provision of Services) of the Act on Special Measures Concerning Taxation (hereinafter referred to as a "Tax-Exempt Entertainment Corporation, etc." in this Article), outside Japan, to entertainers, etc. listed in the items of the same paragraph for their provision of services out of consideration for the provision of the services of entertainers, etc. prescribed in the same 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 entertainers, etc. to the Tax-Exempt Entertainment Corporation, etc. (where the 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 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, paragraph (1) of the Act are applied, the term "Article 212, paragraph (1) (Withholding Liability for Income of Nonresidents or Corporations) of the Act" in the same Article is deemed to be replaced with "Article 212, paragraph (1) (Withholding Liability for Income of Nonresidents or Corporations) of the Act or Article 42, paragraph (1) (Special Provisions for Withholding at Source of Remuneration Paid by Tax-Exempt Entertainment Corporations 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經由して、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, paragraph (1) of the Income Tax

Act in which the terms and phrases were replaced pursuant to the provisions of Article 42, paragraph (3) of the Act with respect to the consideration listed in Article 161, item (ii) of the Income Tax Act, which they receive for the provision of the services of entertainers, etc. prescribed in Article 42, paragraph (1) of the Act, the Tax-Exempt Entertainment Corporation, etc. must, when receiving payment of the consideration, submit a document containing the particulars specified by Ministry of Finance Order, via a person who pays the 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 consideration by the defrayer 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 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。

Article 27-2 (1) The requirements specified by Cabinet Order prescribed in Article 42-2, paragraph (1) of the Act are as follows (where a specified financial institution, etc. prescribed in the same 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 所得税法施行令第二百八十三条第四項に規定する債券現先取引（次号及び第三号において「債券現先取引」という。）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 bond transaction with a repurchase/resale agreement prescribed in Article 283, paragraph (4) of the Order for Enforcement of the Income Tax Act (referred to as "bond transaction with a repurchase/resale agreement" in the following item and item (iii)), the period between the date of the transfer or purchase of the bonds and the date of the repurchase or resale of the bonds do not exceed six months;

二 債券現先取引に関し、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 bond transaction with a repurchase/resale agreement, 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 債券現先取引に係る債券の当該債券現先取引の約定をした日における価額が当該債券現先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 bond transaction with a

repurchase/resale agreement on the day on which the agreement was made with regard to the bond transaction with a repurchase/resale agreement is not less than the value agreed for the bond transaction with a repurchase/resale agreement.

2 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。

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

3 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。

(3) The bonds specified by Cabinet Order prescribed in Article 42-2, paragraph (1) of the Act are 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 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 that state based on the laws and regulations of the state.

4 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。

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

5 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（以下この項及び第九項において「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。

(5) A foreign financial institution, etc. which seeks the application of the provisions of Article 42-2, paragraph (1) of the Act must, 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, paragraph (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 (9)) of the Specified Financial Institution, etc. in charge of handling payment of the specified interest (where payment of the specified interest is handled at two or more Offices, etc. held by the 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 foreign financial institution, etc. is to receive the specified interest.

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、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。

- (6) A foreign financial institution, etc. which seeks the application of the provisions of Article 42-2, paragraph (1) of the Act must, when it has not been entered or recorded separately in the books prescribed in Article 42-2, paragraph (10) of the Act of a Specified Financial Institution, etc. which pays specified interest to the foreign financial institution, etc., submit a written application for tax exemption to the district director prescribed in Article 42-2, paragraph (5) of the Act pursuant to the provisions of the same paragraph.
- 7 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つた日後、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。
- (7) Where a foreign financial institution, etc. which had previously received the application of the provisions of Article 42-2, paragraph (1) of the Act has become unable to receive the application of those provisions based on the provisions of paragraph (2) of the same Article and subsequently seeks the application of the provisions of Article 42-2, paragraph (1) of the Act again, the foreign financial institution, etc. must submit a written application for tax exemption to the district director prescribed in Article 42-2, paragraph (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 same paragraph.
- 8 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。
- (8) The documents specified by Cabinet Order prescribed in Article 42-2, paragraph (7) of the Act are any of the foreign corporation's certificate of registered particulars of the corporation, receipt for national tax or local tax, certificate of tax payment or any other document specified by Ministry of Finance Order.
- 9 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。
- (9) A Specified Financial Institution, etc. must, when it has received a written application for tax exemption or a written application prescribed in Article 42-2, paragraph (8) of the Act at its Offices, etc., submit the written applications to the district director prescribed in Article 42-2, paragraph (5) of the Act, by the final day of the month following the month involving the date of the receipt, and create copies of the written applications (including those equivalent

thereto) and preserve them pursuant to the provisions of Ministry of Finance Order.

10 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。

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

11 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。

(11) A Specified Financial Institution, etc. must, when the contract for a bond transaction with a repurchase/resale agreement prescribed in Article 42-2, paragraph (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 same Article has been submitted by a person who had submitted the written application for tax exemption, enter or record the particulars prescribed in paragraph (10) of the same Article in the books for each person each time, and preserve those books pursuant to the provisions of Ministry of Finance Order.

第三章 法人税法の特例

Chapter III Special Provisions for the Corporation Tax Act

第八節の二 国外関連者との取引に係る課税の特例等

Section 8-2 Special Provisions for Taxation on Transactions with Foreign Affiliated Persons

(国外関連者との取引に係る課税の特例)

(Special Provisions for Taxation on Transactions with Foreign Affiliated Persons)

第三十九条の十二 法第六十六条の四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 39-12 (1) The special relationship specified by Cabinet Order as prescribed in Article 66-4, paragraph (1) of the Act is the following:

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) the relationship whereby either one of two corporations holds, directly or indirectly, shares or capital contributions that account for 50 percent or more of the total number or total amount of issued shares of or capital contributions to the other corporation (excluding the shares of or capital contributions to the other corporation held by itself) (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) in the case where shares or capital contributions that account for 50 percent or more of the Issued Shares, etc. of two corporations are held respectively directly or indirectly by the same person (in the case where the person is an individual, the individual and an individual who has a special relationship specified by Cabinet Order as prescribed in Article 2, item (x) of the Corporation Tax Act with the individual; the same applies in item (v)), the relationship between those two corporations (excluding the relationship falling under the category of relationship 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) the relationship whereby the existence of any of the facts listed in the following or any other fact equivalent thereto (referred to as a "specified fact" in the following item and item (v)) enables either one of two corporations to determine substantially the whole or part of the other corporation's business policy (excluding the relationship falling under the category of relationship listed in the preceding two items):

イ 当該他方の法人の役員の上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 of the relevant other corporation or any officers who have authority to represent the relevant other corporation are persons who concurrently serve as officers or employees of the relevant one of the two corporations or who used to serve as officers or employees of the relevant 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つていること。

(b) the fact that the relevant other corporation depends on transactions with

the relevant 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 relevant other corporation procures a considerable part of funds necessary for its business activities by receiving loans from the relevant one of the two corporations or by obtaining guarantees from the relevant 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 one corporation and any of the following corporations (excluding the relationship falling under the categories 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 shares or capital contributions that account for 50 percent or more of its Issued Shares, etc. are held directly or indirectly by the relevant one corporation or the whole or part of its business policy can be substantially determined by the relevant one 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 shares or capital contributions that account for 50 percent or more of its Issued Shares, etc. are held directly or indirectly by a corporation listed in (a) or (c) or the whole or part of its business policy can be determined substantially by a corporation listed in (a) or (c) 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 shares or capital contributions that account for 50 percent or more of its Issued Shares, etc. are held directly or indirectly by a corporation listed in (b) or the whole or part of its business policy can be substantially determined by a corporation listed in (b) 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 they fall respectively under any of the categories of corporations listed as follows (limited to the case where the person prescribed in (a) is the same person; excluding the relationship falling under the categories 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 shares or capital contributions that account for 50 percent or more of its Issued Shares, etc. are held directly or indirectly by one person listed in (a) or (c) or the whole or part of its business policy can be substantially determined by one person listed in (a) or (c) 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 shares or capital contributions that account for 50 percent or more of its Issued Shares, etc. are held directly or indirectly by a corporation listed in (a) or (c) or the whole or part of its business policy can be substantially determined by a corporation listed in (a) or (c) 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 shares or capital contributions that account for 50 percent or more of its Issued Shares, etc. are held directly or indirectly by a corporation listed in (b) or the whole or part of its business policy can be substantially determined by a corporation listed in (b) 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, the determination as to whether one of two corporations holds directly or indirectly shares or capital contributions that account for 50 percent or more of the Issued Shares, etc. of the other corporation is to be made according to the ratio obtained by adding the ownership ratio for the shares, etc. of the relevant other

corporation held directly by the relevant one of the two corporations (meaning the ratio of the number of the amount of the relevant other corporation's shares or capital contributions held by the relevant one of the two corporations out of the total Issued Shares, etc. of the relevant other corporation) and the ownership ratio for the shares, etc. of the relevant other corporation held indirectly by the relevant 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掲げる割合（当該各号に掲げる場合のいずれにも該当する場合には、当該各号に掲げる割合の合計割合）をいう。

(3) The ownership ratio for the shares, etc. held indirectly as prescribed in the preceding paragraph means a ratio specified in the following items for the category of cases listed in the respective items (in the case where the ratio falls under both of the following items, the sum of the ratios specified 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 shares or capital contributions that account for 50 percent or more of the issued shares, etc. of a corporation which is a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2, item (xiv) of the Corporation Tax Act; the same applies in the following item) of the other corporation set forth in the preceding paragraph are held by one of the two corporations set forth in the preceding paragraph: The ratio of the number or amount of shares of or capital contributions to the relevant other corporation held by the relevant corporation which is a shareholder, etc. out of the issued shares, etc. of the relevant other corporation (in the case where there are two or more of those 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 one corporation or two or more corporations intervene 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 that falls under the case listed in the same item) and the relevant one of the two corporations set forth in the preceding paragraph, and have a linkage with them through holding the issued shares, etc. (hereinafter that intervening corporation is referred to as a "Capital Contribution-Related Corporation" in this item) (limited to the case where shares or capital contributions that account for 50 percent or more of the issued shares, etc. of a Capital Contribution-Related Corporations and the corporation which is a shareholder, etc. are held respectively by the relevant one of the two corporations or a Capital Contribution-Related Corporation (limited to one whose shares or capital contributions that account for 50 percent or more of its issued shares, etc. are held by the relevant one of the two corporations or other Capital Contribution-Related Corporations)): The ratio of the number of shares or amount of capital contributions to the relevant other corporation held by the corporation which is a shareholder, etc. out of the issued shares, etc. of the relevant other corporation (in the case where there are two or more of those 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) apply mutatis mutandis to the determination of the relationship whereby the shares, etc. are held directly or indirectly as set forth in paragraph (1), items (ii), (iv) and (v).

5 法第六十六条の四第一項に規定する政令で定める取引は、同項に規定する国外関連者が法人税法第百四十一条第一号から第三号までに掲げる外国法人のいずれに該当するかに応じ、当該国外関連者のこれらの号に掲げる国内源泉所得（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法人税が軽減され、又は免除される所得を除く。）に係る取引とする。

(5) The transaction specified by Cabinet Order as prescribed in Article 66-4, paragraph (1) of the Act is a transaction pertaining to the domestic source income listed in Article 141, items (i) through (iii) of the Corporation Tax Act (excluding income for which corporation tax is reduced or exempted pursuant to the provisions of the tax convention prescribed in Article 1-3, paragraph (1), item (ii)) of a foreign affiliated person prescribed in Article 66-4, paragraph (1) of the Act, in accordance with the category of foreign corporation listed in those items which is applicable to the foreign affiliated person:

6 法第六十六条の四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（法第六十六条の四第一項に規

定する特殊の関係をいう。)にない者(以下第八項までにおいて「非関連者」という。)から購入した者(以下この項及び第八項第二号において「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。

(6) The normal profit margin specified by Cabinet Order as prescribed in Article 66-4, paragraph (2), item (i), (b) of the Act is the ratio of the amount of gross profits gained by a person (hereinafter referred to as a "Reseller" in this paragraph and paragraph (8), item (ii)) who purchased the same or similar inventory assets as those for a foreign affiliated transaction prescribed in paragraph (1) of the same Article (hereinafter referred to as a "Foreign Affiliated Transaction" in this Article) from a person (hereinafter referred to as a "Non-Affiliated Person" through to paragraph (8)) who is not in a special relationship (meaning a special relationship prescribed in Article 66-4, paragraph (1) of the Act) through a transaction to sell the same or similar inventory assets to a Non-Affiliated Person (hereinafter referred to as a "Comparable Transaction" in this paragraph) (the amount of gross profits means the amount obtained by deducting the sum of the costs of the inventory assets for the Comparable Transaction from the total revenue arising from the sale of the inventory assets for the Comparable Transaction), against the sum of the revenue; provided, however, that in the case where functions performed by the selling side or any other particulars differ between a Comparable Transaction and a transaction in which the purchasing side of the inventory assets for the Foreign Affiliated Transaction sold the inventory assets to a Non-Affiliated Person, the normal profit margin is the ratio after making a necessary adjustment for the differences in ratios caused by the disparity.

7 法第六十六条の四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。

(7) The normal profit margin specified by Cabinet Order as prescribed in Article 66-4, paragraph (2), item (i), (c) of the Act is 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 that person is referred to as a "seller" in this paragraph and item (iii) of the following paragraph), through a transaction to sell the same or similar inventory assets to a Non-Affiliated Person (hereinafter referred to as a "Comparable Transaction" in this paragraph) (the amount of gross profits means the amount obtained by deducting the sum of the costs of the inventory assets for the Comparable Transaction from the total revenue arising from the sale of the inventory assets for the Comparable Transaction), against the sum of the costs; provided, however, that in the case where functions performed by the selling side and other particulars differ between a Comparable Transaction and the Foreign Affiliated Transaction, the normal profit margin is the ratio after making a necessary adjustment, necessary for the differences in ratios caused by the disparity.

8 法第六十六条の四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。

(8) The method specified by Cabinet Order as prescribed in Article 66-4, paragraph (2), item (i), (d) of the Act is the method listed as follows:

一 国外関連取引に係る棚卸資産の法第六十六条の四第一項の法人又は当該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っ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 Foreign Affiliated Transaction by a corporation prescribed in Article 66-4, paragraph (1) of the Act or a foreign affiliated person prescribed in the same paragraph who is related to the corporation, is to be attributed to the corporation or the foreign affiliated person, in accordance with the amount of expenses paid or the value of fixed assets used by those persons for performing those acts with regard to the inventory, or other factors sufficient to estimate the degree of contribution of these persons to generate the 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つ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 amount that remains after deducting, from the amount of consideration gained by the buyer of inventory assets for a Foreign Affiliated Transaction for having sold the inventory assets to a non-affiliated person (hereinafter the amount of consideration is referred to as the "resale price" in this item), the amount obtained by multiplying the 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 particulars differ between a transaction in which the Reseller has sold the same or similar inventory assets as the inventory assets to a non-affiliated person (hereinafter referred to as a "Comparable Transaction" in this item) and a transaction in which the purchasing side of the inventory assets for the 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 the disparity) and then adding the selling expenses and general administrative expenses needed for the sale of the inventory assets for the 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 inventory assets for the Comparable 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 inventory assets for the Comparable 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つ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 [1] the amount of the costs spent by the selling side of the 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), [2] 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 particulars differ between a transaction in which a seller sold the same or similar inventory assets as the inventory assets to a non-affiliated person (hereinafter referred to as a "Comparable Transaction" in this item) and the Foreign Affiliated Transaction, by the ratio after making a necessary adjustment for the differences in ratios caused by the disparity), and [3] 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 Acquisition Costs;

(2) 当該国外関連取引に係る棚卸資産の売却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 inventory assets for the Foreign Affiliated Transaction;

ロ 当該比較対象取引に係る棚卸資産の売却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 inventory assets for the Comparable Transaction;

ハ 当該比較対象取引に係る棚卸資産の売却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 inventory assets for the Comparable Transaction;

四 前二号に掲げる方法に準ずる方法

(iv) the method equivalent to the methods listed in the preceding two items.

9 法第六十六条の四第六項に規定する政令で定める場合は、同項の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六項の当該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っ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っ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。

(9) The case specified by Cabinet Order as prescribed in Article 66-4, paragraph

(6) of the Act is the case where it has been determined in advance at the time of a transaction between a corporation set forth in the same paragraph and a non-affiliated person set forth in the same paragraph (hereinafter referred to as a "Non-Affiliated Person" in this paragraph and the following paragraph), under a contract or the like, that the assets for the transaction are to be sold, transferred, lent or provided to a foreign affiliated person related to the corporation set forth in paragraph (6) of the same Article and where the amount of consideration for the sale, transfer, lending or provision is deemed to have been substantially determined between the corporation and the 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 corporation set forth in the same paragraph and a Non-Affiliated Person, under a contract or the like, that the assets for the transaction are to be sold, transferred, lent or provided to a corporation set forth in the same paragraph and where the amount of consideration for the sale, transfer, lending or provision is deemed to have been substantially determined between the corporation and the foreign affiliated person.

1 0 法第六十六条の四第六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、当該取引が前項の法人と同項の当該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じる対価の額の差につき必要な調整を加えた金額とする。

(10) Notwithstanding the provisions of Article 66-4, paragraph (2) of the Act, the arm's length price prescribed in paragraph (1) of the same Article for a transaction that was deemed to be a Foreign Affiliated Transaction under the provisions of paragraph (6) of the same Article is the amount calculated by applying the provisions of paragraph (2) of the same Article by deeming that the transaction has been conducted between a corporation set forth in the preceding paragraph and a foreign affiliated person related to the corporation set forth in the same paragraph and by making a necessary adjustment with regard to the differences in the amount of consideration caused when a transaction between the corporation and the foreign affiliated person is conducted via a Non-Affiliated Person.

1 1 法第六十六条の四第七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。

(11) The gross profit margin prescribed in Article 66-4, paragraph (7), item (i) of the Act or any other ratio specified by Cabinet Order as a ratio equivalent thereto is 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 same item through the business for a business year containing the day on which a Foreign Affiliated Transaction set forth in the same item was conducted or for any other period equivalent thereto (the amount of gross profits 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 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 inventory assets (where the business is other than that pertaining to the sale of inventory assets, the total revenue pertaining to that business; hereinafter referred to as the "Amount of Gross Revenue" in this paragraph)) against the Amount of Gross Revenue or Gross Costs.

1 2 法第六十六条の四第七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っ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っては第一号又は第五号に掲げる方法とする。

(12) The method specified by Cabinet Order as the method similar to the method specified by Cabinet Order as prescribed in Article 66-4, paragraph (2), item (i), (d) of the Act or the method listed in paragraph (2), item (ii), (b) of the same Article (limited to the method equal to that specified by the same Cabinet Order) as prescribed in paragraph (7), item (ii) of the same Article is the method listed in items (i) to (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 法第六十六条の四第七項の法人及び当該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

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, paragraph (6) of the Act for the business year containing the date on which the 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 consolidated corporation and a foreign affiliated person (meaning a foreign affiliated person prescribed in paragraph (1) of the same Article) pertaining to the Foreign Affiliated Transaction conducted by the consolidated corporation (where the income arising from the business is not recorded separately from the income arising from other businesses in the financial statements, the income arising from businesses including that business; hereinafter the same applies in this item), or for any other period equivalent thereto, is to be attributed to those persons, in accordance with the amount of expenses paid or the value of fixed assets used by those persons for conducting the Foreign Affiliated Transaction (where the amount of expenses or the value of fixed assets spent or used for the business is not recorded separately from the amount of expenses or the value of the fixed assets spent or used for other businesses in the financial statements, the amount of expenses or the value of the fixed assets spent or used for businesses including that business), or other factors sufficient to estimate the degree of the contribution of those persons to generate the income;

二 国外関連取引に係る棚卸資産の買手が非関連者（法第六十六条の四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つ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 amount that remains after deducting, from the amount of consideration gained by the purchasing side of inventory assets for a Foreign Affiliated Transaction for having sold the inventory assets to a non-affiliated person (meaning a person who is not in a special relationship therewith as prescribed in Article 66-4, paragraph (1) of the Act) (hereinafter

the amount of consideration is referred to as the "resale price" in this item), from the amount obtained by multiplying the 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 inventory assets for the 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 a similar type of business as those pertaining to the Foreign Affiliated Transaction and whose size and other details are similar (hereinafter referred to as a "Comparable Business" in this item) through the sale of inventory assets for the Comparable Business for a business year containing the day on which the Foreign Affiliated Transaction was conducted or for any other period equivalent thereto (hereinafter referred to as a "Comparable 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 inventory assets for a Comparable Business for the Comparable 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つ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 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 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 a similar type of business as those pertaining to the Foreign Affiliated Transaction and whose size and other details are similar (hereinafter referred to as a "Comparable Business" in this item) through the sale of inventory assets for the Comparable Business for a business year containing the day on which the Foreign Affiliated Transaction was conducted or for any other period equivalent thereto (hereinafter referred to as a "Comparable 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 inventory assets for the Comparable Business for the Comparable 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.

13 法第六十六条の四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。

(13) The requirements specified by Cabinet Order as prescribed in Article 66-4, paragraph (19) of the Act are the requirements listed as follows:

一 法第六十六条の四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 66-4, paragraph (19) of the Act which pertains to a Foreign Affiliated Transaction prescribed in the same paragraph, the Minister of Finance has reached an agreement, under a tax convention prescribed in the same paragraph, with the competent authority of a contracting state other than Japan of the 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六十六条の四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 as set forth in the preceding item reduces a tax for a foreign affiliated person prescribed in Article 66-4, paragraph (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 tax reduction, the part of the amount equivalent to the interest on a 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 contracting state other than Japan.

1 4 法第六十六条の四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つ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。

(14) The delinquent tax imposed with regard to the corporation tax payable as prescribed in Article 66-4, paragraph (19) of the Act is 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 same Article do not apply from the corporation tax payable where the provisions of the same paragraph apply.

1 5 法第六十六条の四第一項、第二項第一号イ若しくはロ若しくは第六項の規定又は第六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。

(15) Where the provisions of Article 66-4, paragraph (1), paragraph (2), item (i), (a) or (b), or paragraph (6) of the Act or the provisions of paragraph (6) apply, the existence or not of any special relationship prescribed in these provisions is to be determined according to its status at the time when the respective transactions were conducted.

(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 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 Cabinet Order as the amount of corporation tax and additional tax for the corporation tax prescribed in Article 66-4-2, paragraph (1) of the Act is 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, paragraph (1) of the Act (meaning the reassessment or determination listed in Article 66-4, paragraph (16, item (i) of the Act; hereinafter the same applies in this item and paragraph (3), item (ii)) does not cover the part pertaining to the corporation tax prescribed in Article 66-4-2, paragraph (1) of the Act (referred to as the "amount of corporation tax not under grace" in the following item) from the amount of corporation tax payable based on the reassessment or determination (referred to as the "amount of corporation tax based on the reassessment or determination" in the following 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 applies 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, paragraph (1) of the Act or any other case specified by Cabinet Order is the case listed respectively in the following items, and the date specified by Cabinet Order prescribed in the same paragraph is the date on which the Commissioner of the National Tax Agency notified the fact that the case falls under any of those set forth 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, paragraph (1) of the Act (referred to an "agreement" in the following item and item (iii)) cannot be reached even if the consultation prescribed in the same 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, paragraph (5) of the Act), when they have made a request for the termination of the Mutual Consultation to the competent authority of the other contracting state pertaining to the Mutual Consultation (meaning a contracting state other than Japan of a tax convention prescribed in Article 1-3, paragraph (1), item (ii); the same applies in the following item) and has obtained consent from the 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 Mutual Consultation were continued, when the Commissioner of the National Tax Agency has received a request for the termination of the Mutual Consultation from the competent authority and has given their 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, paragraph (1) of the Act, when the agreement is not to change the 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, paragraph (1) of the Act must submit a written application containing the particulars listed as follows along with a document certifying that they have filed an objection set forth in the same paragraph and other documents specified by Ministry of Finance Order to the district director, etc. prescribed in Article 46, paragraph (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 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 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 their head office or principal office) and any other particulars for reference concerning the security (where there is any special circumstance whereby the corporation cannot provide security, the 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, paragraph (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, paragraph (1) of the Act, the term "or national tax" in Article 23, paragraph (1) of the same Order is deemed to be replaced with "(including a grace of tax payment under the provisions of Article 66-4-2, paragraph (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
Payable to Foreign Controlling Shareholders

(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 Payable to Foreign Controlling Shareholders)

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 Cabinet Order as the amount equivalent to the excess part prescribed in Article 66-5, paragraph (1) of the Act is 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 amount that remains 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 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, paragraph (4), item (i) of the Act; hereinafter the same applies in this Article) and a fund provider, etc. (meaning a fund provider, etc. prescribed in item (ii) of the same paragraph; hereinafter the same applies in this Article) related to the domestic corporation (those expenses are 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, paragraph (4), item (ix) of the Act; the same applies in (b)) of the person who is to receive payment of the interest; the amount of expenses is referred to as the "amount of guarantee charge, etc. for the taxable income" in the following item) and then multiplying the amount of expenses by the ratio obtained by dividing the amount that remains after deducting the amount listed in (c) from the amount listed in (a) (the remaining amount is referred to as the

"amount exceeding the average balance of liabilities" in the following item and the following 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, paragraph (4), item (v) of the Act; hereinafter the same applies in this Article) regarding the liabilities owed, for the relevant business year of the domestic corporation, to the 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 same paragraph; hereinafter the same applies 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 Cabinet Order prescribed in Article 66-5, paragraph (4), item (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 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 domestic corporation (meaning the equity interest held by a foreign controlling shareholder, etc. prescribed in Article 66-5, paragraph (4), item (vi) of the Act; the same applies in paragraph (4) and paragraph (7)) by three (where the domestic corporation receives the application of the provisions of paragraph (3) of the same Article, by the multiple number prescribed in the same 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 amount that remains 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, paragraph (4), item (iii) of the Act; hereinafter the same applies in this Article) that the domestic corporation pays for the relevant business year to the foreign controlling shareholder, etc. and fund provider, etc. and then multiplying the amount that remains after deduction by the ratio obtained by dividing the amount that remains after deducting the amount listed in (b) of the preceding item from the amount exceeding the average balance of liabilities by the amount that remains after deducting the amount listed in (b) of the same item from the amount listed in (a) of the same 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 amount that remains after deducting the amount obtained by multiplying the amount of equity capital (meaning the amount of equity capital prescribed in Article 66-5, paragraph (4), item (vii) of the Act; hereinafter the same applies in this Article) for the relevant business year of the domestic corporation by three from the average balance of liabilities regarding the total liabilities prescribed in Article 66-5, paragraph (1) of the Act for the relevant business year of the domestic corporation is less than the amount exceeding

the average balance of liabilities for the relevant business year of the domestic corporation, in item (i) of the preceding paragraph, the term "the amount that remains after deducting the amount listed in (b) from the amount listed in (a) is equivalent to or less than the amount listed in (c)" is deemed to be replaced with "the amount that remains after deducting the amount obtained by multiplying the amount of equity capital prescribed in Article 66-5, paragraph (4), item (vii) of the Act for the relevant business year of the domestic corporation by three from the average balance of liabilities regarding the total liabilities prescribed in Article 66-5, paragraph (1) of the Act for the relevant business year of the domestic corporation (hereinafter the remaining amount is 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, paragraph (4), item (i) of the Act" is deemed to be replaced with "paragraph (4), item (i) of the same Article"; and the term "amount that remains after deducting the amount listed in (c) from the amount listed in (a) (the remaining amount is referred to as the "amount exceeding the average balance of liabilities" in the following item and the following paragraph)" is deemed to be replaced with "the amount exceeding the average balance of the total liabilities"; and in item (ii) of the same paragraph, the term "the amount that remains after deducting the amount listed in (b) from the amount listed in (a) of the preceding item exceeds the amount listed in (c)" is 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" is 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, paragraph (1) of the Act apply, the amount of interest on liabilities, etc. to be paid to the foreign controlling shareholder, etc. and fund provider, etc. for the relevant business year is to 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, paragraph (1) of the Act where there are two or more foreign controlling shareholders, etc. related to the 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. are to 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 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, paragraph (2) of the Act is the average balance of liabilities regarding the liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. related to the 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, paragraph (4), item (viii) of the Act; the same applies in the following paragraph and paragraph (8)) (where the 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 means the amount calculated by a reasonable method as the average balance of the assets' book value for the relevant business year; the same applies in the following paragraph), that calculated average balance of liabilities is the average balance of assets; that average balance of assets is 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 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, paragraph (2) of the Act is 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 applies in paragraph (10)) which pertain to a specified bond transaction with a repurchase/resale agreement, etc. (where the average balance of liabilities exceeds the average balance of assets regarding assets pertaining to a specified bond transaction with a repurchase/resale agreement, etc., that calculated average balance of liabilities is the 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 Cabinet Order prescribed in Article 66-5, paragraph (2) of the Act is 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 Cabinet Order prescribed in the same 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 same paragraph and then dividing the calculated average balance of liabilities by the equity interest held by the foreign controlling shareholder, etc. related to the domestic corporation; and the multiple number applicable to the amount of equity capital which is calculated as specified by Cabinet Order prescribed in the same paragraph is 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 Cabinet Order prescribed in the same paragraph from the average balance of liabilities regarding the total liabilities for the relevant business year

prescribed in the same paragraph and then dividing the calculated average balance of liabilities by the amount of equity capital of the 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 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, paragraph (2) of the Act is 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 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 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 paragraphs (1) to (4) in the case where the provisions of Article 66-5, paragraph (2) of the Act is applied,

the term "and then multiplying the amount of expenses by the ratio" in paragraph (1), item (i) is deemed to be replaced with ", then deducting the amount obtained by multiplying the part of the 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, paragraph (4), item (viii) of the Act; hereinafter the same applies 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 applies in this item) regarding the liabilities for the amount by the average balance of liabilities (meaning the average balance of liabilities prescribed in paragraph (4), item (v) of the same Article; hereinafter the same applies in this Article) regarding the liabilities for the amount which pertains to a specified bond transaction with a repurchase/resale agreement, etc., and then multiplying the amount that remains after deduction by the ratio"; the term "The average balance of liabilities (meaning the average balance of liabilities prescribed in Article 66-5, paragraph (4), item (v) of the Act; hereinafter the same applies in this Article)" in (a) of paragraph (1), item (i) is deemed to be replaced with "The amount that remains 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 same item is deemed to be replaced with "The amount that remains after deducting the average balance of liabilities after adjustment regarding the liabilities from the average balance of liabilities"; the term "three" in (c) of the same item is 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), item (ii) is 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 same Article and the amount of guarantee charge, etc. for the taxable income"; the term "where the amount that remains after deducting the amount" in paragraph (2) is deemed to be replaced with "where the amount that remains 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 same paragraph is 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 Cabinet Order prescribed in Article 66-5, paragraph (3) of the Act is the percentage of the amount of the total liabilities of any other domestic corporation whose business size set forth in paragraph (3) of the same Article and other details are similar to those of a domestic corporation which seeks the application of the provisions of the same paragraph (hereinafter referred to as an "Applicable Corporation" in this paragraph) on the final day of any of the relevant 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 Applicable Corporation receives the application of the provisions of paragraph (2) of the same Article, the percentage of the remaining amount of the total liabilities after deducting the amount specified by Ministry of Finance Order) 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 are to 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 Cabinet Order prescribed in Article 66-5, paragraph (4), item (i) of the Act is 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 domestic corporation (excluding its own shares or capital contributions held by the 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 domestic corporation and a foreign corporation are respectively held directly or

indirectly by the same person (where the person is an individual, including an individual who has a special relationship prescribed in Article 4, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with the individual), the relationship between the domestic corporation and the 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 domestic corporation and a nonresident (meaning a nonresident prescribed in Article 2, paragraph (1), item (i)-2 of the Act; the same applies in paragraph (28)) or a foreign corporation (hereinafter that nonresident or foreign corporation is referred to as a "nonresident, etc." in this item) enables the nonresident, etc. to determine substantially the whole or a part of the 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 domestic corporation depends on transactions with the 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 domestic corporation procures a considerable part of the funds necessary for its business activities by receiving loans from the nonresident, etc. or by obtaining guarantees from the nonresident, etc.;

ハ 当該内国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 of the domestic corporation or any officers who have authority to represent the domestic corporation are persons who concurrently serve as officers or employees of the foreign corporation or who used to serve as officers or employees of the foreign corporation.

12 第三十九条の十二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 Article 39-12 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.

13 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 Cabinet Order as being related to the provision of funds as prescribed in Article 66-5, paragraph (4), item (ii) of the Act is 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 domestic corporation has provided the domestic corporation with funds via a third party: the 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 domestic corporation has offered guarantees for the domestic corporation's liabilities to a third party and thereby the third party has provided the domestic corporation with funds: that 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 domestic corporation to the domestic corporation (including bonds lent by a third party to the domestic corporation based on guarantees for the domestic corporation's liabilities offered by the 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, paragraph (1) of the Act; the same applies in paragraph (27)) or lent in a cash-secured bond lending transaction (meaning a cash-secured bond lending transaction prescribed in Article 66-5, paragraph (4), item (viii) of the Act; the same applies in paragraph (27)) and thereby the relevant other third party has provided the domestic corporation

with funds: that third party and the relevant 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、法人税法施行令第百三十六条の二第一項に規定する満たない部分の金額その他経済的な性質が利子に準ずるものとする。

(14) What is specified by Cabinet Order as being equivalent to interest on liabilities prescribed in Article 66-5, paragraph (4), item (iii) of the Act is the discount on bills, the amount of the shortage prescribed in Article 136-2, paragraph (1) 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 Cabinet Order prescribed in Article 66-5, paragraph (4), item (iii) of the Act are 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, item (ii), the guarantee charge for liabilities set forth in the same item which a domestic corporation set forth in the same item pays to a foreign controlling shareholder, etc. related to the 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, item (iii), the charge for bonds set forth in the same item or guarantee charge for liabilities set forth in the same item which a domestic corporation set forth in the same item pays to a foreign controlling shareholder, etc. related to the domestic corporation or the charge for bonds set forth in the same item which the domestic corporation pays to a third party set forth in the same 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 Cabinet Order prescribed in Article 66-5, paragraph (4), item (iii) of the Act are interest on liabilities, etc. to be paid to a public corporation prescribed in Article 2, item (v) of the Corporation Tax Act or a corporation in the public interest, etc. prescribed in item (vi) of the same 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 Cabinet Order prescribed in Article 66-5, paragraph (4), item (iv) of the Act are 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 Cabinet Order as the average amount of liabilities prescribed in Article 66-5, paragraph (4), item (v) of the Act is 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 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, paragraph (4), item (vi) of the Act is the amount obtained by multiplying the amount of equity capital for the relevant business year of the domestic corporation by the ratio of the Shares, etc. regarding the domestic corporation held directly or indirectly by a foreign controlling shareholder, etc. on the final day of the relevant business year out of the 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 are the total number or the sum of the domestic corporation's Shares, etc. held directly by a foreign controlling shareholder, etc. related to the domestic corporation and the domestic corporation's Shares, etc. held indirectly by the foreign controlling shareholder, etc. (meaning the Shares, etc. calculated by multiplying the 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, item (xiv) of the Corporation Tax Act; hereinafter the same applies in this item and paragraph (24)) of the domestic corporation are held by a foreign controlling shareholder, etc. related to the domestic corporation: The ratio obtained by multiplying the 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 applies in this paragraph and paragraph (24)) pertaining to the relevant other domestic corporation by the relevant other domestic corporation's ratio of shareholding pertaining to the 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 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 domestic corporation (hereinafter that intervening domestic corporation is referred to as a "capital contribution-related domestic corporation" in this paragraph) and the foreign controlling shareholder, etc., the relevant other domestic corporation, capital contribution-related domestic corporation and the domestic corporation have a linkage through holding the Shares, etc.: The ratio obtained by multiplying the foreign controlling shareholder, etc.'s ratio of shareholding pertaining to the relevant other domestic corporation sequentially by the relevant other domestic corporation's ratio of shareholding pertaining to the capital contribution-related domestic corporation, by the capital contribution-related domestic corporation's ratio of shareholding pertaining to other capital contribution-related domestic corporations, and by the capital contribution-related domestic corporation's ratio of shareholding pertaining to the 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 domestic corporation and a foreign controlling shareholder, etc. related to the domestic corporation are in a relationship listed in paragraph (11), item (ii), when the same person prescribed in the same item is a resident or any other domestic corporation prescribed in Article 2, paragraph (1), item (i)-2 of the Act, the provisions of the preceding two paragraphs are to be applied by deeming the same person to be a foreign controlling shareholder, etc. related to the 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 Cabinet Order as the amount of net assets prescribed in Article 66-5, paragraph (4), item (vii) of the Act is the amount that remains after deducting the amount listed in item (ii) from the amount listed in item (i) (where the remaining amount is less than the amount of stated capital, etc. prescribed in Article 2, item (xvi) of the Corporation Tax Act on the final day of the relevant business year of the domestic corporation (where the amount of stated capital, etc. is less than the amount of stated capital or capital contributions, the amount of stated capital or capital contributions; hereinafter referred to as the "Amount of Stated Capital, etc." in this paragraph and paragraph (24)), that calculated amount is the 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 domestic corporation (that book value means the amount that remains 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 expenses for accounting purposes);

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 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 is to be based on the amount of assets or liabilities that the 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 domestic corporation or a capital contribution-related domestic corporation (meaning a single domestic corporation or two or more domestic corporations which have a linkage with the domestic corporation and the relevant other domestic corporation through holding the Shares, etc.; the same applies in the following paragraph) intervenes between the domestic corporation and a foreign controlling shareholder, etc. related to the 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 domestic corporation by the ratio of shareholding pertaining to the domestic corporation of the relevant other domestic corporation or capital contribution-related domestic corporation exceeds the Amount of Stated Capital, etc. of the relevant other domestic corporation or capital contribution-related domestic corporation 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, item (xvi) of the Corporation Tax Act, when the amount exceeds the amount of consolidated individual stated capital, etc. prescribed in Article 39-113, paragraph (20)), the

amount of equity capital pertaining to the domestic corporation is the amount that remains after deducting from the amount of equity capital, either of the smaller amount of the excess amount or the amount of liabilities owed by the relevant other domestic corporation or capital contribution-related domestic corporation to a foreign controlling shareholder, etc. and a fund provider, etc. related to the domestic corporation on the same day (referred to as the "deductible amount" in the following 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 set forth in the same paragraph to be the domestic corporation set forth in the same paragraph and if there is any deductible amount pertaining to the capital contribution-related domestic corporation, the amount of stated capital, etc. set forth in the same paragraph of the capital contribution-related domestic corporation is the amount that remains after deducting the deductible amount from the amount of stated capital, etc.; and the amount of liabilities owed by the capital contribution-related domestic corporation to a foreign controlling shareholder, etc. and a fund provider, etc. set forth in the same paragraph is the amount obtained by adding the amount of liabilities owed to the foreign controlling shareholder, etc. and fund provider, etc. and the deductible 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 Cabinet Order as the interest on a domestic corporation's net assets prescribed in Article 66-5, paragraph (4), item (vi) of the Act and the amount calculated as specified by Cabinet Order as the amount of net assets prescribed in item (vii) of the same paragraph, where the domestic corporation is a corporation in the public interest, etc. prescribed in Article 2, item (vi) of the Corporation Tax Act or an association or foundation without juridical personality, is, 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

domestic corporation by the ratio of the value of assets for the profit-making business prescribed in Article 2, item (xiii) of the Corporation Tax Act conducted by that 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 Cabinet Order prescribed in Article 66-5, paragraph (4), item (viii) of the Act is 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 Cabinet Order prescribed in Article 66-5, paragraph (4), item (ix) of the Act for a nonresident is the domestic source income of a nonresident set forth in the same item as specified in Article 164, paragraph (1), items (i) to (iii) of the Income Tax Act, in accordance with the category of the nonresident listed in those items (excluding the income for which income tax is reduced or exempted pursuant to the provisions of a tax convention (meaning a tax convention prescribed in Article 1-3, paragraph (1), item (ii); hereinafter the same applies in this paragraph)); and the domestic source income specified by Cabinet Order prescribed in Article 66-5, paragraph (4), item (ix) of the Act for a foreign corporation is the domestic source income of a foreign corporation set forth in Article 66-5, paragraph (4), item (ix) of the Act as specified in Article 164, paragraph (1), items (i) to (iii) of the Corporation Tax Act, in accordance with the category of the foreign corporation listed in those items (excluding the income for which corporation tax is 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), paragraphs (3) to (18), paragraph (22), paragraph (23), paragraph (27) and the preceding paragraph apply mutatis mutandis to the case of applying the provisions of paragraphs (1) to (4) and paragraphs (6) to (9) of Article 66-5 of the Act which are applied mutatis mutandis pursuant to paragraph (10) of the same Article. In this case, the terms listed in the middle column of the following table which are used in the provisions listed in the left-hand column of the same table are deemed to be replaced with the terms listed in the right-hand column of the same table.

第一項第一号 Paragraph (1), item (i)	内国法人 domestic corporation	外国法人 foreign corporation
	費用（ (those expenses are to be limited to	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 人が人格のない社団等である場 合には、その営む法人税法第二 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 foreign corporation conducts in Japan (hereinafter referred to as a "domestic business" in this Article) (those expenses are to be limited, in the case where the foreign corporation is an association or foundation without juridical personality, which pertains to a profit- making business prescribed in Article 2, item (xiii) of the Corporation Tax Act (hereinafter referred to as a "profit-making business" in this Article) conducted by the foreign corporation and also limited to

	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 foreign corporation is an association or foundation without juridical personality, limited to liabilities pertaining to a profit-making business conducted by the foreign corporation and also limited to liabilities
第一項第二号、第 四項及び第五項 Paragraph (1), item (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 払の基因となるものに限 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 基因となるものに限る。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（当該外国法人が人格のない 団体等である場合には、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 foreign corporation is an association or foundation without juridical personality, limited to liabilities pertaining to a profit-making business conducted by the 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

<p>第十一項第一号及び第二号 Paragraph (11), item (i) and item (ii)</p>	<p>内国法人 domestic corporation</p>	<p>外国法人 foreign corporation</p>
	<p>外国法人 a foreign corporation</p>	<p>他の外国法人 any other foreign corporation</p>
<p>第十一項第三号 Paragraph (11), item (iii)</p>	<p>内国法人 domestic corporation</p>	<p>外国法人 foreign corporation</p>
	<p>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。） a nonresident (meaning a nonresident prescribed in Article 2, paragraph (1), item (i)-2 of the Act; the same applies in paragraph (28)) or a foreign corporation (hereinafter that nonresident or foreign corporation is referred to as a "nonresident, etc." in this item)</p>	<p>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, paragraph (1), item (i)-2 of the Act; the same applies in paragraph (28)) or any other foreign corporation</p>
	<p>当該非居住者等 the nonresident, etc.</p>	<p>当該非居住者又は他の外国法人 that nonresident or the relevant other foreign corporation</p>
	<p>当該外国法人 the foreign corporation's</p>	<p>当該他の外国法人 the relevant other foreign corporation's</p>
<p>第十三項及び第十五項 Paragraph (13) and paragraph (15)</p>	<p>内国法人 domestic corporation</p>	<p>外国法人 foreign corporation</p>

第二十二項 Paragraph (22)	第六十六条の五第四項第七号 The amount calculated as specified by Cabinet Order as the amount of net assets prescribed in Article 66-5, paragraph (4), item (vii) of the Act	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 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 Cabinet Order as the amount of net assets prescribed in item (vii) of the same paragraph
	内国法人 domestic corporation	外国法人 foreign corporation
	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, item (xvi) of the Corporation Tax Act on the final day of the relevant business year of the domestic corporation (where the amount of stated capital, etc. is less than the amount of stated capital or capital contributions, that amount of stated capital or capital contributions;	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, item (xvi) of the Corporation Tax Act on the final day of the relevant business year of the domestic corporation by the ratio of the book value of the assets pertaining to a domestic business (where the foreign corporation is an association or foundation without juridical personality, limited to assets pertaining to a profit-making business conducted by that foreign corporation) out of the book value of the total assets on the same day（

	総資産 the total assets	総資産のうち国内事業に係るもの（当該外国法人が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 foreign corporation is an association or foundation without juridical personality, limited to assets pertaining to a profit-making business conducted by that foreign corporation)
	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 foreign corporation is an association or foundation without juridical personality, limited to liabilities pertaining to a profit-making business conducted by that 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, paragraph (1) of the Act apply, the term "the sum of the amount of interest on liabilities prescribed in the same paragraph to be paid for the relevant business year" in Article 22, paragraph (1) of the same Order is deemed to be replaced with "the sum of the amount of interest on liabilities prescribed in the same paragraph to be paid for the relevant business year (where there is any amount that is not included in deductible expenses pursuant to the provisions of Article 66-5, paragraph (1) (Special Provisions for Taxation on Interest on Liabilities Payable to Foreign Controlling Shareholders) of the Act on Special Measures Concerning Taxation, the sum is the amount that remains after deducting the amount)"; the term "the sum of the amount of interest on liabilities that a domestic corporation set forth in the same paragraph pays for the business year set forth in the same paragraph" in paragraph (2) of the same Article is deemed to be replaced with "the sum of the amount of interest on liabilities that a domestic corporation set forth in the same paragraph pays for the business year set forth in the same paragraph (where there is any amount that is not included in deductible expenses pursuant to the provisions of Article 66-5, paragraph (1) (Special Provisions for Taxation on Interest on Liabilities Payable to Foreign Controlling Shareholders) of the Act on Special Measures Concerning Taxation, the sum is the amount that remains after deducting the amount)"; the term "the amount listed in item (i)" in paragraph (1) and paragraph (2) of the same Article is deemed to be replaced with "the amount listed in item (i) (where there is any amount that is not included in deductible expenses pursuant to the provisions of Article 66-5, paragraph (1) of the Act on Special Measures Concerning Taxation, that amount is the amount that remains after deducting the amount equivalent to the amount exceeding the average balance of liabilities prescribed in Article 39-13, paragraph (1), item (i) (Calculation of the Amount of Interest on Liabilities Payable to Foreign Controlling Shareholders 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 following the deemed replacement of terms pursuant to the provisions of paragraph (9) of the same Article) (in the case where the provisions of paragraph (1) of the same Article is applied following the deemed replacement of terms pursuant to the provisions of paragraph (2) of the same Article, after deducting the amount equivalent to the amount exceeding the average balance of the total liabilities prescribed in the same item which is applied following the deemed replacement of terms pursuant to the provisions of paragraph (2) of the same Article))"; the term "(hereinafter referred to as the 'sum of" in paragraph (3) of the same Article is

deemed to be replaced with "(where there is any amount that is not included in deductible expenses pursuant to the provisions of Article 66-5, paragraph (1) of the Act on Special Measures Concerning Taxation, the amount that remains after deducting the amount; hereinafter referred to as the 'sum of"; and the term "paragraph (4), item (i) of the same Article" in the same paragraph is deemed to be replaced with "Article 23, paragraph (4), item (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 of Domestic Corporations

(特定外国子会社等の範囲)

(Scope of Specified Foreign Subsidiary Companies)

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 Cabinet Order prescribed in Article 66-6, paragraph (1) of the Act is 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。以下この条において同じ。）

(i) an affiliated foreign company (meaning an affiliated foreign company prescribed in Article 66-6, paragraph (2), item (i) of the Act; hereinafter the same applies in this Article) 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 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 is to 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 is 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, paragraph (1) of the Corporation Tax Act; hereinafter the same applies in this Section) of the state or territory where the head office or principal office of the 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 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 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 calculated amount of income and then deducting therefrom the amount listed in (f) pertaining to the 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 is not to 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掲げる金額（同法第二十四条第一項各号に掲げる事由による金銭その他の資産の交付により減少することとなる利益積立金額に相当する金額を含む。以下この号及び次条において「配当等の額」という。）

1. the amount listed in Article 23, paragraph (1), item (i) of the Corporation Tax Act to be received from a corporation located in the state of the head office (including the amount of profit reserve to be reduced by reason of the delivery of money or other assets on any of the grounds listed in the items of Article 254, paragraph (1) of the same Act; hereinafter referred to as the "Amount of a Dividend, etc." in this item and the following Article);

(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 is not to 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 applies in this Section) held by the affiliated foreign company out of the total number or total amount of the corporation's issued shares or capital contributions (excluding its own shares held by the 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 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 pays 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 pays 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, paragraph (1) or Article 57-6, paragraph (1) of the Act (hereinafter referred to as the "Insurance Reserve" in this paragraph and paragraph (2) of the following 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 are 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 are applied) does not reach the amount to be included in gross profits when these provisions are applied, the amount of the 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 is 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 is 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 affiliated foreign company has paid the 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、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 affiliated foreign company pursuant to the provisions of a tax convention prescribed in Article 1-3, paragraph (1), item (ii);

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 may be the amount calculated based on the highest rates out of the 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 is to 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 revenue falls under what is listed in 1. or 2. of item (i), (a), revenue other than the 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 Cabinet Order with a resident or domestic corporation prescribed in Article 66-6, paragraph (2), item (i) of the Act is a nonresident prescribed in Article 2, paragraph (1), item (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（以下この項及び第三十九条の十六第六項において「居住者」という。）の親族

(i) a relative of the resident prescribed in Article 2, paragraph (1), item (i)-2 of the Act (hereinafter referred to as a "Resident" in this paragraph and Article 39-16, paragraph (6));

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 their 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 the person for their 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, item (xv) of the Corporation Tax Act; hereinafter the same applies 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 officer.

（特定外国子会社等の適用対象金額の計算）

(Calculation of Amount of Eligible Income of Specified Foreign Subsidiary Companies)

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及び第四号に掲げる金額の合計額を控除した残額（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及び第四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 eligible income calculated in accordance with the standards specified by Cabinet Order prescribed in Article 66-6, paragraph (2), item (ii) of the Act is the amount that remains after deducting the amounts listed in item (iii) and item (iv) pertaining to the amount of income of a specified foreign subsidiary company, etc. prescribed in paragraph (1) of the same Article (hereinafter referred to as a "Specified Foreign Subsidiary Company, etc." in this Article and paragraph (1) of the following Article) in its settlement of accounts for the relevant business year from the sum of the amounts listed in item (i) and item (ii) pertaining to the income (where the amount listed in item (i) pertaining to the income is a loss, the amount of eligible income is the amount that remains after deducting the sum of the amount of loss and the amounts listed in item (iii) and item (iv) pertaining to the amount of income from the amount listed in item (ii) pertaining to the 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九款まで（同法第二十三条、第二十三条の二、第二十六条第一項から第五項まで、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。）及び第十一款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 1, Section 1, Subsection 2 to Subsection 9 (excluding Article 23, Article 23-2, Article 26, paragraphs (1) to (5), Articles 38 to 41, Article 55, paragraph (3), Article 57, Article 58, Article 59, and Articles 61-11 to 61-13 of the Corporation Tax Act), and Subsection 11 of the same 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, Articles 65-7 to 65-9 (limited to the part pertaining to item (xix) of the table in Article 65-7, paragraph (1) of the Act), Article 66-4, paragraph (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, paragraph (1) or Article 68-88, paragraph (1) of the Act is applied to a transaction with a domestic corporation listed in the items of Article 66-6, paragraph (1) of the Act related to the 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。以下この条において同じ。）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 those states or territories including the state of the head office (including taxes listed in the items of Article 141, paragraph (2) of the Order for Enforcement of the Corporation Tax Act to be imposed in those states or territories or by local entities in those states or territories) and taxes equivalent to incidental taxes to be imposed incidentally as prescribed in Article 2, item (xlv) of the Corporation Tax Act (excluding interest tax) and other taxes similar to the tax equivalent to the incidental taxes; hereinafter the same applies in this Article);

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;

四 当該各事業年度において子会社（他の法人の発行済株式等のうちに当該特定外国子会社等が保有しているその株式等の数若しくは金額の占める割合又は当該他の法人の発行済株式等のうちの議決権のある株式等の数若しくは金額のうちに当該特定外国子会社等が保有している当該株式等の数若しくは金額の占める割合のいずれかが百分の二十五以上であり、かつ、その状態が当該特定外国子会社等が当該他の法人から受ける配当等の額の支払義務が確定する日（当該配当等の額が法人税法第二十四条第一項に規定する事由に係る財務省令で定める配当等の額である場合には、同日の前日。以下この号において同じ。）以前六月以上（当該他の法人が当該確定する日以前六月以内に設立された法人である場合には、その設立の日から当該確定する日まで）継続している場合の当該他の法人（次に掲げる法人を除く。）をいう。）から受ける配当等の額

(iv) the Amount of a Dividend, etc. to be received in the relevant business year from a subsidiary company (meaning another corporation (excluding any of the corporations listed as follows) in the case where the percentage of the number or the amount of shares, etc. held by the Specified Foreign Subsidiary Company, etc. in the Issued Shares, etc. of the relevant other corporation or the percentage of the number or the amount of voting shares, etc. held by the Specified Foreign Subsidiary Company, etc. in the Issued Shares, etc. of the relevant other corporation is not less than 25 percent, and the shares have been held for six months or more until the day on which the obligation to pay the Amount of a Dividend, etc. that the Specified Foreign Subsidiary Company, etc. receives from the relevant other corporation is determined (or the day preceding that day in the case where the amount of dividend, etc. is the Amount of a Dividend, etc. specified by Cabinet Order pertaining to the grounds prescribed in Article 24, paragraph (1) of the Corporation Tax Act) (in the case where the relevant other corporation is a corporation established within six months until the day on which the obligation is determined, during the period from the date of the establishment until the day on which the obligation is determined)):

イ 法第六十七条の十四第一項に規定する特定目的会社

(a) the special purpose company prescribed in Article 67-14, paragraph (1) of the Act;

ロ 法第六十七条の十五第二項に規定する投資法人

(b) the investment corporation prescribed in Article 67-15, paragraph (2) of the Act;

ハ 法第六十八条の三の二第一項に規定する特定目的信託に係る同項又は同条第九項に規定する受託法人

(c) the trust corporation prescribed in Article 68-3-2, paragraph (1) or paragraph (9) of the Act for a special purpose trust prescribed in paragraph (1) of the same Article;

ニ 法第六十八条の三の三第一項に規定する特定投資信託（同項第一号ロ及びハに掲げる要件を満たすものに限る。）に係る同項又は同条第九項に規定する受託法人

(d) the trust corporation prescribed in Article 68-3-3, paragraph (1) or paragraph (9) of the Act for a special investment trust prescribed in paragraph (1) of the same Article (limited to those that satisfy the requirements listed in item (i), (b) and (c) of the same paragraph).

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十四号から第十七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十七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, paragraph (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 Specified Foreign Subsidiary Company, etc. (where there are two or more laws and regulations concerning the 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, paragraph (1) or Article 68-88, paragraph (1) of the Act is applied to a transaction between the Specified Foreign Subsidiary Company, etc. and the 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 items (i) to (xiii) pertaining to the calculated amount of income and then deducting therefrom the amount listed in item (xiii) and item (xiv) pertaining to the 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, that calculated amount is the amount that remains after deducting the sum of the amount of loss and the amount listed in items (xiv) to (xvi) pertaining to the calculated amount from the sum of the amounts listed in items (i) to (xiii) pertaining to the calculated amount) may be the amount calculated in accordance with the standards specified by Cabinet Order prescribed in Article 66-6, paragraph (2), item (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 is not 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 その支払う配当等の額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, etc. that the Specified Foreign Subsidiary Company, etc. pays 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 are to 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) (the inclusive amount is limited to the amount calculated, with the acquisition costs of the 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 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 is not to be included in deductible expenses when the provisions of Article 33 of the Corporation Tax Act are to 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 is not to be included in deductible expenses when the provisions of Article 34 or Article 35 of the Corporation Tax Act are to 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 is not to be included in deductible expenses when the provisions of Article 36 of the Corporation Tax Act are to 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. makes (excluding a contribution to the state of the head office or local entities in the state which is equivalent to that prescribed in Article 37, paragraph (3), item (i) of the Corporation Tax Act) and which is included in deductible expenses for the relevant business year, which is not to be included in deductible expenses when the provisions of paragraph (1) of the same Article and Article 66-4, paragraph (3) of the Act are to 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. pays 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 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, Article 58 or Article 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 is not to be included in deductible expenses when the provisions of Article 57-5 or Article 57-6 of the Act are to 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 these provisions are to be applied) is less than the amount to be included in gross profits when the provisions of Article 57-5 or Article 57-6 of the Act are to be applied, the amount of the 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, paragraph (1) of the Act that the Specified Foreign Subsidiary Company, etc. pays and which is included in deductible expenses for the relevant business year, which is not to be included in deductible expenses when the provisions of the same Article are to 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, paragraph (1) of the Act or the amount of a loss prescribed in Article 67-13, paragraph (1) of the Act incurred due to a partnership business prescribed in the same paragraph), which is not to be included in deductible expenses when the provisions of Article 67-12, paragraph (1) or Article 67-13, paragraph (1) of the Act are to 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 is to be included in deductible expenses when the provisions of Article 67-12, paragraph (2) or Article 67-13, paragraph (2) of the Act are to 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 is not to be included in gross profits when the provisions of Article 25 of the Corporation Tax Act are to be applied;

十七 前項第四号に掲げる金額

(xvii) the amount listed in item (iv) of the preceding paragraph.

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 applies 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, paragraph (1) of the Act, the amount calculated in accordance with the standards specified by Cabinet Order prescribed in Article 66-6, paragraph (2), item (ii) of the Act is the amount that remains after deducting the 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ものとし、第一項第四号に規定する子会社に該当するものを除く。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金額（以下この節において「課税対象金額」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金額（次号において「個別課税対象金額」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 Specified Foreign Subsidiary Company, etc. receives from any Other Specified Foreign Subsidiary Company, etc. related to the domestic corporation (including a Specified Foreign Subsidiary Company, etc. prescribed in Article 68-90, paragraph (1) of the Act and excluding those falling under the category of subsidiary companies prescribed in paragraph (1), item (iv); 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 Specified Foreign Subsidiary Company, etc. out of the total amount of a dividend payable by the relevant Other Specified Foreign Subsidiary Company, etc. in the business year containing the base date for paying the dividend, etc. (hereinafter referred to as the "Base Business Year" in this paragraph) and the Base Business Year is the business year during which the taxable income prescribed in Article 66-6, paragraph (1) of the Act (hereinafter referred to as the "Taxable Income" in this Section) or individually Taxable Income prescribed in Article 68-90, paragraph (1) of the Act (hereinafter referred to as the "Individually Taxable Income" in the following item) arises: The amount of the 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、課税対象金額又は個別課税対象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 Specified Foreign Subsidiary Company, etc. receives from any Other Specified Foreign Subsidiary Company, etc. related to the 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 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 relevant Other Specified Foreign Subsidiary Company, etc. is to be appropriated to the Amount of a Dividend, etc. in reverse chronological order and the Amount of a Dividend, etc. has been categorized for the relevant business year in accordance with the 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 Income or Individually Taxable 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 set forth in the following items are as prescribed respectively in those items:

- 一 配当可能金額 特定外国子会社等の各事業年度の適用対象金額（法第六十六条の六第二項第二号に規定する適用対象金額をいう。以下この号において同じ。）に当該適用対象金額に係るイからニまでに掲げる金額の合計額を加算した金額から当該適用対象金額に係るホ及びへに掲げる金額の合計額を控除した残額をいう。
- (i) amount of dividend payable: The amount that remains after deducting the sum of the amounts listed in (e) and (f) pertaining to eligible income (meaning eligible income prescribed in Article 66-6, paragraph (2), item (ii) of the Act; hereinafter the same applies in this item) of a specialized foreign subsidiary company, etc. for the relevant business year, from the amount calculated by adding the eligible income to the sum of the amounts listed in (a) to (d):
- イ 第一項（第四号に係る部分に限る。）又は第二項（第十七号に係る部分に限る。）の規定により控除される第一項第四号に掲げる金額
- (a) the amount listed in paragraph (1) (limited to the part concerning item (iv)) or paragraph (2) (limited to the part concerning item (xvii)) to be deducted pursuant to the provisions of paragraph (1);
- ロ 前項の規定により控除される同項に規定する控除対象配当等の額
- (b) the amount of a deductible dividend, etc. prescribed in the preceding paragraph to be deducted pursuant to the provisions of the same paragraph;
- ハ 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おいて第一項又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ときの当該金額
- (c) in the case where the provisions of Article 66-4, paragraph (1) or Article 68-88, paragraph (1) of the Act are applied to a transaction with a domestic corporation listed in the items of Article 66-6, paragraph (1) of the Act pertaining to the 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 is not paid to the domestic corporation, the amount that is not paid;
- ニ 法第六十六条の六第三項の規定により読み替えられた同条第二項第二号の規定により控除される同号に規定する政令で定める費用の額の百分の十に相当する金額
- (d) the amount that accounts for ten percent of the amount of expenses specified by Cabinet Order prescribed in Article 66-6, paragraph (2), item (ii) to be deducted pursuant to the provisions of the same item in which the terms and phrases are replaced pursuant to the provisions of paragraph (3) of the same Article;
- ホ 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配当等の額を除く。）

(e) 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, etc.);

へ 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適用対象金額に含まれた金額

(f) the amount paid as the expenses for the relevant business year (excluding the amount of corporate income tax and the Amount of a Dividend, etc.) which was included in the amount of eligible income for the relevant business year, because the 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 same 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（以下第三十九条の十九までにおいて「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（次条第二項及び第三十九条の十九第一項において「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 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 Specified Foreign Subsidiary Company, etc. (where the Specified Foreign Subsidiary Company, etc. has issued the shares, etc. in which claims prescribed in Article 66-6, paragraph (1) of the Act (hereinafter referred to as the "Claims" through to Article 39-19) 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 (2) of the following Article and paragraph (1) of Article 39-19, paragraph (1)), the ratio of the amount of a dividend of surplus, etc. that the relevant Other Specified Foreign Subsidiary Company, etc. can receive based on the Claims out of the total Amount of a Dividend, 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及び基準所得金額に係る税額

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号に規定する基準所得金額（第七項及び第八項において「基準所得金額」という。）から次に掲げる金額の合計額（同条第三項の規定の適用がある場合には、同項の規定により読み替えられた同号に規定する政令で定める費用の額の百分の十に相当する金額を加算した金額）を控除した残額とする。

(5) The amount obtained as a result of an adjustment for the amount of loss and base income prescribed in Article 66-6, paragraph (2), item (ii) of the Act is the amount that remains after deducting, from the base income amount, prescribed in the same item, of a Specified Foreign Subsidiary Company, etc. for the relevant business year (referred to as the "base income amount" in paragraph (7) and paragraph (8)), the sum of the amounts listed as follows (where the provisions of paragraph (3) of the same Article are applied, the amount obtained by adding the amount that accounts for ten percent of the amount of expenses specified by Cabinet Order prescribed in Article 66-6, paragraph (2), item (ii) of the Act in which the terms and phrases are replaced pursuant to the provisions of paragraph (3) of the same Article):

一 当該特定外国子会社等の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。）の合計額に相当する金額

(i) the amount equivalent to the sum of the loss incurred in business years that started within seven years prior to the first day of the relevant business year of the Specified Foreign Subsidiary Company, etc. (excluding the business years that started before April 1, 1978 and the business years during which the company did not fall under the category of specified foreign subsidiary companies, etc. (including specified foreign subsidiary companies, etc. prescribed in Article 40-4, paragraph (1) or Article 68-90, paragraph (1) of the Act)) (that loss excludes the amount deducted in the business years preceding the relevant business year pursuant to the provisions of this paragraph and Article 39-115, paragraph (5));

二 当該特定外国子会社等が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金額）

(ii) the amount of corporate income tax that the Specified Foreign Subsidiary Company, etc. is to pay in the relevant business year (where there is any amount of corporate income tax to be refunded in the relevant business year, the amount that remains after deducting the amount of corporate income tax to be refunded).

6 前項第一号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 item (i) of the preceding paragraph is 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（次項において「確定申告書」という。）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基準所得金額の計算上、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), item (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 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, Articles 65-7 to 65-9 (limited to the part pertaining to item (xix) of the table in Article 65-7, paragraph (1) of the Act), Article 67-12, paragraph (2) and Article 67-13, paragraph (2) of the Act, whose provisions are to be applicable under the provisions of the same item, the amount is included in deductible expenses for calculating the base income amount for the relevant business year, only when detailed statements concerning the inclusion of the amount in deductible expenses are attached to a final return form set forth in Article 66-6, paragraph (5) of the Act (referred to as a "final return form" in the following paragraph) for the relevant business year; provided, however, that this does not apply when the district director of the tax office finds that there was any unavoidable reason for the failure to attach detailed statements and the detailed statements have been submitted.

8 第一項（第四号に係る部分に限る。）又は第二項（第十七号に係る部分に限る。）の規定により基準所得金額を計算する場合において、これらの規定により当該各事業年度において控除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確定申告書に当該金額の計算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基準所得金額の計算上控除する。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。

(8) When calculating the base income amount pursuant to the provisions of

paragraph (1) (limited to the part concerning item (iv)) or paragraph (2) (limited to the part concerning item (xvii)), if there is any amount to be deducted for the relevant business year pursuant to these provisions, the amount is deducted in the calculation of the base income amount of the business year only where a detailed statement concerning the calculation of the amount is attached to the final return form pertaining to the business year; provided, however, that this does not apply when the district director of the tax office finds any unavoidable reason for the failure to attach the detailed statement, and the detailed statement is submitted.

9 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。

(9) 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 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 must 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金額の計算等)

(Calculation of the Amount of Taxable Income of Specified Foreign Subsidiary Companies Related to Domestic Corporations)

第三十九条の十六 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金額に、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とする。
Article 39-16 (1) The amount calculated as specified by Cabinet Order prescribed in Article 66-6, paragraph (1) of the Act is the amount obtained by multiplying the amount of eligible income prescribed in the same paragraph for the relevant business year of a specified foreign subsidiary company, etc. pertaining to a domestic corporation listed in the items of the same paragraph by the ratio of the shares, etc. for considering the claims held by the domestic corporation 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.

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

(2) In the preceding paragraph and this paragraph, the meanings of the terms set forth in the following items are as prescribed respectively in those 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（以下この条及び第三十九条の十九第一項において「剰余金の配当等」という。）の額がその総額のうち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 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 foreign corporation by the ratio of the amount of a dividend of surplus, dividend of profit, or distribution of surplus as prescribed in Article 23, paragraph (1), item (i) of the Corporation Tax Act (hereinafter referred to as a "Dividend of Surplus, etc." in this Article and Article 39-19, paragraph (1)) that the domestic corporation can receive based on the 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, item (xiv) of the Corporation Tax Act; hereinafter the same applies in this Article) of the foreign corporation (hereinafter the relevant other foreign corporations are simply referred to as "Other Foreign Corporations" in (a)): The ratio obtained by multiplying the 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 shares, etc. (where the 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 shareholder, etc. can receive based on the claims out of the total amount); hereinafter the same applies in this item) pertaining to the relevant Other Foreign Corporations by the relevant Other Foreign Corporations' ratio of shareholding pertaining to the 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 between the 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 that intervening foreign corporation is referred to as a "Capital Contribution-Related Foreign Corporation" in this item) and the domestic corporation, the relevant Other Foreign Corporation, Capital Contribution-Related Foreign Corporation and the foreign corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the domestic corporation's ratio of shareholding pertaining to the relevant Other Foreign Corporation sequentially by the relevant Other Foreign Corporation's ratio of shareholding pertaining to the Capital Contribution-Related Foreign Corporation, by the capital contribution-related foreign corporation's ratio of shareholding pertaining to other Capital Contribution-Related Foreign Corporations, and by the capital contribution-related foreign corporation's ratio of shareholding pertaining to the foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

3 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。

(3) The number of the shares or the amount of capital contributions of a foreign corporation specified by Cabinet Order as those held indirectly as prescribed in Article 66-6, paragraph (2), item (iii) of the Act is 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 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 shares, etc.; hereinafter the same applies in this

paragraph) of the individual or domestic corporation pertaining to the relevant Other Foreign Corporations by the relevant Other Foreign Corporations' ratio of shareholding pertaining to the 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 between the 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 that intervening foreign corporation is referred to as a "Capital Contribution-Related Foreign Corporation" in this paragraph) and the individual or domestic corporation, the relevant Other Foreign Corporation, Capital Contribution-Related Foreign Corporation and the foreign corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the ratio of the shareholding of the individual or domestic corporation pertaining to the relevant Other Foreign Corporation sequentially by the relevant Other Foreign Corporation's ratio of shareholding pertaining to the Capital Contribution-Related Foreign Corporation(s), by the capital contribution-related foreign corporation's ratio of shareholding pertaining to other Capital Contribution-Related Foreign Corporations, and by the capital contribution-related foreign corporation's ratio of shareholding pertaining to the foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

4 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。

(4) The number of voting rights of a foreign corporation specified by Cabinet Order as being held indirectly as prescribed in Article 66-6, paragraph (2), item

(iv) of the Act is the number of voting rights obtained by multiplying the total number of voting rights (meaning the voting rights prescribed in Article 66-6, paragraph (1), item (i), (a) of the Act; hereinafter the same applies 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 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 applies in this paragraph) of the individual or domestic corporation pertaining to the relevant Other Foreign Corporations by the relevant Other Foreign Corporations' ratio of voting rights pertaining to the 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 between the 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 that intervening foreign corporation is referred to as a "Capital Contribution-

Related Foreign Corporation" in this paragraph) and the individual or domestic corporation, the relevant Other Foreign Corporation, Capital Contribution-Related Foreign Corporation and the foreign corporation have a linkage through holding the voting rights: The ratio obtained by multiplying the ratio of voting rights of the individual or domestic corporation pertaining to the relevant Other Foreign Corporation sequentially by the relevant Other Foreign Corporation's ratio of voting rights pertaining to the Capital Contribution-Related Foreign Corporation, by the capital contribution-related foreign corporation's ratio of voting rights pertaining to other Capital Contribution-Related Foreign Corporations, and by the capital contribution-related foreign corporation's ratio of voting rights pertaining to the foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

- 5 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。

(5) The amount of a Dividend of Surplus, etc. specified by 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, paragraph (2), item (v) of the Act is 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を占める割合をいう。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 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 applies in this paragraph) of the individual or domestic corporation pertaining to the relevant Other Foreign Corporations by the relevant Other Foreign Corporations' ratio of claims pertaining to the 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 between the 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 that intervening foreign corporation is referred to as a "Capital Contribution-Related Foreign Corporation" in this paragraph) and the individual or domestic corporation, the relevant Other Foreign Corporation, Capital Contribution-Related Foreign Corporation and the 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 individual or domestic corporation pertaining to the relevant Other Foreign Corporation sequentially by the relevant Other Foreign Corporation's ratio of claims pertaining to the Capital Contribution-Related Foreign Corporation, by the capital contribution-related foreign corporation's ratio of claims pertaining to other Capital Contribution-Related Foreign Corporations, and by the capital contribution-related foreign corporation's ratio of claims pertaining to the 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。

(6) A person who has a special relationship specified by Cabinet Order with a Resident or a domestic corporation prescribed in Article 66-6, paragraph (2), item (vi) of the Act is 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 their 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 the person for their 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 officer;

二 次に掲げる法人

(ii) a corporation listed as follows:

イ 一の居住者又は内国法人（当該居住者又は内国法人と前号に規定する特殊の関係のある個人を含む。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 or a domestic corporation (including an individual who has a special relationship prescribed in the preceding item with the resident or domestic corporation; hereinafter referred to as a "Resident, etc." in this paragraph) controls any other corporation, the relevant 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 Resident, etc. controls any other corporation, the relevant 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 Resident, etc. controls any other corporation, the relevant 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 Resident, etc. out of those which have the special relationship with the same person.

7 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。

(7) The provisions of Article 4, paragraph (3) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis when controlling any other corporation listed in (a) to (c) of item (ii) of the preceding paragraph.

8 法第六十六条の六第三項の規定により読み替えられた同条第二項第二号に規定する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。

(8) The amount of expenses specified by Cabinet Order set forth in Article 66-6, paragraph (2), item (ii) of the Act in which the terms and phrases are replaced pursuant to the provisions of paragraph (3) of the same Article is the sum of personnel expenses for officers and employees of a specified foreign subsidiary company, etc. engaged in the business at the specified foreign subsidiary company, etc. prescribed in paragraph (3) of the same Article (limited to the amount of income calculated in accordance with the Provisions of the Laws and Regulations of Japan prescribed in paragraph (1), item (i) of the preceding Article or pursuant to the provisions of paragraph (2) of the same Article or the amount to be included in deductible expenses for calculating the amount of a loss for the relevant business year of the specified foreign subsidiary company, etc.).

（特定外国子会社等の事業の判定等）

(Determination of Business of Specified Foreign Subsidiary Companies)

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 Cabinet Order prescribed in Article 66-6, paragraph (4), item (i) of the Act are 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, paragraph (1) of the Act which pertains to a specified foreign subsidiary company, etc. prescribed in Article 66-6, paragraph (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 same 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, paragraph (1) of the Act which pertains to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 66-6, paragraph (4), item (i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (1) of the Act and the preceding item who is related to the 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, paragraph (1) of the Act (where the consolidated corporation is a consolidated subsidiary corporation, a consolidated parent corporation related to the consolidated corporation) which pertains to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 66-6, paragraph (4), item (i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (1) of the Act and the preceding two items who is related to the 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前条第三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, paragraph (1), items of Article 66-6, paragraph (1) or items of Article 68-90, paragraph (1) of the Act who is related to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 66-6, paragraph (4), item (i) of the Act holds the shares, etc. indirectly pertaining to the Specified Foreign Subsidiary Company, etc. (the shares, etc. mean the number of the shares or the amount of the capital contributions of a foreign corporation specified by Cabinet Order as being held through indirect ownership as prescribed in Article 66-6, paragraph (2), item (iii) of the Act), the Other Foreign Corporations prescribed in paragraph (3), item (i) of the preceding Article or the other foreign corporation and capital contribution-related foreign corporation(s) prescribed in item (ii) of the same paragraph which pertain to the 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 Cabinet Order prescribed in Article 66-6, paragraph (2), item (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, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (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, paragraph (4), item (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, paragraph (4), item (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第一項各号に掲げる者

(b) a person listed in the items of Article 40-4, paragraph (1), items of Article 66-6, paragraph (1) or items of Article 68-90, paragraph (1) of the Act who is related to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 66-6, paragraph (4), item (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 Cabinet Order prescribed in Article 66-6, paragraph (4), item (i) of the Act is 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 same 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, the revenues include the amount from the transactions for which the 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, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (1) of the Act and the preceding items who are related to the specified foreign subsidiary company, etc.; hereinafter the same applies in this paragraph and the following 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, the acquisition costs include the amount of transactions for which the 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の占める割合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 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 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 trust charge to be received from a person other than affiliated persons exceeds 50 percent;

四 金融商品取引業 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) financial instruments 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 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 premium income to be received from a person other than affiliated persons (where the 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 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 specified foreign subsidiary company, etc. are conducted indirectly via a person other than an affiliated person related to the specified foreign subsidiary company, etc. (hereinafter referred to as a "Non-Affiliated Person" in this paragraph), transactions between the specified foreign subsidiary company, etc. and the Non-Affiliated Person are deemed to have been conducted directly between the specified foreign subsidiary company, etc. and the affiliated person and the provisions of the items of the preceding paragraph are applied, except in the case where there are justifiable grounds for having the Non-Affiliated Person intervene in the 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 Cabinet Order prescribed in Article 66-6, paragraph (4), item (ii) of the Act are 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 same 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 Cabinet Order prescribed in Article 66-6, paragraph (4), item (ii) of the Act is 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 same 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。）の売買又は貸付け（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 real estate) (real estate includes the rights thereon; hereinafter the same applies 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 real estate, and managing the 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つ

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金額に係る外国法人税額の計算等)

(Calculation of Foreign Corporation Tax on Taxable Income of Specified Foreign Subsidiary Companies)

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金額（法第六十六条の六第二項二号に規定する適用対象金額をいう。以下この項並びに次条第一項及び第二項において同じ。）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金額（第三十九条の十五第一項（第四号に係る部分に限る。）若しくは第二項（第十七号に係る部分に限る。）の規定により控除される同条第一項第四号に掲げる金額又は同条第三項の規定により控除される同項に規定する控除対象配当等の額がある場合には、これらの金額を加算した金額）のうち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金額を超える場合には、当該課税対象金額に相当する金額）とする。

Article 39-18 (1) The amount calculated as specified by Cabinet Order prescribed in Article 66-7, paragraph (1) of the Act is the amount obtained by multiplying the amount of foreign corporation tax to be imposed on a specified foreign subsidiary company, etc. prescribed in the same paragraph (hereinafter referred to as a "Specified Foreign Subsidiary Company, etc." in this Article) on its income for a business year containing eligible income (meaning eligible income prescribed in Article 66-6, paragraph (2), item (ii) of the Act; hereinafter the same applies in this paragraph and paragraph (1) and paragraph (2) of the following Article) (hereinafter that business year is referred to as a "Taxable Business Year" through to paragraph (4)) by the ratio of the taxable income pertaining to a domestic corporation prescribed in Article 66-7, paragraph (1) of the Act out of the sum of the eligible income for the relevant Taxable Business Year (where there is any amount to be deducted as prescribed in Article 39-15, paragraph (1), item (iv) pursuant to the provisions of paragraph (1) (limited to the part concerning item (iv)) or paragraph (2) (limited to the part concerning item (xvii) of the same Article, or any amount of a deductible dividend, etc. prescribed in paragraph (3) of the same Article to be deducted pursuant to the provisions of the same paragraph, the amount

obtained by adding the amounts) and the amount of a Dividend of Surplus, etc. to be deducted for calculating the amount of the eligible income (where the amount exceeds the taxable income, the amount equivalent to the taxable 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 Specified Foreign Subsidiary Company, etc. seeks the application of the provisions of Article 66-7, paragraph (1) (including the cases where it is applied pursuant to the provisions of paragraph (2) of the same Article by deeming the amount to be as specified therein; hereinafter the same applies in this Article) or Article 68-91, paragraph (1) (including the cases where it is applied pursuant to the provisions of paragraph (2) of the same Article by deeming the amount to be as specified therein; hereinafter the same applies in this Article) of the Act, regarding the amount of the 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, paragraph (1) of the Act for a business year following the first one of those 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, paragraph (1) of the Act for the first time after receiving the application of the provisions of Article 68-91, paragraph (1) of the Act) from the amount listed in item (i) is 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, paragraph (1) of the Act (hereinafter referred to as the "Applicable Business Year" in this paragraph) (the amount of foreign corporation taxes is limited to those to which the provisions of Article 66-7, paragraph (1) or Article 68-91, paragraph (1) of the Act, pursuant to the provisions of paragraph (4) or Article 39-118, paragraph (4); hereinafter the same applies 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, paragraph (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, paragraph (1) of the Act that is to be paid by a domestic corporation related to the Specified Foreign Subsidiary Company, etc., pursuant to the provisions of the same paragraph, (hereinafter referred to as the "Amount of Creditable Foreign Corporation Taxes" in this Article) is 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 Specified Foreign Subsidiary Company, etc. on or prior to the final day of the business year for which the provisions of Article 66-6, paragraph (1) of the Act are applied regarding the amount equivalent to the taxable income for the relevant Taxable Business Year: The business year subject to the provisions of Article 66-6, paragraph (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法第六十八条の九十第一項に規定する個別課税対象金額に相当する金額につき同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 Specified Foreign Subsidiary Company, etc. after the final day of the business year for which the provisions of Article 66-6, paragraph (1) of the Act are applied regarding the amount equivalent to the taxable income for the relevant Taxable Business Year (where the provisions of Article 66-7, paragraph (2) of the Act are applied, after the final day of the consolidated business year for which the provisions of Article 68-90, paragraph (1) of the Act were applied regarding the amount equivalent to the individually taxable income prescribed in the same paragraph for the relevant Taxable Business Year): the 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, paragraph (1) of the Act are applied, regarding the amount equivalent to the taxable income for the relevant Taxable Business Year of the Specified Foreign Subsidiary Company, etc., may choose whether or not it will seek the application of the provisions of Article 66-7, paragraph (1) of the Act regarding the amount of respective foreign corporation taxes on the

taxable income subject to the provisions of Article 66-6, paragraph (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。）開始の日後七年以内に開始するその内国法人の各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 domestic corporation was subject to the provisions of Article 66-7, paragraph (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 amount of foreign corporation tax was reduced in the relevant business year of the domestic corporation that starts within seven years following the first day of the business year subject to the provisions of the same paragraph (hereinafter referred to as the "Applicable Business Year" in this paragraph), it is deemed that the amount that remains after deducting the amount listed in item (ii) from the amount listed in item (i) has been reduced from the part of the 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 same Article, as on the day of the reduction of the 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 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 is deemed to be the Amount of Creditable Foreign Corporation Tax payable by the domestic corporation when the provisions of Article 66-7, paragraph (1) of the Act are applied in the Applicable Business Year to the 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。）開始の日後七年以内に開始するその内国法人の各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, paragraph (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 amount of foreign corporation tax was reduced in the relevant business year that starts within seven years following the first day of the consolidated business year subject to the provisions of the same paragraph (hereinafter referred to as the "Applicable Consolidated Business Year" in this paragraph), it is deemed that the amount that remains after deducting the amount listed in item (ii) from the amount listed in item (i) has been reduced from the part of the 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 same 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 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 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 is deemed to be the Amount of Individually Creditable Foreign Corporation Tax payable by the domestic corporation when the provisions of Article 68-91, paragraph (1) of the Act are applied in the Applicable Consolidated Business Year to the 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八項の規定の適用については、法人税法施行令第百五十条（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「外国法人税の額に係る当該内国法人」とあるのは「外国法人税の額（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金額に係る外国税額の控除）又は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これら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を含む。以下この項

において同じ。)に係る当該内国法人」と、「控除対象外国法人税の額(」とあるのは「控除対象外国法人税の額(租税特別措置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。))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金額を含む。)」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, paragraph (8) of the Corporation Tax Act are 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 same Article, the phrase "the domestic corporation pertaining to the amount of foreign corporation tax" is deemed to be replaced with "the domestic corporation pertaining to the amount of foreign corporation tax (including any part of the amount of foreign corporation tax to be imposed on the income of a Specified Foreign Subsidiary Company, etc. prescribed in Article 66-7, paragraph (1) (Credit for Foreign Tax on Taxable Income of Specified Foreign Subsidiary Companies for Domestic Corporations) or Article 68-91, paragraph (1) (Credit for Foreign Tax on Individually Taxable Income of Specified Foreign Subsidiary Companies for Consolidated Corporations) of the Act on Special Measures Concerning Taxation, which is deemed to be payable by the domestic corporation pursuant to these provisions; hereinafter the same applies in this paragraph)"; and the phrase "amount of creditable foreign corporation tax that" is deemed to be replaced with "amount of creditable foreign corporation tax (including the amount which is deemed to be payable by the domestic corporation pursuant to the provisions of Article 66-7, paragraph (1) of the Act on Special Measures Concerning Taxation (including the case where it is applied by deeming the amount as prescribed in paragraph (2) of the same Article to be the amount specified therein)) that"; and the term "the amount of reduced creditable foreign corporation tax" is deemed to be replaced with "the amount of reduced creditable foreign corporation tax (including the amount of creditable foreign corporation tax or the Amount of Individually Creditable Foreign Corporation Tax that is deemed to have been reduced pursuant to the provisions of Article 39-18, paragraph (5) or paragraph (6) (Reduction of Foreign Corporation Tax on Taxable Income of Specified Foreign Subsidiary Companies) 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, paragraph (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 same paragraph, the amount included in gross profits is to be included in the foreign income prescribed in the main clause of Article 142, paragraph (3) of the Order for Enforcement of the Corporation Tax Act for calculating the maximum creditable amount prescribed in Article 69, paragraph (1) of the Corporation Tax Act for the relevant business year of the 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, paragraph (1) of the same Order on income of the Specified Foreign Subsidiary Company, etc., the amount to be included in the foreign income is the amount equivalent to one-third of the 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, paragraph (1) of the Act, is to be included in foreign income prescribed in the main clause of Article 142, paragraph (3) of the Order for Enforcement of the Corporation Tax Act for calculating the maximum creditable amount prescribed in Article 69, paragraph (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, paragraph (1) of the Order for Enforcement of the Corporation Tax Act under the provisions of the same paragraph or for deduction from the amount exceeding the maximum creditable amount prescribed in paragraph (3) of the same Article under the provisions of the same paragraph is 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 the deduction. In this case, the amount to be included in deductible expenses is to be allocated as the amount of deductible expenses for calculating the amount of foreign income prescribed in the main clause of Article 142, paragraph (3) of the same Order.

1 1 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 Cabinet Order prescribed in Article 66-7, paragraph (3) of the Act is 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.

(特定外国子会社等の特定課税対象金額の計算等)

(Calculation of the Specified Taxable Income of Specified Foreign Subsidiary Companies)

第三十九条の十九 法第六十六条の八第三項第一号に規定する政令で定める金額は、同号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。）に係る適用対象金額（内国法人の同号に規定する事業年度の所得の金額の計算上益金の額に算入される課税対象金額に係るものに限る。以下この項において同じ。）に、当該特定外国子会社等の当該適用対象金額に係る事業年度終了の時における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直接保有株式等（内国法人が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)をいう。以下この条において同じ。)の占める割合を乗じて計算した金額とする。

Article 39-19 (1) The amount specified by Cabinet Order prescribed in Article 66-8, paragraph (3), item (iii) of the Act is the amount obtained by multiplying the eligible income pertaining to a specified foreign subsidiary company, etc. prescribed in the same item (hereinafter referred to as a "Specified Foreign Subsidiary Company, etc." in this Article) (the eligible income is limited to that which pertains to taxable income to be included in gross profits in the calculation of the amount of income for a business year, prescribed in the same item, of a domestic corporation; hereinafter the same applies in this paragraph) by the ratio of the shares, etc. for considering the claims held directly by the domestic corporation (meaning the number or the amount of shares, etc. of a foreign corporation held by a domestic corporation (where the 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 foreign corporation by the ratio of the amount of a Dividend of Surplus, etc. that the domestic corporation can receive based on the claims out of the total amount); hereinafter the same applies in this Article) 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. that pertains to the eligible income.

2 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金額は、特定外国子会社等の各事業年度の適用対象金額（内国法人の同号に規定する前十年以内の各事業年度の所得の金額の計算上益金の額に算入された課税対象金額に係るものに限る。以下この項において同じ。）に、当該特定外国子会社等の当該適用対象金額に係る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直接保有株式等の占める割合を乗じて計算した金額の合計額とする。

(2) The amount specified by Cabinet Order prescribed in Article 66-8, paragraph (3), item (ii) of the Act is the sum of the amounts obtained by multiplying the eligible income of a specified subsidiary company, etc. for the relevant business years (the eligible income is limited to that which pertains to taxable income that was included in gross profits in the calculation of the amount of income for the business years within the preceding ten years prescribed in the same item; hereinafter the same applies in this paragraph) by the ratio of the shares, etc. for considering the claims held directly by the domestic corporation out of the total Issued Shares, etc. of the Specified Foreign Subsidiary Company, etc. at the end of the relevant business years of the Specified Foreign Subsidiary Company, etc. that pertains to the eligible income.

3 法第六十六条の八第五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三項の規定の適用については、同条第五項各号に定める課税

済金額（同条第三項第二号に掲げる金額をいう。以下この条において同じ。）又は個別課税済金額（法第六十八条の九十二第三項第二号に掲げる金額をいう。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金額とみなす。

(3) With respect to the application of the provisions of Article 66-8, paragraph (3) of the Act in or after the business year containing the day of a qualified merger prescribed in paragraph (3) of the same Article (referred to as a "qualified merger, etc." in the following paragraph) of a domestic corporation set forth in the same paragraph, in the case where the provisions of the same paragraph apply, the taxed amount of income specified in the items of paragraph (5) of the same Article (meaning the amount listed in paragraph (3), item (ii) of the same Article; hereinafter the same applies in this Article) or the individually taxed amount of income (meaning the amount listed in Article 68-92, paragraph (3), item (ii) of the Act; hereinafter the same applies in this Article) is deemed to be the taxed amount of income for a business year of the 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 following paragraph):

一 適格合併に係る被合併法人の法第六十六条の八第五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五項第二号に規定する分割前十年内事業年度（以下第五項までにおいて「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, paragraph (5), item (i) of the Act (hereinafter referred to as a "Business Year Within Ten Years prior to the Merger" in this paragraph and the following 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 (5), item (ii) of the same Article (hereinafter referred to as a "Business Year Within Ten Years prior to the Company Split" through to paragraph (5)) 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 following item): The relevant business year of the domestic corporation including the first day of a Business Year Within Ten Years prior to the

Merger of the merged corporation or the relevant business year of the domestic corporation including the first day of a Business Year Within Ten Years prior to the Company Split of the 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 containing the day of the 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 containing the day of the 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 containing the day preceding the first day of the Business Year of the Merger or Business Year of the Split Succession of the domestic corporation;

三 適格分社型分割等（法第六十六条の八第五項第三号に規定する適格分社型分割等をいう。以下この項及び第六項において同じ。）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。以下この項及び第六項において同じ。）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, paragraph (5), item (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 applies in this paragraph and paragraph (6)) pertaining to a qualified spin-off-type company split, etc. (meaning a qualified spin-off-type company split, etc. prescribed in Article 66-8, paragraph (5), item (iii) of the Act; hereinafter the same applies in this paragraph and paragraph (6)) (excluding a Business Year Within Ten Years prior to the Company Split when falling under the case listed in the following item and a Business Year Within Ten Years prior to the Company Split, etc. listed in item (v)): The relevant business year of the domestic

corporation including the first day of a Business Year Within Ten Years prior to the Company Split, etc. of the 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 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 domestic corporation that includes the day of the qualified spin-off-type company split, etc.: The relevant business year of the domestic corporation including the final day of a Business Year Within Ten Years prior to the Company Split, etc. of the 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 domestic corporation including the day of the 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 domestic corporation including the day preceding the first day of the Business Year of the Split Succession, etc.

4 法第六十六条の八第五項の内国法人の適格合併等の日を含む事業年度開始の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。

(4) 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 containing the day of a qualified merger, etc. of a domestic corporation set forth in Article 66-8, paragraph (5) 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 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 apply by deeming the respective periods classifying the period between the First Day of the Business Year of the Merged Corporations, etc. Ten Years before and the day preceding the First Day of the Business Year of the Domestic Corporation Ten Years before (in the case where the domestic corporation is to be established through the 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 applies in this paragraph) by the corresponding Business Year of the Merged Corporation(s), etc. Within the Preceding Ten Years pertaining to the First Day of the Business Year of the Merged Corporations, etc. Ten Years before (for the period including the preceding day, the period between the first day of the business year or consolidated business year of the merged corporation, etc. including the preceding day and the day preceding the First Day of the Business Year of the Domestic Corporation Ten Years before) to be the relevant business year of the domestic corporation.

5 法第六十六条の八第五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金額又は個別課税済金額の区分に応じ当該各号に定める金額とする。

(5) The amount calculated as specified by Cabinet Order prescribed in Article 66-8, paragraph (5), item (ii) of the Act is the amount specified respectively in the following items for the category of the taxed amount of income or individually

taxed amount of income listed in the relevant items:

一 課税済金額 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金額にイに掲げる請求権勘案直接保有株式等のうちにロに掲げる請求権勘案直接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 income: The amount obtained by multiplying respectively the taxed amount of 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 directly that are listed in (b) out of the shares, etc. for considering the claims held directly 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直接保有株式等

(a) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held which the split corporation held directly immediately prior to the qualified split-off-type company split;

ロ 法第六十六条の八第五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直接保有株式等

(b) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which are to be transferred from the split corporation to a domestic corporation as set forth in Article 66-8, paragraph (5) of the Act through the qualified split-off-type company split;

二 個別課税済金額 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金額にイに掲げる請求権勘案直接保有株式等のうちにロに掲げる請求権勘案直接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 income: The amount obtained by multiplying respectively the individually taxed amount of 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 directly that are listed in (b) out of the shares, etc. for considering the claims held directly 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直接保有株式等

(a) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held which the split corporation held directly immediately prior to the qualified split-off-type company split;

ロ 法第六十六条の八第五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直接保有株式等

(b) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which are to be transferred from the split corporation to a domestic corporation set forth in Article 66-8,

paragraph (5) of the Act through the qualified split-off-type company split.

6 法第六十六条の八第五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金額又は個別課税済金額の区分に応じ当該各号に定める金額とする。

(6) The amount calculated as specified by Cabinet Order prescribed in Article 66-8, paragraph (5), item (iii) of the Act is the amount specified respectively in the following items for the category of the taxed amount of income or individually taxed amount of income listed in the relevant items:

一 課税済金額 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金額にイに掲げる請求権勘案直接保有株式等のうちにロに掲げる請求権勘案直接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 income: The amount obtained by multiplying respectively the taxed amount of 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 directly that are listed in (b) out of the shares, etc. for considering the claims held directly 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直接保有株式等

(a) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which the split corporation, etc. held immediately prior to the qualified spin-off-type company split, etc.;

ロ 法第六十六条の八第五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直接保有株式等

(b) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which are to be transferred from the split corporation, etc. to a domestic corporation set forth in Article 66-8, paragraph (5) of the Act through the qualified spin-off-type company split;

二 個別課税済金額 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金額にイに掲げる請求権勘案直接保有株式等のうちにロに掲げる請求権勘案直接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 income: The amount obtained by multiplying respectively the individually taxed amount of 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 directly that are listed in (b) out of the shares, etc. for considering the claims held directly 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直接保有株式等

(a) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for

considering the claims held which the split corporation, etc. held directly immediately prior to the qualified spin-off-type company split, etc.;

ロ 法第六十六条の八第五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直接保有株式等

(b) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which are to be transferred from the split corporation, etc. to a domestic corporation set forth in Article 66-8, paragraph (5) of the Act through the qualified spin-off-type company split.

7 法第六十六条の八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、同令第九条第一項第一号ハ中「益金不算入）」とあるのは、「益金不算入）又は租税特別措置法第六十六条の八（特定外国子会社等から受ける剰余金の配当等の益金不算入等）」とする。

(7) With regard to the application of the provisions of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 66-8, paragraph (1) of the Act apply, the phrase "of the Act" in Article 9, paragraph (1), item (i), (c) of the same Order is deemed to be replaced with "of the Act and Article 66-8 (Exclusion from Gross Profits of Dividend of Surplus, etc. to be Received from Specified Foreign Subsidiary Company, etc.) of the Act on Special Measures Concerning Taxation)".

8 法第六十六条の八第二項前段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、同令第九条第一項第一号ハ中「益金不算入）」とあるのは、「益金不算入）（租税特別措置法第六十六条の八第二項前段（特定外国子会社等から受ける剰余金の配当等の益金不算入等）の規定により読み替えて適用する場合を含む。））」とする。

(8) With regard to the application of the provisions of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 66-8, paragraph (2) of the Act apply, the phrase "of the Act" in Article 9, paragraph (1), item (i), (c) of the same Order is deemed to be replaced with "of the Act (including cases where applied following the deemed replacement of terms pursuant to the provisions of the first sentence of Article 66-8, paragraph (2) (Exclusion from Gross Profits of Dividend of Surplus, etc. to be Received from Specified Foreign Subsidiary Company, etc.) of the Act on Special Measures Concerning Taxation)".

(外国関係会社の判定等)

(Determination 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、外国法人が同条第二項第一号に規定する外国関係会社（以下この項及び次項において「外国関係会社」という。）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、内国法人が同条第一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, paragraph (1) of the Act, whether or not a foreign corporation falls under the category of an affiliated foreign company prescribed in paragraph (2), item (i) of the same Article (hereinafter referred to as an "Affiliated Foreign Company" in this paragraph and the following paragraph) is to be determined according to its status at the end of the relevant business year of the foreign corporation and whether or not a domestic corporation falls under the category of a corporation listed in the items of paragraph (1) of the same Article is determined according to its status at the end of the relevant business year of an Affiliated Foreign Company related to that 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, paragraph (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 domestic corporation, the number of the shares, etc. of the Affiliated Foreign Company prescribed in paragraph (2), item (iii) of the same Article which were directly and indirectly held by the domestic corporation (hereinafter referred to as the "Number of Shares, etc. Directly and Indirectly Held" in this paragraph) and which have been succeeded to by the merging corporation pertaining to the merger is deemed to be the Number of Shares, etc. Directly and Indirectly Held by the merging corporation on the final day of the relevant business year of the 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, paragraph (1) of the Act, pursuant to the provisions of the same paragraph, is not to be included in the amount of income, etc. prescribed in the provisions of Article 67, paragraph (3) and paragraph (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, paragraph (1) of the Act is not to be included in the amount of income

prescribed in Article 9, paragraph (1), item (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, paragraph (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、法第六十六条の六第七項の規定を同条（第三項、第四項及び第六項を除く。）から法第六十六条の九までの規定並びに第三十九条の十四から第三十九条の十六（第八項を除く。）まで及び第三十九条の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, paragraphs (1) to (5) and paragraphs (7) to (11) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where the provisions of Article 66-6, paragraph (7) of the Act apply under the provisions of the same Article (excluding paragraph (3), paragraph (4), and paragraph (6)) to Article 66-9 of the Act, Articles 39-14 to 39-16 (excluding paragraph (8)), and Article 39-18 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六（第三項、第四項及び第六項を除く。）から第六十六条の九までの規定又は第三十九条の十四から第三十九条の十六（第八項を除く。）まで若しくは第三十九条の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, beyond what is specified in the preceding paragraph, other necessary particulars concerning the application of the provisions of Article 66-6 (excluding paragraph (3), paragraph (4), and paragraph (6)) to Article 66-9 of the Act, Articles 39-14 to 39-16 (excluding paragraph (8)), or Article 39-18 to this Article are specified by Ministry of Finance Order.

第八節の五 特殊関係株主等である内国法人に係る特定外国法人に係る所得の課税の特例

Section 8-5 Special Provisions for Taxation on Income of Specified Foreign Corporations Related to Domestic Corporations Who Are Specially-Related Shareholders

（特殊関係株主等の範囲等）

(Scope of Specially-Related Shareholders)

第三十九条の二十の二 法第六十六条の九の二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 39-20-2 (1) An individual who has a special relationship specified by Cabinet Order prescribed in Article 66-9-2, paragraph (1) of the Act is any of the following:

一 特定株主等（法第六十六条の九の二第二項第一号に規定する特定株主等をいう。次号及び次項第一号において同じ。）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, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with an individual falling under the category of a specified shareholder, etc. (meaning a specified shareholder, etc. prescribed in Article 66-9-2, paragraph (2), item (i) of the Act; hereinafter the same applies in the following item and item (i) of the following 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。以下この項及び第三十九条の二十の四第三項において同じ。）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（次号において「特殊関係者」という。）

(ii) an officer (meaning an officer prescribed in Article 2, item (xv) of the Corporation Tax Act; hereinafter the same applies in this paragraph and Article 39-20-4, paragraph (3)) of a corporation falling under the category of a specified shareholder, etc. 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 officer (referred to as a "specially-related person" in the following item);

三 特殊関係内国法人（法第六十六条の九の二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。）の役員及び当該役員に係る特殊関係者

(iii) an officer of a specially-related domestic corporation (meaning a specially-related domestic corporation prescribed in Article 66-9-2, paragraph (2), item (ii) of the Act; hereinafter the same applies in this Section) and a specially-related person who is related to the officer.

2 法第六十六条の九の二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 Cabinet Order prescribed in Article 66-9-2, paragraph (1) of the Act is any of the following:

一 一の特定株主等（当該特定株主等と前項第一号又は第二号に規定する特殊の関係のある個人を含む。）又は一の特殊関係内国法人と同項第三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「判定株主等」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

(i) where a specified shareholder, etc. (including an individual who has a special relationship with the specified shareholder, etc. as prescribed in item (i) or item (ii) of the preceding paragraph) or an individual who has a special relationship with a specially-related domestic corporation as prescribed in item (iii) of the same paragraph (hereinafter referred to as a "Determined Shareholder, etc." in this paragraph) controls any other corporation, the relevant other corporation;

二 判定株主等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 a Determined Shareholder, etc. and a corporation which has a special relationship with the Determined Shareholder, etc. as prescribed in the preceding item control any other corporation, the relevant other corporation;

三 判定株主等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 a Determined Shareholder, etc. and a corporation which has a special relationship with the Determined Shareholder, etc. as prescribed in the preceding two items control any other corporation, the relevant 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, paragraph (3) and paragraph (4) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where the provisions of the preceding paragraph apply.

4 法第六十六条の九の二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 Cabinet Order prescribed in Article 66-9-2, paragraph (1) of the Act is the relevant relationship in the case where a specially-related shareholder, etc. prescribed in the same 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。以下この条において同じ。）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 applies in this item) which is a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2, item (xiv) of the Corporation Tax Act; hereinafter the same applies in this Article) of a specially-related domestic corporation (the issued shares or capital contributions exclude those held on their own by the foreign corporation; and the total number or total amount of the issued shares or capital contributions is 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 the shares, etc. (meaning shares or capital contributions; hereinafter the same applies in this Section): The ratio of the number or the amount of the shares, etc. of the specially-related domestic corporation held by the foreign corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the specially-related domestic corporation (where there are two or more the 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 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 same item and a corporation falling under the category of a Specially-Related Shareholder, etc.) and a Specially-Related Shareholder, etc., and have a linkage with them through holding the shares, etc. (where the corporation which is a shareholder, etc. is a domestic corporation and the relevant single

corporation is or two or more corporations are all domestic corporations, excluding the domestic corporations and a corporation falling under the category of a Specially-Related Shareholder, etc.; hereinafter referred to as a "Capital Contribution-Related Corporation" 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 and the corporation which is a shareholder, etc. are held by a Specially-Related Shareholder, etc. or a Capital Contribution-Related Corporation (the Specially-Related Shareholder, etc. or capital contribution-related foreign corporation is 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 Corporations)): The ratio of the number or the amount of the shares, etc. of a specially-related domestic corporation held by the corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the specially-related domestic corporation (where there are two or more of those 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二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 Cabinet Order prescribed in Article 66-9-2, paragraph (1) of the Act is 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 same 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. is to 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 same 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 same paragraph and a foreign corporation falling under the category of a Specially-Related Shareholder, etc.; hereinafter the same applies in this paragraph) (the ratio of the shares, etc. held directly means 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 relevant 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 same paragraph pertaining to the relevant other foreign corporation (the ratio of the shares, etc. held indirectly means 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

relevant other foreign corporation: The ratio of the number or the amount of the shares, etc. of the relevant other foreign corporation held by the foreign corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the relevant other foreign corporation (where there are two or more of those 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 between a foreign corporation which is a shareholder, etc. of the relevant 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 same item) and a foreign corporation listed in item (i) and item (ii) of the preceding paragraph, and have a linkage with them through holding the shares, etc. (hereinafter referred to as a "Capital Contribution-Related Foreign Corporation" 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 and the foreign corporation which is a shareholder, etc. are held by a foreign corporation listed in item (i) and item (ii) of the same paragraph or a Capital Contribution-Related Foreign Corporation (the foreign corporation or Capital Contribution-Related Foreign Corporation is 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 same paragraph or other capital contribution-related corporations)): The ratio of the number or the amount of the shares, etc. of the relevant other foreign corporation held by the foreign corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the relevant other foreign corporation (where there are two or more of those 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二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 Cabinet Order prescribed in Article 66-9-2, paragraph (1) of the Act is 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二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 66-9-2, paragraph (1) of the Act; hereinafter the same applies 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 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, paragraph (2) 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二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 Cabinet Order prescribed in Article 66-9-2, paragraph (2), item (i) of the Act is an individual who has a special relationship prescribed in Article 4, paragraph (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二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 Cabinet Order prescribed in Article 66-9-2, paragraph (2), item (i) of the Act is 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 domestic corporation holds its own shares, etc., excluding the domestic corporation; hereinafter referred to as a "Determined Shareholder, etc." in this paragraph) (regarding a Determined Shareholder, etc. who is an

individual, the Determined Shareholder, etc. and an individual who has a special relationship with the Determined Shareholder, etc. as prescribed in the preceding paragraph; hereinafter the same applies in this paragraph) controls any other corporation, the relevant 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 the Determined Shareholder, etc. as prescribed in the preceding item govern any other corporation, the relevant 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 the Determined Shareholder, etc. as prescribed in the preceding two items control any other corporation, the relevant 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, paragraph (3) and paragraph (4) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where the provisions of the preceding paragraph apply.

1 2 法第六十六条の九の二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 Cabinet Order prescribed in Article 66-9-2, paragraph (2), item (ii) of the Act is a domestic corporation which has received the transfer of almost all the assets and liabilities of a specified domestic corporation prescribed in the same 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 Specified Reasons.

（特定外国法人の適用対象金額の計算）

(Calculation of Amount of Eligible Income of Specified Foreign Corporations)

第三十九条の二十の三 法第六十六条の九の二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（以下この条及び次条第一項において「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 39-20-3 (1) The amount of undistributed income calculated in accordance with the standards specified by Cabinet Order prescribed in Article 66-9-2,

paragraph (2), item (iii) of the Act is the amount calculated, pursuant to the provisions of Article 39-15, paragraph (1) or paragraph (2), or paragraph (3) of the same Article, with regard to the income of a specified foreign corporation prescribed in Article 66-9-6, paragraph (1) of the Act (hereinafter referred to as a "Specified Foreign Corporation" in this Article and paragraph (1) of the following Article) in its settlement of accounts for the relevant business year.

2 法第六十六条の九の二第二項第三号に規定する欠損の金額及び基準所得金額に係る税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号に規定する基準所得金額から次に掲げる金額の合計額（同条第三項の規定の適用がある場合には、同項の規定により読み替えられた同号に規定する政令で定める費用の額の百分の十に相当する金額を加算した金額）を控除した残額とする。

(2) The amount obtained as a result of an adjustment for the amount of loss and base income prescribed in Article 66-9-2, paragraph (2), item (iii) of the Act is the amount that remains after deducting, from the base income amount, prescribed in the same item, of a specified foreign subsidiary company, etc. for the relevant business year, the sum of the amounts listed as follows (where the provisions of paragraph (3) of the same Article are applied, the amount obtained by adding the amount that accounts for ten percent of the amount of expenses specified by Cabinet Order prescribed in Article 66-9-2, paragraph (2), item (iii) of the Act in which the terms and phrases are replaced pursuant to the provisions of paragraph (3) of the same Article):

一 当該特定外国法人の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（法第四十条の七第一項又は第六十八条の九十三の二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三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。）の合計額に相当する金額

(i) the amount equivalent to the sum of the loss incurred in the business years that started within seven years prior to the first day of the relevant business year of the specified foreign subsidiary company, etc. (excluding the business years that started before October 1, 2007 and the business years during which the company did not fall under the category of specified foreign subsidiary companies, etc. (including specified foreign subsidiary companies, etc. prescribed in Article 40-7, paragraph (1) or Article 68-93-2, paragraph (1) of the Act)) (that loss excludes the amount deducted in the business years preceding the relevant business year pursuant to the provisions of this paragraph or Article 39-120-3, paragraph (2));

二 当該特定外国法人が当該各事業年度において納付をすることとなる第三十九条の十五第一項第二号に規定する法人所得税（以下この号において「法人所得税」という。）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金額）

(ii) the amount of corporate income tax prescribed in Article 39-15, paragraph (1), item (ii) (hereinafter referred to as "Corporate Income Tax" in this item) that the specified foreign subsidiary company, etc. is to pay in the relevant business year (where there is any amount of Corporate Income Tax to be refunded in the relevant business year, the amount that remains after deducting the amount of Corporate Income Tax to be refunded).

3 前項第一号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 item (i) of the preceding paragraph is 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から第九項までの規定は、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, paragraphs (7) to (9) 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 same Article.

(特定外国法人の課税対象金額の計算等)

(Calculation of the Amount of Taxable Income of Specified Foreign Corporations)

第三十九条の二十の四 法第六十六条の九の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、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金額（同項に規定する適用対象金額をいう。以下この節において同じ。）につき、第三十九条の十六第一項及び第二項の規定の例により計算した金額とする。

Article 39-20-4 (1) The amount calculated as specified by Cabinet Order prescribed in Article 66-9-2, paragraph (1) of the Act is the amount calculated with regard to the eligible income (meaning the eligible income prescribed in the same paragraph; hereinafter the same applies 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, paragraph (1) and paragraph (2).

2 第三十九条の十六第三項の規定は、法第六十六条の九の二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三項第一号中「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。

(2) The provisions of Article 39-16, paragraph (3) apply mutatis mutandis to the number of shares or the amount of capital contributions of a foreign corporation specified by Cabinet Order as being held indirectly as prescribed in Article 66-9-2, paragraph (2), item (iv) of the Act. In this case, in Article 39-16, paragraph (3), item (i), the term "an individual" is deemed to be replaced with "a resident (meaning a resident prescribed in Article 2, paragraph (1), item (i)-2 of the Act; hereinafter the same applies in this paragraph)"; the term "the individual" is deemed to be replaced with "the resident"; and in item (ii) of the same paragraph, the term "an individual" is deemed to be replaced with "a resident"; and the term "the individual" is deemed to be replaced with "the resident".

3 法第六十六条の九の二第三項の規定により読み替えられた同条第二項第三号に規定する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八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 Cabinet Order set forth in Article 66-9-2, paragraph (2), item (iii) of the Act in which the terms and phrases are replaced pursuant to the provisions of paragraph (3) of the same Article is 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 specified foreign corporation prescribed in paragraph (3) of the same Article, pursuant to the provisions of Article 39-16, paragraph (8).

(特定外国法人の事業の判定等)

(Determination of Business of Specified Foreign Corporations)

第三十九条の二十の五 法第六十六条の九の二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 39-20-5 (1) The person specified by Cabinet Order prescribed in Article 66-9-2, paragraph (4), item (i) of the Act is any of the following:

一 法第六十六条の九の二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 66-9-2, paragraph (4), item (i) 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 same paragraph (the relevant other consolidated corporations exclude those falling under the category of Specially-Related Shareholders, etc. pertaining to the

Specified Foreign Corporation);

二 法第六十六条の九の二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 66-9-2, paragraph (4), item (i) of the Act (excluding a person falling under the category of a Specially-Related Shareholder, etc. pertaining to the 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二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 consolidated corporation is a consolidated subsidiary corporation, a consolidated parent corporation related to the consolidated corporation) which pertains to a Specified Foreign Corporation mainly engaged in the business listed in Article 66-9-2, paragraph (4), item (i) of the Act (excluding a person falling under the category of a Specially-Related Shareholder, etc. pertaining to the 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二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 66-9-2, paragraph (4), item (i) of the Act;

五 法第六十六条の九の二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二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 39-20-2, paragraph (4), item (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 66-9-2, paragraph (4), item (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二第一項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 Cabinet Order prescribed in Article 66-9-2, paragraph (1) 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 66-9-2, paragraph (4), item (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二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 66-9-2, paragraph (4), item (i) of the Act;

ロ 法第六十六条の九の二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 66-9-2, paragraph (4), item (i) of the Act;

ハ 法第六十六条の九の二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 66-9-2, paragraph (4), item (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二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二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五第一項各号」と読み替えるものとする。

(2) The provisions of Article 39-17, paragraph (2) and paragraph (3) apply mutatis mutandis to the case specified by Cabinet Order prescribed in Article 66-9-2, paragraph (4), item (i) of the Act. In this case, the term "those listed in the items of Article 40-4, paragraph (1), items of Article 66-6, paragraph (1),

items of Article 68-90, paragraph (1) of the Act and the preceding items" in Article 39-17, paragraph (2), item (i) is deemed to be replaced with "a specially-related domestic corporation prescribed in Article 66-9-2, paragraph (2), item (ii) of the Act, Specially-Related Shareholder, etc. prescribed in paragraph (1) of the same Article and those listed in the items of Article 39-20-5, paragraph (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二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, paragraph (5) apply mutatis mutandis to the case specified by Cabinet Order prescribed in Article 66-9-2, paragraph (4), item (ii) of the Act.

(特定外国法人の課税対象金額に係る外国法人税額の計算等)

(Calculation of Foreign Corporation Tax on Taxable Income of Specified Foreign Corporations)

第三十九条の二十の六 法第六十六条の九の三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 39-20-6 (1) The amount calculated as specified by Cabinet Order prescribed in Article 66-9-3, paragraph (1) of the Act is the amount calculated, pursuant to the provisions of Article 39-18, paragraph (1), with regard to the amount of foreign corporation tax (meaning foreign corporation tax prescribed in Article 69, paragraph (1) of the Corporation Tax Act; the same applies in paragraph (3)) to be imposed on a specified foreign corporation prescribed in Article 66-9-7, paragraph (1) of the Act (referred to as a "Specified Foreign Corporation" in paragraph (3)) on its income for a business year containing eligible income.

2 法第六十六条の九の三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項から同条第十二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の規定の例による。

(2) In the case where the provisions of Article 69, paragraphs (1) to (12) 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 same Article payable by a domestic corporation that is a Specially-Related Shareholder, etc. pursuant to the provisions of Article 66-9-3, paragraph (1) of the Act, the particulars concerning the application of these provisions are as prescribed in the provisions of Article 39-18, paragraphs (2) to (10).

3 法第六十六条の九の三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 Cabinet Order prescribed in Article 66-9-3, paragraph (3) of the Act is the business year specified respectively in the items of Article 39-18, paragraph (3), in accordance with the category of the amount of foreign corporation tax imposed on the income of a Specified Foreign Corporation.

(特定外国法人の特定課税対象金額の計算等)

(Calculation of Specified Taxable Income of Specified Foreign Corporation)

第三十九条の二十の七 法第六十六条の九の四第三項第一号に規定する政令で定める金額は、同号に規定する特定外国法人（次項において「特定外国法人」という。）に係る適用対象金額（特殊関係株主等である内国法人の同号に規定する事業年度の所得の金額の計算上益金の額に算入される同号に規定する課税対象金額に係るものに限る。）につき、第三十九条の十九第一項の規定の例により計算した金額とする。

Article 39-20-7 (1) The amount specified by Cabinet Order as prescribed in Article 66-9-4, paragraph (3), item (i) of the Act is the amount calculated in accordance with the provisions of Article 39-19, paragraph (1) with regard to the eligible income (limited to that which pertains to the taxable income prescribed in the same item that is included in gross profits in the calculation of the amount of income for the business year, prescribed in the same item, of a domestic corporation that is a Specially-Related Shareholder, etc.) pertaining to a specified foreign corporation prescribed in the same item (referred to as a "Specified Foreign Corporation" in the following paragraph).

2 法第六十六条の九の四第三項第二号に規定する政令で定める金額は、特定外国法人の各事業年度の適用対象金額（特殊関係株主等である内国法人の同号に規定する前十年以内の各事業年度の所得の金額の計算上益金の額に算入された同号に規定する課税対象金額に係るものに限る。）につき、第三十九条の十九第二項の規定の例により計算した金額とする。

(2) The amount specified by Cabinet Order as prescribed in Article 66-9-4, paragraph (3), item (ii) of the Act is the amount calculated in accordance with the provisions of Article 39-19, paragraph (2) with regard to the eligible income (limited to that which pertains to the taxable income prescribed in the same item that is included in gross profits in the calculation of the amount of income for each business year within the ten preceding years, prescribed in the same item, of a domestic corporation that is a Specially-Related Shareholder, etc.) for each business year of a Specified Foreign Corporation.

3 法第六十六条の九の四第五項において準用する法第六十六条の八第五項から第八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三項から第六項までの規定の例による。

- (3) The particulars concerning the application of the provisions of Article 66-8, paragraphs (5) through (8) of the Act as applied mutatis mutandis pursuant to Article 66-9-4, paragraph (5) of the Act are as prescribed in the provisions of Article 39-19, paragraphs (3) through (6).
- 4 法第六十六条の九の四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、同令第九条第一項第一号ハ中「益金不算入）」とあるのは、「益金不算入）又は租税特別措置法第六十六条の九の四（特定外国法人から受ける剰余金の配当等の益金不算入等）」とする。
- (4) With regard to the application of the provisions of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 66-9-4, paragraph (1) of the Act apply, the phrase "(Exclusion from Gross Profits...) of the Act" in Article 9, paragraph (1), item (i), (c) of the same Order is deemed to be replaced with "(Exclusion from Gross Profits ...) of the Act or Article 66-9-4 (Exclusion from Gross Profits of Dividend of Surplus, etc. Received from Specified Foreign Corporation) of the Act on Special Measures Concerning Taxation)"
- 5 法第六十六条の九の四第二項前段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、同令第九条第一項第一号ハ中「益金不算入）」とあるのは、「益金不算入）（租税特別措置法第六十六条の九の四第二項前段（特定外国法人から受ける剰余金の配当等の益金不算入等）の規定により読み替えて適用する場合を含む。））」とする。
- (5) With regard to the application of the provisions of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of the first sentence of Article 66-9-4, paragraph (2) apply, the phrase "(Exclusion of Gross Profit...) of the Act" in Article 9, paragraph (1), item (i), (c) of the same Order is deemed to be replaced with "(Exclusion of Gross Profit ...) of the Act (including the case where it is applied following the deemed replacement of terms pursuant to the provisions of the first sentence of Article 66-9-4, paragraph (2) (Exclusion from Gross Profits of Dividend of Surplus, etc. Received from Specified Foreign Corporation) of the Act on Special Measures Concerning Taxation)".

(特定関係の判定等)

(Determination of Specified Relationship)

第三十九条の二十の八 法第六十六条の九の二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 39-20-8 (1) Where the provisions of Article 66-9-2, paragraph (1) of the

Act apply, whether or not a domestic corporation falls under the category of a specified domestic corporation prescribed in Article 66-9-2, paragraph (2), item (i) of the Act is to be determined according to its status immediately before an event causing a specified relationship prescribed in paragraph (1) of the same Article occurred, and whether or not the 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 is determined according to its status at the end of the relevant business year of the 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（法第六十六条の九の二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 66-9-2 of the Act apply to the eligible income for the relevant business year containing the day on which the affiliated foreign corporation (limited to that falling under the category of a specified foreign corporation prescribed in Article 66-9-6, paragraph (1) of the Act) was determined as falling under that 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二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 domestic corporation, the number of the shares, etc. of the affiliated foreign corporation prescribed in Article 66-9-2, paragraph (2), item (iv) of the Act which were directly and indirectly held by the domestic corporation (hereinafter referred to as the "Number of Shares, etc. Directly and Indirectly Held" in this paragraph) and which have been transferred to the merging

corporation pertaining to the merger (the merging corporation is limited to one falling under the category of a Specially-Related Shareholder, etc. related to the specially-related domestic corporation and one that proves to fall under the category of a Specially-Related Shareholder, etc. related to the specially-related domestic corporation by receiving the transfer of the number of the shares, etc. of the affiliated foreign corporation directly and indirectly held by the domestic corporation through the merger; hereinafter the same applies in this paragraph) is deemed to be the Number of Shares, etc. Directly and Indirectly Held by the merging corporation on the final day of the relevant business year of the 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二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, paragraph (3) and paragraph (4) apply mutatis mutandis to the application of the provisions of Article 67, paragraph (3) and paragraph (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 domestic corporation pursuant to the provisions of Article 66-9-2, paragraph (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二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五までの規定並びに第三十九条の二十の二から第三十九条の二十の四（第三項を除く。）まで及び第三十九条の二十の六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, paragraphs (1) to (5) and paragraphs (7) to (11) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where the provisions of Article 66-9-2, paragraph (8) of the Act apply under the provisions of the same Article (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 66-9-5 of the Act, Articles 39-20-2 to 39-20-4 (excluding paragraph (3)), and Article 39-20-6 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二（第三項、第四項及び第六項を除く。）から第六十六条の九の五までの規定又は第三十九条の二十の二から第三十九条の二十の四（第三項を除く。）まで若しくは第三十九条の二十の六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, beyond what is specified in the preceding paragraph, other necessary particulars concerning the application of the provisions of Article 66-9-2

(excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 66-9-5 of the Act, Articles 39-20-2 to 39-20-4 (excluding paragraph (3)), or Article 39-20-6 to this Article are specified by Ministry of Finance Order.

第九節 その他の特例

Section 9 Other Special Provisions

(特別国際金融取引勘定において経理された預金等の利子の非課税)

(Exclusion from Taxation of Interest on Deposits Settled in the Special International Financial Transactions Account)

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債券の買戻又は売戻条件付売買取引として政令で定めるものは、法人税法施行令百八十条第四項に規定する債券現先取引（次項において「債券現先取引」という。）とする。

Article 39-30 (1) The transaction specified by Cabinet Order as a bond transaction with a repurchase or resale agreement prescribed in Article 67-11, paragraph (1) of the Act is a bond transaction with a repurchase/resale agreement prescribed in Article 180, paragraph (4) of the Order for Enforcement of the Corporation Tax Act (referred to as a "bond transaction with a repurchase/resale agreement" in the following paragraph).

2 法第六十七条の十一第一項に規定する差益として政令で定めるものは、同項に規定する外国法人が同項に規定する金融機関との間で行う債券現先取引で同項に規定する特別国際金融取引勘定において経理されたものにおいて、債券を購入する際の当該購入に係る対価の額を当該債券と同種及び同量の債券を売り戻す際の当該売戻しに係る対価の額が上回る場合における当該売戻しに係る対価の額から当該購入に係る対価の額を控除した金額に相当する差益とする。

(2) The margin specified by Cabinet Order as prescribed in Article 67-11, paragraph (1) of the Act is a margin equivalent to the amount calculated, in the case where in a bond transaction with a repurchase/resale agreement that a foreign corporation prescribed in the same paragraph conducts with a financial institution prescribed in the same paragraph and that has been settled in the special international financial transactions account, the value for purchasing bonds upon the purchase is less than the value for reselling bonds of the same type and the same quantity upon resale, by deducting the value for the purchase from the value for the resale.

3 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。

(3) The interest specified by Cabinet Order prescribed in Article 67-11, paragraph (1) of the Act is the interest to be received by a foreign corporation prescribed in the same paragraph which is attributed to a business that is conducted by the person in Japan at any fixed place prescribed in Article 141,

item (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 Special Purpose Companies)

第三十九条の三十二の二

Article 39-32-2 (1)

1 0 特定目的会社に対する法人税法施行令第七十三条第二項及び第七十七条の二第二項の規定の適用については、これらの規定中「規定を適用しないで」とあるのは、「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）の規定を適用しないで」とする。

(10) With regard to the application of the provisions of Article 73, paragraph (2) and Article 77-2, paragraph (2) of the Order for Enforcement of the Corporation Tax Act to special purpose companies, the term "without applying the following provisions" in these provisions is deemed to be replaced with "without applying the following provisions and the provisions of Article 67-14, paragraph (1) (Special Provisions for Taxation on Special Purpose Companies) of the Act on Special Measures Concerning Taxation".

1 1 法第六十七条の十四第四項の規定により控除する同項に規定する外国法人税の額（以下この条において「控除外国法人税の額」という。）は、次の各号に掲げる者ごとに、当該各号に定める金額からこれらの者が支払を受ける控除外国法人税の額に係る特定目的会社の利益の配当の額（法第六十七条の十四第一項に規定する利益の配当の額をいう。以下この条において同じ。）を控除した金額を合計した金額（当該金額が特定目的会社が納付した法第六十七条の十四第四項に規定する外国法人税の額を超える場合には、当該外国法人税の額）とする。

(11) The amount of foreign corporation tax prescribed in Article 67-14, paragraph (4) of the Act that is to be credited under the same paragraph (hereinafter referred to as the "Amount of Creditable Foreign Corporation Tax" in this Article) is the sum of the amounts that remain after deducting, from the amounts specified in the following items for persons listed in the respective items, the amount of a dividend of profit (meaning the amount of a dividend of profit prescribed in Article 67-14, paragraph (1) of the Act; hereinafter the same applies in this Article) of a special purpose company pertaining to the Amount of Creditable Foreign Corporation Tax that these persons are to receive (where the sum of the amounts exceeds the amount of foreign corporation tax prescribed in Article 67-14, paragraph (4) of the Act that the special purpose company has paid, the amount of the paid foreign corporation tax):

一 法第二条第一項第一号の二に規定する居住者 当該居住者が支払を受ける当該利益の配当の額を一から所得税法第百八十二条第二号に規定する税率を控除して得た率で除して計算した金額

(i) a resident prescribed in Article 2, paragraph (1), item (i)-2 of the Act: The

amount obtained by dividing the amount of the dividend of profit that the resident is to receive by the rate that remains after deducting the tax rate prescribed in Article 182, item (ii) of the Income Tax Act from one;

二 内国法人 当該内国法人が支払を受ける当該利益の配当の額を一から所得税法第二百十三条第二項第二号に規定する税率を控除して得た率で除して計算した金額

(ii) a domestic corporation: The amount obtained by dividing the amount of the dividend of profit that the domestic corporation is to receive by the rate that remains after deducting the tax rate prescribed in Article 213, paragraph (2), item (ii) of the Income Tax Act from one;

三 法第二条第一項第一号の二に規定する非居住者又は外国法人 当該非居住者又は外国法人が支払を受ける当該利益の配当の額を一から所得税法第二百十三条第一項第一号に規定する税率を控除して得た率で除して計算した金額

(iii) a nonresident prescribed in Article 2, paragraph (1), item (i)-2 of the Act or a foreign corporation: The amount obtained by dividing the amount of the dividend of profit that the nonresident or foreign corporation is to receive by the rate that remains after deducting the tax rate prescribed in Article 213, paragraph (1), item (i) of the Income Tax Act from one.

1 2 控除外国法人税の額は、特定目的会社が利益の配当の額（当該控除外国法人税の額を納付することとなる事業年度に係るものに限る。）につき所得税法第百八十一条又は第二百十二条の規定により所得税を徴収する際、その徴収して納付すべき所得税の額から控除するものとする。

(12) When a special purpose company collects income tax on the amount of a dividend of profit (limited to the amount pertaining to the business year for which it is to pay the Amount of Creditable Foreign Corporation Tax) pursuant to the provisions of Article 181 or Article 212 of the Income Tax Act, the Amount of Creditable Foreign Corporation Tax is to be credited against the amount of income tax that it is to collect and pay.

1 3 個人又は法人が支払を受ける特定目的会社の利益の配当の額につき法第六十七条の十四第四項の規定の適用があつた場合には、当該利益の配当の額に係る控除外国法人税の額をこれらの者が支払を受ける当該利益の配当の額に加算するものとする。

(13) Where the provisions of Article 67-14, paragraph (4) of the Act has applied to the amount of a dividend of profit of a special purpose company that an individual or a corporation is to receive, the Amount of Creditable Foreign Corporation Tax pertaining to the amount of dividend of profit is to be added to the amount of dividend of profit that these persons are to receive.

1 4 法第六十七条の十四第四項の規定を受けた特定目的会社は、財務省令で定めるところにより、同項に規定する外国法人税の額を課されたことを証する書類その他財務省令で定める書類を保存しなければならない。

(14) A special purpose company, which was subject to the provisions of Article 67-14, paragraph (4) of the Act, must preserve a document certifying that the amount of foreign corporation tax prescribed in the same paragraph has been

imposed and other documents specified by Ministry of Finance Order, as specified by Ministry of Finance Order.

(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 (1)

8 法第六十七条の十五第一項第二号トに規定する政令で定める要件は、投資法人が同項第一号ロ（２）に規定する機関投資家以外の者から借入れを行っていないこととする。

(8) The requirements specified by Cabinet Order prescribed in Article 67-15, paragraph (1), item (ii), (e) of the Act are to be that an investment corporation has not borrowed funds from any person other than an institutional investor prescribed in item (i), (b), 2. of the same paragraph.

9 投資法人に対する法人税法施行令第七十三条第二項及び第七十七条の二第二項の規定の適用については、これらの規定中「規定を適用しないで」とあるのは、「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）の規定を適用しないで」とする。

(9) With regard to the application of the provisions of Article 73, paragraph (2) and Article 77-2, paragraph (2) of the Order for Enforcement of the Corporation Tax Act to investment corporations, the term "without applying the following provisions" in these provisions is deemed to be replaced with "without applying the following provisions and the provisions of Article 67-15, paragraph (1) (Special Provisions for Taxation on Investment Corporations) of the Act on Special Measures Concerning Taxation".

10 法第六十七条の十五第五項の規定により控除する同項に規定する外国法人税の額（以下この条において「控除外国法人税の額」という。）は、次の各号に掲げる者ごとに、当該各号に定める金額からこれらの者が支払を受ける控除外国法人税の額に係る投資法人の配当等の額（法第六十七条の十五第一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。）を控除した金額を合計した金額（当該金額が投資法人が納付した法第六十七条の十五第五項に規定する外国法人税の額を超える場合には、当該外国法人税の額）とする。

(10) The amount of foreign corporation tax prescribed in Article 67-15, paragraph (5) of the Act that is to be credited under the same paragraph (hereinafter referred to as the "Amount of Creditable Foreign Corporation Tax" in this Article) is the sum of the amounts that remain after deducting, from the amount specified in the following items for persons listed in the respective items, the amount of a dividend, etc. (meaning the amount of a dividend, etc. prescribed in Article 67-15, paragraph (1) of the Act; hereinafter the same applies in this Article) of an investment corporation pertaining to the Amount of Creditable Foreign Corporation Tax that these persons are to receive (where

the sum of the amounts exceeds the amount of foreign corporation tax prescribed in Article 67-15, paragraph (5) of the Act that the investment corporation has paid, the amount of the paid foreign corporation tax):

一 法第二条第一項第一号の二に規定する居住者 当該居住者が支払を受ける当該配当等の額を一から所得税法第百八十二条第二号に規定する税率を控除して得た率で除して計算した金額

(i) a resident prescribed in Article 2, paragraph (1), item (i)-2 of the Act: The amount obtained by dividing the amount of the dividend, etc. that the resident is to receive by the rate that remains after deducting the tax rate prescribed in Article 182, item (ii) of the Income Tax Act from one;

二 内国法人 当該内国法人が支払を受ける当該配当等の額を一から所得税法第二百十三条第二項第二号に規定する税率を控除して得た率で除して計算した金額

(ii) a domestic corporation: The amount obtained by dividing the amount of the dividend, etc. that the domestic corporation is to receive by the rate that remains after deducting the tax rate prescribed in Article 213, paragraph (2), item (ii) of the Income Tax Act from one;

三 法第二条第一項第一号の二に規定する非居住者又は外国法人 当該非居住者又は外国法人が支払を受ける当該配当等の額を一から所得税法第二百十三条第一項第一号に規定する税率を控除して得た率で除して計算した金額

(iii) a nonresident prescribed in Article 2, paragraph (1), item (i)-2 of the Act or a foreign corporation: The amount obtained by dividing the amount of the dividend, etc. that the nonresident or foreign corporation is to receive by the rate that remains after deducting the tax rate prescribed in Article 213, paragraph (1), item (i) of the Income Tax Act from one.

1 1 控除外国法人税の額は、投資法人が配当等の額（当該控除外国法人税の額を納付することとなる事業年度に係るものに限る。）につき所得税法第百八十一条又は第二百十二条の規定により所得税を徴収する際、その徴収して納付すべき所得税の額から控除するものとする。

(11) When an investment corporation collects income tax on the amount of a dividend, etc. (limited to the amount pertaining to the business year for which it is to pay the Amount of Creditable Foreign Corporation Tax) pursuant to the provisions of Article 181 or Article 212 of the Income Tax Act, the Amount of Creditable Foreign Corporation Tax is to be credited against the amount of income tax that it is to collect and pay.

1 2 個人又は法人が支払を受ける投資法人の配当等の額につき法第六十七条の十五第五項の規定の適用があつた場合には、当該配当等の額に係る控除外国法人税の額をこれらの者が支払を受ける当該配当等の額に加算するものとする。

(12) Where the provisions of Article 67-15, paragraph (5) of the Act have applied to the amount of a dividend, etc. of an investment corporation that an individual or a corporation is to receive, the Amount of Creditable Foreign Corporation Tax pertaining to the amount of a dividend, etc. is to be added to

the amount of a dividend, etc. that these persons are to receive.

13 法第六十七条の十五第五項の規定の適用を受けた投資法人は、財務省令で定めるところにより、同項に規定する外国法人税の額を課されたことを証する書類その他財務省令で定める書類を保存しなければならない。

(13) An investment corporation which was subject to the provisions of Article 67-15, paragraph (5) of the Act must preserve a document certifying that the amount of foreign corporation tax prescribed in the same paragraph has been imposed and other documents specified by Ministry of Finance Order, as specified by Ministry of Finance Order.

(外国組合員に対する課税の特例)

(Special Provisions for Taxation on Foreign Partners)

第三十九条の三十三 法第六十七条の十六第三項に規定する外国法人は、同項に規定する書類を、同項に規定する国内源泉所得に係る所得の金額を有することとなつた日を含む事業年度に係る法人税法第百四十五条第一項において準用する同法第七十四条第一項の規定による申告書の提出期限までに、納税地の所轄税務署長に提出しなければならない。

Article 39-33 (1) The foreign corporation prescribed in Article 67-16, paragraph (3) of the Act must submit the documents prescribed in the same paragraph to the competent district director of the a tax office having jurisdiction over the place for tax payment by the due date for filing a return form prescribed in the provisions of Article 74, paragraph (1) of the Corporation Tax Act as applied mutatis mutandis pursuant to Article 145, paragraph (1) of the same Act for the business year containing the day on which the foreign corporation has obtained any amount of income categorized as domestic source income prescribed in Article 67-16, paragraph (3) of the Act.

2 投資組合契約（法第四十一条の二十一第二項第一号に規定する投資組合契約をいう。以下この条及び次条において同じ。）を締結している組合員である外国法人であつて当該投資組合契約の締結の時において法第四十一条の二十一第一項第五号に掲げる要件（以下この項及び次項において「第五号要件」という。）を満たしていない者が、当該投資組合契約につき第五号要件を満たすこととなる場合において、当該投資組合契約につきその締結の日からその満たすこととなる日まで継続して同条第一項第一号から第四号までに掲げる要件を満たしているときにおける当該投資組合契約についての法第六十七条の十六第二項において準用する法第四十一条の二十一第三項の規定の適用については、同項中「の締結の日」とあるのは「につき第一項第五号に掲げる要件を満たすこととなる日」と、「第一項各号」とあるのは「同項各号」とする。

(2) Where a foreign corporation which is a partner having concluded an investment partnership contract (meaning an investment partnership contract prescribed in Article 41-21, paragraph (2), item (i) of the Act; hereinafter the same applies in this Article and the following Article) and which has not satisfied the requirements listed in Article 41-21, paragraph (1), item (v) of the

Act (hereinafter referred to as the "Item (v) Requirement" in this paragraph and the following paragraph) by the time of the conclusion of the investment partnership contract, comes to satisfy the Item (v) Requirement in respect of the investment partnership contract, with regard to the application of the provisions of Article 41-21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 67-16, paragraph (2) of the Act in respect of the investment partnership contract in the case where the foreign corporation satisfies the requirements listed in Article 41-21, paragraph (1), items (i) through (iv) continuously during the period from the day of the conclusion until the day on which the foreign corporation comes to satisfy the Item (v) Requirement, the phrase "the date of the conclusion of" in paragraph (3) of the same Article is deemed to be replaced with "the day on which the foreign corporation comes to satisfy the requirements listed in paragraph (1), item (v) in respect of"; and the phrase "items in paragraph (1)" in the same paragraph is deemed to be replaced with "items of the same paragraph".

3 二以上の投資組合契約を締結している組合員である外国法人であつてそれぞれの投資組合契約の締結の時に於いて第五号要件を満たしていない者が、当該二以上の投資組合契約のうち一の投資組合契約以外の投資組合契約（以下この項において「他の投資組合契約」という。）に基づいて国内において事業を行つていないとしたならば当該一の投資組合契約につき第五号要件を満たすこととなる場合において、それぞれの投資組合契約につきその締結の日からその満たすこととなる日まで継続して法第四十一条の二十一第一項第一号から第四号までに掲げる要件を満たしているときにおける当該一の投資組合契約についての法第六十七条の十六第二項において準用する法第四十一条の二十一第三項の規定の適用については、同項中「の締結の日」とあるのは「につき第一項第五号に掲げる要件を満たすこととなる日」と、「第一項各号」とあるのは「同項各号」と、「その提出の日以後」とあるのは「当該外国法人が締結しているすべての投資組合契約につき特例適用申告書を提出した日以後」とする。

(3) Where a foreign corporation which is a partner having concluded two or more investment partnership contracts and which has not satisfied the Item (v) Requirement at the time of the conclusion of each investment partnership contract, would come to satisfy the Item (v) Requirement in respect of one of those two or more investment partnership contracts provided that the foreign corporation does not conduct a business in Japan based on an investment partnership contract(s) other than the relevant one of the two or more investment partnership contracts (hereinafter referred to as the "Other Investment Partnership Contract(s)" in this paragraph), with regard to the application of the provisions of Article 41-21, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 67-16, paragraph (2) of the Act to the relevant one investment partnership contract in the case where the foreign corporation satisfies the requirements listed in Article 41-21, paragraph (1), items (i) through (iv) of the Act in respect of each investment partnership

contract continuously during the period from the date of conclusion until the day on which the foreign corporation comes to satisfy the Item (v) Requirement, the phrase "the date of the conclusion of" in paragraph (3) of the same Article is deemed to be replaced with "the day on which the foreign corporation comes to satisfy the requirements listed in paragraph (1), item (v) in respect of"; the phrase "items in paragraph (1)" in the same paragraph is deemed to be replaced with "items of the same paragraph"; and the phrase "on the date of the submission and thereafter" in the same paragraph is deemed to be replaced with "on the day on which the foreign corporation has submitted written applications for special provisions in respect of all of the investment partnership contracts concluded thereby, and thereafter".

4 法第六十七条の十六第一項の規定の適用を受けようとする外国法人が法第四十一条の二十一第三項の規定により同項に規定する特例適用申告書を提出した場合又は同条第七項の規定により同項に規定する変更申告書を提出した場合には、それぞれ、法第六十七条の十六第二項において準用する法第四十一条の二十一第三項の規定により同項に規定する特例適用申告書を提出し、又は法第六十七条の十六第二項において準用する法第四十一条の二十一第七項の規定により同項に規定する変更申告書を提出したものとみなす。

(4) Where a foreign corporation which seeks the application of the provisions of Article 67-16, paragraph (1) of the Act has submitted a written application for special provisions prescribed in Article 41-21, paragraph (3) of the Act pursuant to the provisions of the same paragraph or where a foreign corporation has submitted a written statement of change prescribed in paragraph (7) of the same Article pursuant to the provisions of the same paragraph, it is deemed that the foreign corporation has submitted a written application for the special provisions prescribed in Article 41-21, paragraph (3) of the Act pursuant to the provisions of the same paragraph as applied mutatis mutandis pursuant to Article 67-16, paragraph (2) of the Act or a written statement of change prescribed in Article 41-21, paragraph (7) of the Act pursuant to the provisions of the same paragraph as applied mutatis mutandis pursuant to Article 67-16, paragraph (2) of the Act, respectively.

(恒久的施設を有しない外国組合員の課税所得の特例)

(Special Provisions for Taxable Income of Foreign Partner Having No Permanent Establishments)

第三十九条の三十三の二 法人税法第百四十一条第四号に掲げる外国法人（以下この条において「国内に恒久的施設を有しない外国法人」という。）が、特例適用投資組合契約等（特例適用投資組合契約（法第六十七条の十六第一項の規定の適用を受ける外国法人が締結している当該適用に係る投資組合契約をいう。以下この項において同じ。）及び投資組合契約（当該国内に恒久的施設を有しない外国法人が特例適用投資組合契約以外の投資組合契約につき第一号及び第二号に掲げる要件を満たす場合の当

該投資組合契約に限る。以下この項において同じ。)をいう。以下この条において同じ。)を締結している場合において、法人税法施行令第百八十七条第六項各号に掲げる要件を満たす内国法人の株式又は出資の譲渡をしたとき(同条第七項の規定により同条第六項第二号に掲げる要件を満たす同号に規定する株式又は出資の譲渡をしたものとされる場合を含むものとし、当該内国法人の株式又は出資につき第三号に掲げる要件を満たす場合に限る。)は、当該内国法人の株式又は出資の譲渡については、同項及び同条第七項に規定する特殊関係株主等には、当該特例適用投資組合契約等に係る同条第四項第三号に掲げる者は含まれないものとして、同条の規定を適用する。

Article 39-33-2 (1) Where a foreign corporation listed in Article 141, item (iv) of the Corporation Tax Act (hereinafter referred to as a "Foreign Corporation Having No Permanent Establishments in Japan" in this Article) has concluded an investment partnership contract subject to special provisions, etc. (meaning an investment partnership contract subject to special provisions (meaning an investment partnership contract subject to the provisions of Article 67-16, paragraph (1) of the Act, which is concluded by a foreign corporation which is subject to the provisions of the same paragraph; hereinafter the same applies in this paragraph) and an investment partnership contract (limited to the investment partnership contract in the case where the Foreign Corporation Having No Permanent Establishments in Japan satisfies the requirements listed in items (i) and (ii) in respect of an investment partnership contract other than an investment partnership contract subject to special provisions; hereinafter the same applies in this paragraph); hereinafter the same applies in this Article), when the foreign corporation has transferred shares of or capital contributions to a domestic corporation that satisfies the requirements listed in the items of Article 187, paragraph (6) of the Order for Enforcement of the Corporation Tax Act (including the case where the domestic corporation is deemed, pursuant to the provisions of paragraph (7) of the same Article, to have transferred shares or capital contributions prescribed in paragraph (6), item (ii) of the same Article that satisfies the requirements listed in the same item, and limited to the case where the foreign corporation satisfies the requirements listed in item (iii) in respect of the shares or capital contributions), with regard to the transfer of shares of or capital contributions to the domestic corporation, the provisions of Article 187 of the same Order apply by deeming that the person listed in paragraph (4), item (iii) of the same Article pertaining to the investment partnership contract subject to special provisions, etc. is not included in the scope of Specially-Related Shareholders, etc. prescribed in paragraph (6) and paragraph (7) of the same Article:

一 譲渡の日を含む事業年度(以下この項において「譲渡事業年度」という。)終了の日以前三年内で投資組合契約を締結していた期間において当該投資組合契約によつて成立する法第四十一条の二十一第二項第二号に規定する投資組合の同項第三号に規定する有限責任組合員であること。

(i) for the period within the three years preceding or including the last day of the business year containing the date of transfer (hereinafter referred to as the "Business Year Containing the Date of Transfer" in this paragraph), during which the foreign corporation has been under an investment partnership contract, it has been a limited liability partner, prescribed in Article 41-21, paragraph (2), item (iii) of the Act, of an investment partnership, prescribed in item (ii) of the same paragraph, which is established by the investment partnership contract;

二 譲渡事業年度終了の日以前三年内で投資組合契約を締結していた期間において当該投資組合契約に基づいて行う事業に係る第二十六条の三十第一項各号に掲げる行為（第二十六条の三十一第二項において準用する第二十六条の三十第二項の規定によりするものとみなされる行為を含む。）を行わないこと。

(ii) for the period within the three years preceding or including the last day of the Business Year Containing the Date of Transfer, during which the foreign corporation has been under an investment partnership contract, it has not performed any act listed in the items of Article 26-30, paragraph (1) (including any act that the foreign corporation is deemed to have performed pursuant to the provisions of Article 26-30, paragraph (2) as applied mutatis mutandis pursuant to Article 26-31, paragraph (2)) pertaining to the business conducted under the investment partnership contract;

三 譲渡事業年度終了の日以前三年内のいずれの時においても、当該国内に恒久的施設を有しない外国法人に係る法人税法施行令第八十七条第一項第三号ロの内国法人の特殊関係株主等（特例適用投資組合契約等に係る同条第四項第三号に掲げる者を除く。）が当該内国法人の発行済株式又は出資の総数又は総額の百分の二十五以上に相当する数又は金額の株式又は出資（当該特殊関係株主等が同条第四項第三号に規定する組合契約（当該特例適用投資組合契約等を除く。）に係る同号に掲げる者である場合には、同号の組合財産であるものに限る。）を所有していなかったこと。

(iii) at any time within the three years preceding or including the last day of the Business Year Containing the Date of Transfer, the Specially-Related Shareholder, etc. (excluding the person listed in Article 187, paragraph (4), item (iii) of the Order for Enforcement of the Corporation Tax Act pertaining to an investment partnership contract subject to special provisions, etc.) of a domestic corporation set forth in paragraph (1), item (iii), (b) of the same Article which pertains to the Foreign Corporation Having No Permanent Establishments in Japan, has not held shares or capital contribution that account for 25 percent or more of the total number or total amount of Issued Shares of or capital contributions to the domestic corporation (in the case where the Specially-Related Shareholder, etc. is a person listed in paragraph (4), item (iii) of the same Article pertaining to the partnership contract prescribed in the same item (excluding the investment partnership contract

subject to special provisions, etc.), limited to those that are partnership property set forth in the same item).

2 国内に恒久的施設を有しない外国法人が、その締結している特例適用投資組合契約等に係る法第四十一条の二十一第二項第四号に規定する組合財産（次項において「投資組合財産」という。）である内国法人の株式又は出資で第二十六条の三十一第三項各号に掲げるものを譲渡した場合には、当該株式又は出資の譲渡については、前項の規定は、適用しない。

(2) Where a Foreign Corporation Having No Permanent Establishments in Japan has transferred shares of or capital contributions to a domestic corporation which are partnership property prescribed in Article 41-21, paragraph (2), item (iv) of the Act (hereinafter referred to as "Investment Partnership Property" in the following paragraph) pertaining to the investment partnership contract subject to special provisions, etc. concluded by the foreign corporation and which fall under the items of Article 26-31, paragraph (3), the provisions of the preceding paragraph do not apply.

3 第二十六条の三十一第四項の規定は、国内に恒久的施設を有しない外国法人が譲渡した投資組合財産である内国法人の株式又は出資が同条第三項第一号に掲げる株式又は出資に該当するかどうかの判定について準用する。

(3) The provisions of Article 26-31, paragraph (4) apply mutatis mutandis to the determination as to whether shares of or capital contributions to a domestic corporation which are Investment Partnership Property transferred by a Foreign Corporation Having No Permanent Establishments in Japan fall under the category of shares or capital contributions listed in paragraph (3), item (i) of the same Article.

4 第二十六条の三十一第五項の規定は、国内に恒久的施設を有しない外国法人が第一項の規定を適用する場合について準用する。この場合において、同条第五項中「氏名及び住所（国内に居所を有する国内に恒久的施設を有しない非居住者にあつては、居所）」とあるのは「名称及び本店又は主たる事務所の所在地」と、「譲渡年の翌年三月十五日」とあるのは「譲渡の日を含む法第二条第二項第十九号に規定する事業年度に係る法人税法第百四十五条第一項において準用する同法第七十四条第一項の規定による申告書の提出期限」と読み替えるものとする。

(4) The provisions of Article 26-31, paragraph (5) apply mutatis mutandis where a Foreign Corporation Having No Permanent Establishments in Japan applies the provisions of paragraph (1). In this case, the phrase "their name and address (in the case of a Nonresident Having No Permanent Establishments in Japan who has a residence in Japan, their residence)" in paragraph (5) of the same Article is deemed to be replaced with "its name and the location of its head office or principal office"; and the phrase "March 15 of the year following the year containing the date of transfer" in the same paragraph is deemed to be replaced with "due date for filing a return form under the provisions of Article 74, paragraph (1) of the Corporation Tax Act as applied mutatis mutandis

pursuant to Article 145, paragraph (1) of the same Act for the business year, prescribed in Article 2, paragraph (2), item (xix) of the Act, which contains the date of transfer".

(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 to Which Special Provisions for Tax Exemption Are Not Applied)

第三十九条の三十三の三 法第六十七条の十七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 39-33-3 (1) The interest or discount on bonds specified by Cabinet Order prescribed in Article 67-17, paragraph (2) of the Act is 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, item (i) of the Corporation Tax Act which is attributed to a business that is conducted by the person in Japan at any fixed place prescribed in the same 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, item (ii) or item (iii) of the Corporation Tax Act which is attributed to the person's business prescribed in these items.

2 法第六十七条の十七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 redemption specified by Cabinet Order as prescribed in Article 67-17, paragraph (3) of the Act is the profit from 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の発行する法第四十一条の十二第七項に規定する割引債（以下この項において「割引債」という。）の同条第七項に規定する償還差益（以下この項において「償還差益」という。）のうち、当該償還差益の金額に当該割引債に係る第二十六条の九の二第一項第一号に規定する割合を乗じて計算した金額に相当するもの

(i) any profit from redemption as prescribed in Article 41-12, paragraph (7) of the Act (hereinafter referred to as "Profit for Redemption" in this paragraph) of discount bonds prescribed in paragraph (7) of the same Article (hereinafter referred to as "Discount Bonds" in this paragraph) issued by a foreign corporation listed in Article 141, item (i) of the Corporation Tax Act, which corresponds to the amount calculated by multiplying the amount of the Profit for Redemption by the rate prescribed in Article 26-9-2, paragraph (1), item

(i) pertaining to the Discount Bonds;

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の発行する割引債の償還差益のうち、当該償還差益の金額に当該割引債に係る第二十六条の九の二第一項第二号に規定する割合を乗じて計算した金額に相当するもの

(ii) any Profit for Redemption of Discount Bonds issued by a foreign corporation listed in Article 141, item (ii) or item (iii) of the Corporation Tax Act, which corresponds to the amount calculated by multiplying the amount of the Profit for Redemption by the rate prescribed in Article 26-9-2, paragraph (1), item (ii) pertaining to the Discount Bonds.

3 法第六十七条の十七第五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。

(3) The profit from redemption specified by Cabinet Order prescribed in Article 67-17, paragraph (5) of the Act is 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法第四十一条の十二第七項に規定する償還差益（次号において「償還差益」という。）のうち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

(i) the profit from redemption prescribed in Article 41-12, paragraph (7) of the Act (referred to as "Profit for Redemption" in the following item) to be received by a foreign corporation listed in Article 141, item (i) of the Corporation Tax Act which is attributed to a business that is conducted by the person in Japan at any fixed place prescribed in Article 141, item (i) of the Corporation Tax Act;

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, item (ii) or item (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 National Government Bonds in Separate Trading)

第三十九条の三十三の四 法第六十七条の十八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 39-33-4 The amount specified by Cabinet Order prescribed in Article 67-18, paragraph (2) of the Act is 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（法第六十七条の十八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 National Government Bonds in separate trading (meaning Book-Entry National Government Bonds in separate trading prescribed in Article 67-18, paragraph (1) of the Act; hereinafter the same applies in this Article) that falls under the category of securities for buying and selling prescribed in Article 61-3, paragraph (1), item (i) of the Corporation Tax Act at the end of a business year, and when any valuation loss prescribed in Article 61-3, paragraph (2) of the Corporation Tax Act has been incurred for the Book-Entry National Government Bonds in separate trading: The amount equivalent to the 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 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, paragraph (2) of the same Order has been incurred for the Book-Entry National Government Bonds in separate trading: The amount equivalent to the 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, paragraph (1), item (ii), (a) of the Order for Enforcement of the Corporation Tax Act has occurred with regard to Book-Entry National Government Bonds in separate trading held by a foreign corporation, and when their book value has been reduced by reckoning the amount into expenses for accounting purposes through changes in the valuation of the Book-Entry National Government Bonds in separate trading pursuant to the provisions of Article 33, paragraph (2) of the Corporation Tax Act: The amount equivalent to the amount with the variance prescribed in the same 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 National Government Bonds in separate trading, and when any loss on the transfer

prescribed in Article 61-2, paragraph (1) of the Corporation Tax Act has been incurred for the transfer of the Book-Entry National Government Bonds in separate trading: The amount equivalent to the 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おいて、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 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, paragraph (3), item (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 National Government Bonds in separate trading and a business that creates income other than the income (hereinafter referred to as the "Amount of Common Expenses" in this item): The amount equivalent to the part of the 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 Book-Entry 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 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)

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 Cabinet Order prescribed in Article 68-2-3, paragraph (1) of the Act is 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 the 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 applies 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 those 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, paragraph (4), item (ii) of the Order for Enforcement of the Corporation Tax Act; hereinafter the same applies 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 concurrently serve as officers (meaning officers as prescribed in Article 2, item (xv) of the Corporation Tax Act; hereinafter the same

applies in this Article) or employees of a merged corporation or who used to serve as officers or employees of the 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 concurrently serve 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 Cabinet Order prescribed in Article 2, item (xii)-8 of the Corporation Tax Act; hereinafter the same applies in this item) or who used to serve as officers or employees of the 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, paragraph (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 Cabinet Order prescribed in Article 68-2-3, paragraph (2) of the Act is 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 company split, and any of the businesses conducted by the succeeding corporation in the company split before the 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 the 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:

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(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 those 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 concurrently serve as officers or employees of a split corporation or who used to serve as officers or employees of the 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 concurrently serve 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 Cabinet Order prescribed in Article 2, item (xii)-11 of the Corporation Tax Act; hereinafter the same applies in this item) or who used to serve as officers or employees of the 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, paragraph (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 Cabinet Order prescribed in Article 68-2-3, paragraph (2), item (i) of the Act is the company split in which almost all of the assets and liabilities pertaining to a split corporation immediately prior to the 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 Cabinet Order prescribed in Article 68-2-3, paragraph (3) of the Act is 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 a share exchange before the share exchange and any of the businesses conducted by a fully controlling parent corporation in a 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 a share exchange before the share exchange does not fall below approximately half of the sum of the amounts from the businesses conducted without interruption by a wholly owned subsidiary corporation in a 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 a share exchange before the share exchange do not fall under any of the following:

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(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 those 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 a 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 a 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 concurrently serve as officers or employees of a wholly owned subsidiary corporation in a share exchange or who used to serve as officers or employees of the wholly owned subsidiary corporation in a 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 concurrently serve as officers or employees of a foreign parent corporation related to a fully controlling parent corporation in a share exchange (meaning a corporation (limited to a foreign corporation) that has a relationship specified by Cabinet Order prescribed in Article 2, item (xii)-16 of the Corporation Tax Act; hereinafter the same applies in this item) or who used to serve as officers or employees of the foreign parent corporation;

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(c) persons who have a special relationship prescribed in Article 4, paragraph (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外国法人は、次に掲げるものとする。

(5) The foreign corporation specified by Cabinet Order prescribed in Article 68-2-3, paragraph (5), item (i) of the Act is 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, paragraphs (1) to (4) of the Act, whose tax imposed on its income for the relevant business year was 25 percent or less of the 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, paragraph (2) 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 is not to 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 those 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, paragraphs (1) to (4) of the Act (hereinafter that business year is 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、金融商品取引業、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, financial instruments 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, the revenues include the amount from the transactions for which the 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, the acquisition costs include the amount from the transactions for which the 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 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 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 trust charge to be received from a person other than affiliated persons exceeds 50 percent;
- (4) 金融商品取引業 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. financial instruments 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 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 premium income to be received from a person other than affiliated persons (where the 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 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。）の売買又は貸付け（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つている場合
1. real estate business: where conducting a buying and selling or rental business of real estate (including acts to let others use the real estate) (real estate includes the rights thereon; hereinafter the same applies 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 applies in this item), providing agent or intermediary services for the buying and selling or rental business of the real estate, and managing the 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つている場合
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つている場合
3. business other than those listed in (a) and in 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 foreign corporation are conducted indirectly via a person other than an affiliated person related to the foreign corporation (hereinafter referred to as a "Non-Affiliated Person" in this paragraph), transactions between the foreign corporation and the Non-Affiliated Person are deemed to have been conducted directly between the foreign corporation and the affiliated person and the provisions of item (iii), (a) of the preceding paragraph are applied, except in the case where there are justifiable grounds for having the Non-Affiliated Person intervene in the 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), item (iii), (a) and the preceding paragraph is 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 corporations; hereinafter referred to as the "Issued Shares, etc." in this Article), the relevant other corporation (excluding a corporation falling under the category of persons listed in the following 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 person is an individual, the individual and an individual who has a special relationship prescribed in Article 4, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with the individual), the relevant 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 Cabinet Order prescribed in Article 68-2-3, paragraph (5), item (ii) of the Act is 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 relationship (excluding relationships falling under the category of relationships listed in the following 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 person is an individual, the individual and an individual who has a special relationship prescribed in Article 4, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with the individual), the relationship between those 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 is determined according to its status immediately prior to a merger, company split or share exchange set forth in Article 68-2-3, paragraphs (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, paragraph (2) and paragraph (3) apply mutatis mutandis where the provisions of paragraph (9) or paragraph (10) apply. In this case the term "50 percent or more" in paragraph (2) and paragraph (3) of the same Article is 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 Cabinet Order prescribed in Article 68-2-3, paragraph (5), item (iii) of the Act is a nonresident

prescribed in Article 2, paragraph (1), item (i)-2 of the Act who has a special relationship prescribed in Article 39-14, paragraph (3) with a resident or domestic corporation prescribed in the same 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 Cabinet Order prescribed in Article 68-2-3, paragraph (5), item (iv) of the Act is 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 foreign corporation directly or indirectly holds 80 percent or more of the total number or total amount of the domestic corporation's Issued Shares, etc., the relationship (excluding relationships falling under the category of relationships listed in the following 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 person is an individual, the individual and an individual who has a special relationship prescribed in Article 4, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with the individual), the relationship between the foreign corporation and domestic corporation.

1 5 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, paragraph (2) and paragraph (3) apply mutatis mutandis where the provisions of the preceding paragraph apply. In this case the term "50 percent or more" in paragraph (2) and paragraph (3) of the same Article is replaced with "80 percent or more".

1 6 その合併、分割又は株式交換が第一項各号、第二項各号又は第四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) Particulars 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 particulars necessary for the application of the provisions of the

preceding items are specified by Ministry of Finance Order.

(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 in the Event of Specified Merger)

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, paragraph (1) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis to the relationship specified by Cabinet Order prescribed in Article 68-3, paragraph (1) of the Act; and the provisions of Article 119-7-2, paragraph (3) of the same Order apply mutatis mutandis to the relationship specified by Cabinet Order prescribed in Article 68-3, paragraph (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 corporation issued old shares (meaning shares (including capital contributions; hereinafter the same applies in this Article) that were held by the corporation), been provided with shares of a foreign corporation which has a relationship specified by Cabinet Order prescribed in Article 68-3, paragraph (1) of the Act, when the shares of the 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, paragraph (5), item (i) of the Act; hereinafter the same applies in paragraph (4)), the provisions of Article 119, paragraph (1), item (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) do 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, paragraph (2) of the Act which was implemented by a domestic corporation to which the corporation issued old shares (meaning shares that were held by the corporation), been provided with shares of a specified foreign parent corporation prescribed in the same paragraph, the provisions of Article 119, paragraph (1), item (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) do 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つた株式交換（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 corporation issued old shares (meaning shares that were held by the corporation), been provided with shares of a foreign corporation which has a relationship specified by Cabinet Order prescribed in Article 68-3, paragraph (3) of the Act, when the shares of the foreign corporation are shares of a specified foreign corporation with less tax burden, the provisions of Article 119, paragraph (1), item (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) do 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つ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, paragraph (2) of the Act which was implemented by a domestic corporation to which the corporation issued old shares (meaning shares that were held by the corporation), been provided with shares of a specified foreign parent corporation prescribed in the same paragraph, the provisions of Article 188, paragraph (1), item (xvii) of the Order for Enforcement of the Corporation Tax Act do not apply to the calculation

made, with regard to the amount of the 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, paragraph (4) of the same Act in which the terms and phrases are replaced pursuant to the provisions of the same 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 (1)

8 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第七十三条第二項及び第七十七条の二第二項の規定の適用については、これらの規定中「規定を適用しないで」とあるのは、「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）の規定を適用しないで」とする。

(8) With regard to the application of the provisions of Article 73, paragraph (2) and Article 77-2, paragraph (2) of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 68-3-2, paragraph (1) of the Act apply, the term "without applying the following provisions" in these provisions is deemed to be replaced with "without applying the following provisions and the provisions of Article 68-3-2, paragraph (1) (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts) of the Act on Special Measures Concerning Taxation".

9 第一項から前項までの規定は、法第六十八条の三の二第九項において準用する同条第一項から第三項まで、第七項及び第八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 apply mutatis mutandis when applying the provisions of Article 68-3-2, paragraphs (1) to (3), paragraph (7) and paragraph (8) of the Act which apply mutatis mutandis pursuant to paragraph (9) of the same Article. In this case, the terms listed in the middle column of the following table which are used in the provisions listed in the left-hand column of the same table are deemed to be replaced with the terms listed in the right-hand column of the same table.

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 same paragraph and Article 57, paragraph (1), Article 58, paragraph (1) and Article 59, paragraph (2) of the Corporation Tax Act	第百四十二条の規定により同法第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, paragraph (1), Article 58, paragraph (1) and Article 59, paragraph (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 same Act, in accordance with these provisions, pursuant to the provisions of Article 68-3-2, paragraph (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
第四項 Paragraph (4)	同項 the same paragraph	法第六十八条の三の二第九項 Article 68-3-2, paragraph (9) of the Act

<p>前項 The preceding paragraph</p>	<p>における法人税法施行令第七十三條第二項及び第七十七條の二第二項 With regard to the application of the provisions of Article 73, paragraph (2) and Article 77-2, paragraph (2) of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 68-3-2, paragraph (1) applies</p>	<p>には、法人税法第四百十二條の規定により同法第四百十一條に規定する国内源泉所得に係る所得につき法人税法施行令第七十三條第二項及び第七十七條の二第二項の規定に準じて計算する場合におけるこれら In the case where the provisions of Article 68-3-2, paragraph (1) applies and where calculation is to be made, in accordance with the provisions of Article 73, paragraph (2) and Article 77-2, paragraph (2) of the Order for Enforcement of the Corporation Tax Act, with regard to income categorized as domestic source income prescribed in Article 141 of the Corporation Tax Act under Article 142 of the same Act, with regard to the application of these provisions</p>
	<p>第六十八條の三の二第一項（特定目的信託に係る受託法人の課税の特例） Article 68-3-2, paragraph (1) (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts)</p>	<p>第六十八條の三の二第九項（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條第一項 paragraph (1) of the same Article which is applied mutatis mutandis pursuant to Article 68-3-2, paragraph (9) (Special Provisions for Taxation on Trust Corporations for Special Purpose Trusts)</p>

10 法第六十八條の三の二第四項の規定により控除する同項に規定する外国法人税の額（以下この条において「控除外国法人税の額」という。）は、次の各号に掲げる者ごとに、当該各号に定める金額からこれらの者が支払を受ける控除外国法人税の額に係る特定目的信託の利益の分配の額（法第六十八條の三の二第一項に規定する利益の分配の額をいう。以下この条において同じ。）を控除した金額を合計した金額（当該金額が特定目的信託に係る受託法人が納付した法第六十八條の三の二第四項に規定する外国法人税の額を超える場合には、当該外国法人税の額）とする。

(10) The amount of foreign corporation tax prescribed in Article 68-3-2,

paragraph (4) of the Act that is to be credited under the same paragraph (hereinafter referred to as the "Amount of Creditable Foreign Corporation Tax" in this Article) is the sum of the amounts that remain after deducting, from the amounts specified in the following items for the persons listed in the respective items, the amount of a distribution of profit (meaning the amount of a distribution of profit prescribed in Article 68-3-2, paragraph (1) of the Act; hereinafter the same applies in this Article) of special purpose trusts pertaining to the Amount of Creditable Foreign Corporation Tax that these persons are to receive (where the sum of the amounts exceeds the amount of foreign corporation tax prescribed in Article 68-3-2, paragraph (4) of the Act that a trust corporation for special purpose trusts has paid, the amount of the paid foreign corporation tax):

一 法第二条第一項第一号の二に規定する居住者 当該居住者が支払を受ける当該利益の分配の額を一から所得税法第百八十二条第二号に規定する税率を控除して得た率で除して計算した金額

(i) a resident prescribed in Article 2, paragraph (1), item (i)-2 of the Act: The amount obtained by dividing the amount of the distribution of profit that the resident is to receive by the rate that remains after deducting the tax rate prescribed in Article 182, item (ii) of the Income Tax Act from one;

二 内国法人 当該内国法人が支払を受ける当該利益の分配の額を一から所得税法第二百十三条第二項第二号に規定する税率を控除して得た率で除して計算した金額

(ii) a domestic corporation: The amount obtained by dividing the amount of the distribution of profit that the domestic corporation is to receive by the rate that remains after deducting the tax rate prescribed in Article 213, paragraph (2), item (ii) of the Income Tax Act from one;

三 法第二条第一項第一号の二に規定する非居住者又は外国法人 当該非居住者又は外国法人が支払を受ける当該利益の分配の額を一から所得税法第二百十三条第一項第一号に規定する税率を控除して得た率で除して計算した金額

(iii) a nonresident prescribed in Article 2, paragraph (1), item (i)-2 of the Act or a foreign corporation: The amount obtained by dividing the amount of the distribution of profit that the nonresident or foreign corporation is to receive by the rate that remains after deducting the tax rate prescribed in Article 213, paragraph (1), item (i) of the Income Tax Act from one.

1 1 控除外国法人税の額は、特定目的信託に係る受託法人が利益の分配の額（当該控除外国法人税の額を納付することとなる事業年度に係るものに限る。）につき所得税法第百八十一条又は第二百十二条の規定により所得税を徴収する際、その徴収して納付すべき所得税の額から控除するものとする。

(11) When a trust corporation for special purpose trusts collects income tax on the amount of a distribution of profit (limited to the amount pertaining to the business year for which it is to pay the Amount of Creditable Foreign Corporation Tax) pursuant to the provisions of Article 181 or Article 212 of the

Income Tax Act, the Amount of Creditable Foreign Corporation Tax is to be credited against the amount of income tax that it is to collect and pay.

1 2 個人又は法人が支払を受ける特定目的信託の利益の分配の額につき法第六十八条の三の二第四項の規定の適用があつた場合には、当該利益の分配の額に係る控除外国法人税の額をこれらの者が支払を受ける当該利益の分配の額に加算するものとする。

(12) Where the provisions of Article 68-3-2, paragraph (4) of the Act have applied to the amount of a distribution of profit of special purpose trusts that an individual or a corporation is to receive, the Amount of Creditable Foreign Corporation Tax pertaining to the amount of distribution of profit is to be added to the amount of distribution of profit that these persons are to receive.

1 3 法第六十八条の三の二第四項の規定の適用を受けた特定目的信託に係る受託法人は、財務省令で定めるところにより、同項に規定する外国法人税の額を課されたことを証する書類その他財務省令で定める書類を保存しなければならない。

(13) A trust corporation for special purpose trusts, which was subject to the provisions of Article 68-3-2, paragraph (4) of the Act, must preserve a document certifying that the amount of foreign corporation tax prescribed in the same paragraph has been imposed and other documents specified by Ministry of Finance Order, as specified by Ministry of Finance Order.

1 4 法第六十八条の三の二第十項に規定する外国特定目的信託の利益分配の額が法第六十六条の六第一項に規定する特定外国子会社等（法人税法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）又は法第六十六条の九の二第一項に規定する特定外国法人（法人税法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）から受けるものである場合における法第六十八条の三の二第十項の規定の適用については、同項中「次項」とあるのは「以下この項及び次項」と、「」は、法人税法」とあるのは「」（第六十六条の六第一項に規定する特定外国子会社等（法人税法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）又は第六十六条の九の二第一項に規定する特定外国法人（同法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）から受ける外国特定目的信託の利益分配の額（第六十六条の八第三項に規定する特定課税対象金額に達するまでの金額又は第六十六条の九の四第三項に規定する特定課税対象金額に達するまでの金額に限る。）を除く。）は、同法」とする。

(14) With regard to the application of the provisions of Article 68-3-2, paragraph (10) of the Act in the case where the amount of the distribution of profit from a foreign special purpose trust prescribed in Article 68-3-2, paragraph (10) of the Act is received from a specified foreign subsidiary company, etc. prescribed in Article 66-6, paragraph (1) of the Act (limited to the one that falls under the category of foreign subsidiary company prescribed in Article 23-2, paragraph (1) of the Corporation Tax Act) or a specified foreign corporation prescribed in Article 66-9-2, paragraph (1) of the Act (limited to the one that falls under the category of foreign subsidiary company prescribed in Article 23-2, paragraph (1) of the Corporation Tax Act), in Article 68-3-2, paragraph (10) of the Act, the

phrase "referred to in the following paragraph" is deemed to be replaced with "hereinafter referred to in this paragraph and the following paragraph", and the phrase "as "amount of the distribution of profit from a foreign special purpose trust") is deemed to be excluded prescribed in Article 23-2, paragraph (1) of the Corporation Tax Act" is deemed to be replaced with "as "amount of the distribution of profit from a foreign special purpose trust") (excluding the amount of the distribution of profit from a foreign special purpose trust to be received from a specified foreign subsidiary company, etc. prescribed in Article 66-6, paragraph (1) (limited to the one that falls under the category of foreign subsidiary company prescribed in Article 23-2, paragraph (1) of the Corporation Tax Act) or a specified foreign corporation prescribed in Article 66-9-2, paragraph (1) (limited to the one that falls under the category of foreign subsidiary company prescribed in Article 23-2, paragraph (1) of the same Act) (limited to the amount up to the specified taxable income prescribed in Article 66-8, paragraph (3) or the amount up to the specified taxable income prescribed in Article 66-9-4, paragraph (3))) is deemed to be excluded prescribed in Article 23-2, paragraph (1) of the same Act".

(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 (1)

7 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第七十三条第二項及び第七十七条の二第二項の規定の適用については、これらの規定中「規定を適用しないで」とあるのは、「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）の規定を適用しないで」とする。

(7) With regard to the application of the provisions of Article 73, paragraph (2) and Article 77-2, paragraph (2) of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 68-3-3, paragraph (1) of the Act apply, the term "without applying the following provisions" in these provisions is deemed to be replaced with "without applying the following provisions and the provisions of Article 68-3-3, paragraph (1) (Special Provisions for Taxation on Trust Corporations of Special Investment Trusts) of the Act on Special Measures Concerning Taxation".

8 第一項から前項までの規定は、法第六十八条の三の三第九項において準用する同条第一項から第三項まで、第七項及び第八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。

(8) The provisions of paragraph (1) to the preceding paragraph apply mutatis mutandis when applying the provisions of Article 68-3-3, paragraphs (1) to (3),

paragraph (7) and paragraph (8) of the Act which apply mutatis mutandis pursuant to paragraph (9) of the same Article. In this case, the terms listed in the middle column of the following table which are used in the provisions listed in the left-hand column of the same table is deemed to be replaced with the terms listed in the right-hand column of the same table.

<p>第一項 Paragraph (1)</p>	<p>(法第六十八条の三の三第一項 trust corporation prescribed in Article 68-3-3, paragraph (1) of the Act</p>	<p>(法第六十八条の三の三第九項 trust corporation prescribed in Article 68-3-3, paragraph (9) of the Act</p>
<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 same paragraph and Article 57, paragraph (1), Article 58, paragraph (1) and Article 59, paragraph (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, paragraph (1), Article 58, paragraph (1) and Article 59, paragraph (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 same Act, in accordance with these provisions, pursuant to the provisions of Article 68-3-2, paragraph (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>前項 The preceding paragraph</p>	<p>における法人税法施行令第七十三條第二項及び第七十七條の二第二項 With regard to the application of the provisions of Article 73, paragraph (2) and Article 77-2, paragraph (2) of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 68-3-2, paragraph (1) applies</p>	<p>には、法人税法第四百十二條の規定により同法第四百十一條に規定する国内源泉所得に係る所得につき法人税法施行令第七十三條第二項及び第七十七條の二第二項の規定に準じて計算する場合におけるこれら In the case where the provisions of Article 68-3-2, paragraph (1) applies and where calculation is to be made, in accordance with the provisions of Article 73, paragraph (2) and Article 77-2, paragraph (2) of the Order for Enforcement of the Corporation Tax Act, with regard to income categorized as domestic source income prescribed in Article 141 of the Corporation Tax Act under Article 142 of the same Act, with regard to the application of these provisions</p>
	<p>第六十八條の三の三第一項（特定投資信託に係る受託法人の課税の特例） Article 68-3-3, paragraph (1) (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts)</p>	<p>第六十八條の三の三第九項（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條第一項 paragraph (1) of the same Article which is applied mutatis mutandis pursuant to Article 68-3-3, paragraph (9) (Special Provisions for Taxation on Trust Corporations for Special Investment Trusts)</p>

9 法第六十八條の三の三第四項の規定により控除する同項に規定する外国法人税の額（以下この条において「控除外国法人税の額」という。）は、次の各号に掲げる者ごとに、当該各号に定める金額からこれらの者が支払を受ける控除外国法人税の額に係る特定投資信託の収益の分配の額（法第六十八條の三の三第一項に規定する収益の分配の額をいう。以下この条において同じ。）を控除した金額を合計した金額（当該金額が特定投資信託に係る受託法人が納付した法第六十八條の三の三第四項に規定する外国法人税の額を超える場合には、当該外国法人税の額）とする。

(9) The amount of foreign corporation tax prescribed in Article 68-3-3, paragraph

(4) of the Act that is to be credited under the same paragraph (hereinafter referred to as the "Amount of Creditable Foreign Corporation Tax" in this Article) is the sum of the amounts that remain after deducting, from the amount specified respectively in the following items for persons listed in the relevant items, the amount of a distribution of proceeds (meaning the amount of a distribution of proceeds prescribed in Article 68-3-3, paragraph (1) of the Act; hereinafter the same applies in this Article) of special investment trusts pertaining to the Amount of Creditable Foreign Corporation Tax that these persons are to receive (where the sum of the amounts exceeds the amount of foreign corporation tax prescribed in Article 68-3-3, paragraph (4) of the Act that a trust corporation for special investment trusts has paid, the amount of the paid foreign corporation tax):

一 法第二条第一項第一号の二に規定する居住者 当該居住者が支払を受ける当該収益の分配の額を一から所得税法第百八十二条第二号に規定する税率を控除して得た率で除して計算した金額

(i) a resident prescribed in Article 2, paragraph (1), item (i)-2 of the Act: The amount obtained by dividing the amount of the distribution of proceeds that the resident is to receive by the rate that remains after deducting the tax rate prescribed in Article 182, item (ii) of the Income Tax Act from one;

二 内国法人 当該内国法人が支払を受ける当該収益の分配の額を一から所得税法第百二十三条第二項第二号に規定する税率を控除して得た率で除して計算した金額

(ii) a domestic corporation: The amount obtained by dividing the amount of the distribution of proceeds that the domestic corporation is to receive by the rate that remains after deducting the tax rate prescribed in Article 213, paragraph (2), item (ii) of the Income Tax Act from one;

三 法第二条第一項第一号の二に規定する非居住者又は外国法人 当該非居住者又は外国法人が支払を受ける当該収益の分配の額を一から所得税法第百二十三条第一項第一号に規定する税率を控除して得た率で除して計算した金額

(iii) a nonresident prescribed in Article 2, paragraph (1), item (i)-2 of the Act or a foreign corporation: The amount obtained by dividing the amount of the distribution of proceeds that the nonresident or foreign corporation is to receive by the rate that remains after deducting the tax rate prescribed in Article 213, paragraph (1), item (i) of the Income Tax Act from one.

10 控除外国法人税の額は、特定投資信託に係る受託法人が収益の分配の額（当該控除外国法人税の額を納付することとなる事業年度に係るものに限る。）につき所得税法第百八十一条又は第百十二条の規定により所得税を徴収する際、その徴収して納付すべき所得税の額から控除するものとする。

(10) When a trust corporation for special investment trusts collects income tax on the amount of a distribution of proceeds (limited to the amount pertaining to the business year for which it is to pay the Amount of Creditable Foreign Corporation Tax) pursuant to the provisions of Article 181 or Article 212 of the

Income Tax Act, the Amount of Creditable Foreign Corporation Tax is to be credited against the amount of income tax that it is to collect and pay.

1 1 個人又は法人が支払を受ける特定投資信託の収益の分配の額につき法第六十八条の三の三第四項の規定の適用があつた場合には、当該収益の分配の額に係る控除外国法人税の額をこれらの者が支払を受ける当該収益の分配の額に加算するものとする。

(11) Where the provisions of Article 68-3-3, paragraph (4) of the Act has applied to the amount of a distribution of proceeds of special investment trusts that an individual or a corporation is to receive, the Amount of Creditable Foreign Corporation Tax pertaining to the amount of distribution of proceeds is to be added to the amount of distribution of proceeds that these persons are to receive.

1 2 法第六十八条の三の三第四項の規定の適用を受けた特定投資信託に係る受託法人は、財務省令で定めるところにより、同項に規定する外国法人税の額を課されたことを証する書類その他財務省令で定める書類を保存しなければならない。

(12) A trust corporation for special investment trusts, which was subject to the provisions of Article 68-3-3, paragraph (4) of the Act, must preserve a document certifying that the amount of foreign corporation tax prescribed in the same paragraph has been imposed and other documents specified by Ministry of Finance Order, as specified by Ministry of Finance Order.

1 3 法第六十八条の三の三第十項に規定する外国特定投資信託の収益分配の額が法第六十六条の六第一項に規定する特定外国子会社等（法人税法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）又は法第六十六条の九の二第一項に規定する特定外国法人（法人税法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）から受けるものである場合における法第六十八条の三の三第十項の規定の適用については、同項中「次項」とあるのは「以下この項及び次項」と、「」は、法人税法」とあるのは「」（第六十六条の六第一項に規定する特定外国子会社等（法人税法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）又は第六十六条の九の二第一項に規定する特定外国法人（同法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）から受ける外国特定投資信託の収益分配の額（第六十六条の八第三項に規定する特定課税対象金額に達するまでの金額又は第六十六条の九の四第三項に規定する特定課税対象金額に達するまでの金額に限る。）を除く。）は、同法」とする。

(13) With regard to the application of the provisions of Article 68-3-3, paragraph (10) of the Act in the case where the amount of the distribution of profit from a foreign special investment trust prescribed in Article 68-3-3, paragraph (10) of the Act is received from a specified foreign subsidiary company, etc. prescribed in Article 66-6, paragraph (1) of the Act (limited to the one that falls under the category of foreign subsidiary company prescribed in Article 23-2, paragraph (1) of the Corporation Tax Act) or a specified foreign corporation prescribed in Article 66-9-2, paragraph (1) of the Act (limited to the one that falls under the category of foreign subsidiary company prescribed in Article 23-2, paragraph

(1) of the Corporation Tax Act), in Article 68-3-3, paragraph (10) of the Act, the phrase "referred to in the following paragraph" is deemed to be replaced with "hereinafter referred to in this paragraph and the following paragraph", and the phrase "as "amount of the distribution of profit from a foreign special investment trust") is deemed to be excluded prescribed in Article 23-2, paragraph (1) of the Corporation Tax Act" is deemed to be replaced with "as "amount of the distribution of profit from a foreign special investment trust") (excluding the amount of the distribution of profit from a foreign special investment trust to be received from a specified foreign subsidiary company, etc. prescribed in Article 66-6, paragraph (1) (limited to the one that falls under the category of foreign subsidiary company prescribed in Article 23-2, paragraph (1) of the Corporation Tax Act) or a specified foreign corporation prescribed in Article 66-9-2, paragraph (1) (limited to the one that falls under the category of foreign subsidiary company prescribed in Article 23-2, paragraph (1) of the same Act) (limited to the amount up to the specified taxable income prescribed in Article 66-8, paragraph (3) or the amount up to the specified taxable income prescribed in Article 66-9-4, paragraph (3))) is deemed to be excluded prescribed in Article 23-2, paragraph (1) of the same Act".

第二十五節 連結法人の国外関連者との取引に係る課税の特例等
Section 25 Special Provisions for Taxation on Transactions of
Consolidated Corporations with Foreign Affiliated Persons

(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 Cabinet Order prescribed in Article 68-88, paragraph (1) of the Act is 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 those 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 person is an individual, the individual and an individual who has a special relationship specified by Cabinet Order prescribed in Article 2, item (x) of the Corporation Tax Act with the individual; the same applies in item (v)), the relationship between those 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 following 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 of the relevant other corporation or any officers who have authority to represent the relevant other corporation are persons who concurrently serve as officers or employees of the relevant one of the two corporations or who used to serve as officers or employees of the relevant 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つていること。

(b) the fact that the relevant other corporation depends on transactions with the relevant 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な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 relevant other corporation procures a considerable part of the funds necessary for its business activities by receiving loans from the relevant one of the two corporations or by obtaining guarantees from the relevant 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 single corporation or the whole or a part of its business policies can be substantially determined by the 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 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 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 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 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 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 those two corporations directly or indirectly holds 50 percent or more of the number or the amount of the other corporation's Issued Shares, etc. is to be determined according to the ratio obtained by adding the ownership ratio for the shares, etc. pertaining to the relevant other corporation held directly by the relevant one of the two corporations (meaning the ratio of the number or the amount of the relevant other corporation's shares or capital contributions held by the relevant one of the two corporations out of the total Issued Shares, etc. of the relevant other corporation) and the ownership ratio for the shares, etc. pertaining to the relevant other corporation held indirectly by the relevant 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 is 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, item (xiv) of the Corporation Tax Act; the same applies in the following item) of the other corporation set forth in the preceding paragraph are held by the relevant 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 relevant other corporation held by the corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the relevant other corporation (where there are two or more of those 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 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 same item) and the relevant one of the two corporations set forth in the preceding paragraph, and have a linkage with them through holding the Issued Shares, etc. (hereinafter that intervening corporation is referred to as a "Capital

Contribution-Related Corporation" 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 and the corporation which is a shareholder, etc. are held by the relevant one of the two corporations or a Capital Contribution-Related Corporation (the relevant one of the two corporations or Capital Contribution-Related Foreign Corporation is limited to those, 50 percent or more of the number or the amount of whose Issued Shares, etc. are held by the relevant one of the two corporations or other Capital Contribution-Related Corporations)): The ratio of the number or the amount of shares or capital contributions of the relevant other corporation held by the corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the relevant other corporation (where there are two or more of those 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) 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 Cabinet Order prescribed in Article 68-88, paragraph (2), item (i), (b) of the Act is 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 same 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 same paragraph) (hereinafter the person who is not in the special relationship is referred to as a "Non-Affiliated Person" through to paragraph (7) and the person who purchased the inventory assets is referred to as a "Reseller" in this paragraph and paragraph (7), item (ii))

through a transaction to sell the same or similar inventory assets to a Non-Affiliated Person (hereinafter referred to as a "Comparable Transaction" in this paragraph) (the amount of gross profits means the amount obtained by deducting the sum of the costs of the inventory assets for a Comparable Transaction from the total revenue arising from the sale of the inventory assets for a Comparable Transaction) against the sum of the revenue; provided, however, that where functions performed by the selling side or any other particulars differ between a Comparable Transaction and a transaction in which the purchasing side of the inventory assets for a Foreign Affiliated Transaction sold the inventory assets to a Non-Affiliated Person, the normal profit margin is the ratio after making the necessary adjustment for the differences in ratios caused by the 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 Cabinet Order prescribed in Article 68-88, paragraph (2), item (i), (c) of the Act is 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 that person is referred to as a "seller" in this paragraph and item (iii) of the following paragraph) through a transaction to sell the same or similar inventory assets to a Non-Affiliated Person (hereinafter referred to as a "Comparable Transaction" in this paragraph) (the amount of gross profits means the amount obtained by deducting the sum of the costs of the inventory assets for a Comparable Transaction from the total revenue arising from the sale of the inventory assets for a Comparable Transaction) against the sum of the costs; provided, however, that where functions performed by the selling side or any other particulars differ between a Comparable Transaction and the Foreign Affiliated Transaction, the normal profit margin is the ratio after making a necessary adjustment for the differences in ratios caused by the 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 Cabinet Order prescribed in Article 68-88, paragraph (2), item (i), (d) of the Act is 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 Foreign Affiliated Transaction by a consolidated corporation set forth in Article 68-88, paragraph (1) of the Act or a foreign affiliated person prescribed in the same paragraph who is related to the consolidated corporation, is to be attributed to the 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 the persons have spent or used for conducting the acts or any other levels of the persons' contribution to the 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つ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 amount that remains after deducting, from the amount of consideration gained by the purchasing side of inventory assets for a Foreign Affiliated Transaction for having sold the inventory assets to a non-affiliated person (hereinafter that amount of consideration is referred to as the "resale price" in this item), the amount obtained by multiplying the 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 particulars differ between a transaction in which a Reseller has sold the same or similar inventory assets as the inventory assets to a non-affiliated person (hereinafter referred to as a "Comparable Transaction" in this item) and a transaction in which the purchasing side of the 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 the disparity) and then adding the selling expenses and general administrative expenses needed for the sale of the 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 inventory assets for a Comparable 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 inventory assets for a Comparable 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つ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 particulars differ between a transaction in which a seller sold the same or similar inventory assets as the inventory assets to a non-affiliated person (hereinafter referred to as a "Comparable Transaction" in this item) and the Foreign Affiliated Transaction, by the ratio after making a necessary adjustment for the differences in ratios caused by the 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 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 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 inventory assets for a Comparable 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 inventory assets for a Comparable 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っ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っ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 Cabinet Order prescribed in Article 68-88, paragraph (5) of the Act is the case where it has been determined in advance at the time of a transaction between a consolidated corporation set forth in the same paragraph and a non-affiliated person set forth in the same paragraph (hereinafter referred to as a "Non-Affiliated Person" in this paragraph and the following paragraph), under a contract or the like, that the assets for the transaction are to be sold, transferred, lent or provided to a foreign affiliated person related to the consolidated corporation set forth in paragraph (5) of the same Article and where the amount of consideration for the sale, transfer, lending or provision is deemed to have been substantially determined between the consolidated corporation and the 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 consolidated corporation set forth in the same paragraph and a Non-Affiliated Person, under a contract or the like, that the assets for the transaction are to be sold, transferred, lent or provided to a consolidated corporation set forth in the same paragraph and where the amount of consideration for the sale, transfer, lending or provision is deemed to have been substantially determined between the consolidated corporation and the 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, paragraph (2) of the Act, the arm's length price prescribed in paragraph (1) of the same Article for a transaction that was deemed to be a Foreign Affiliated Transaction under the provisions of paragraph (5) of the same Article is the amount calculated by applying the provisions of paragraph (2) of the same Article by deeming that the transaction has been conducted between a consolidated corporation set forth in the preceding paragraph and a foreign affiliated person related to the consolidated corporation set forth in the same paragraph and by making a necessary adjustment with regard to the differences in the amount of consideration caused when a transaction between the consolidated corporation and the 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, paragraph (6), item (i) of the Act or any other ratio specified by Cabinet Order as a ratio equivalent thereto is 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 same item through the business for a business year containing the day on which a Foreign Affiliated Transaction set forth in the same item was conducted or for any other period equivalent thereto (that amount of gross profits means 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 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 inventory assets (where the business is other than that pertaining to the sale of inventory assets, the total revenue

pertaining to the business; hereinafter referred to as the "Amount of Gross Revenue" in this paragraph)) against the Amount of Gross Revenue or Gross Costs.

1 1 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 Cabinet Order as the method similar to the method specified by Cabinet Order prescribed in Article 68-88, paragraph (2), item (i), (d) of the Act or the method listed in paragraph (2), item (ii), (b) of the same Article (limited to the method equal to that specified by the same Cabinet Order) as prescribed in paragraph (6), item (ii) of the same Article is the method listed in items (i) to (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, paragraph (6) of the Act for the business year containing the date on which the 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 consolidated corporation and a foreign affiliated person (meaning a foreign affiliated person prescribed in paragraph (1) of the same Article) pertaining to the Foreign Affiliated Transaction conducted by the consolidated

corporation (where the income arising from the business is not recorded separately from the income arising from other businesses in the financial statements, the income arising from businesses including the business; hereinafter the same applies in this item), or for any other period equivalent thereto, is to be attributed to the persons, in accordance with the factors sufficient to estimate the amount of expenses or the value of fixed assets that the persons have spent or used for conducting the Foreign Affiliated Transaction (where the amount of expenses or the value of fixed assets spent or used for the business is not recorded separately from the amount of expenses or the value of fixed assets spent or used for other businesses in the financial statements, the amount of expenses or the value of fixed assets spent or used for businesses including the business) or any other levels of the persons' contribution to the 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 inventory assets to a non-affiliated person (meaning a person who is not in a special relationship therewith as prescribed in Article 68-88, paragraph (1) of the Act) (hereinafter that amount of consideration is referred to as the "resale price" in this item) after deducting the amount obtained by multiplying the 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 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 Foreign Affiliated Transaction and whose size and other details are similar (hereinafter referred to as a "Comparable Business" in this item) through the sale of inventory assets for the Comparable Business for a business year containing the day on which the Foreign Affiliated Transaction was

conducted or for any other period equivalent thereto (hereinafter referred to as a "Comparable 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 inventory assets for a Comparable Business for the Comparable 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つ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 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 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 Foreign Affiliated Transaction and whose size and other details are similar (hereinafter referred to as a "Comparable Business" in this item) through the sale of inventory assets for the Comparable Business for a business year containing the day on which the Foreign Affiliated Transaction was conducted or for any other period equivalent thereto (hereinafter referred to as a "Comparable 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 inventory assets for the Comparable Business for the Comparable 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 Cabinet Order prescribed in Article 68-88, paragraph (19) of the Act are 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, paragraph (19) of the Act which pertains to a Foreign Affiliated Transaction prescribed in the same paragraph, the Minister of Finance has reached an agreement, under a tax convention prescribed in the same paragraph, with the competent authority of a contracting state other than Japan of the 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, paragraph (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 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 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, paragraph (19) of the Act is 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 same Article do not apply from the corporation tax payable where the provisions of the same 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, paragraph (1), paragraph (2), item (i), (a) or (b), or paragraph (5) of the Act or the provisions of paragraph (5) apply, the existence or not of any special relationship prescribed in these provisions is to be determined according to its status at the time when respective transactions were conducted.

1 5 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一百五十五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, paragraph (3) of the Act apply, the term "Article 81-6, paragraph (1) or paragraph (2) (Calculation of the Amount of Contributions Expended by Consolidated Corporations to Be Excluded from Deductible Expenses) of the Act" in the same Article is deemed to be replaced with "Article 81-6, paragraph (1) or paragraph (2) (Calculation of the Amount of Contributions Expended by Consolidated Corporations to Be Excluded from Deductible Expenses) of the Act or Article 68-88, paragraph (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, paragraph (2) of the Act" in item (ii) of the same Article is deemed to be replaced with "Article 81-6, paragraph (2) of the Act or Article 68-88, paragraph (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 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 Cabinet Order as the

amount of corporation tax and additional tax for the corporation tax prescribed in Article 68-88-2, paragraph (1) of the Act is 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, paragraph (1) of the Act (meaning the reassessment or determination listed in Article 68-88, paragraph (16), item (i) of the Act; hereinafter the same applies in this item and paragraph (3), item (ii)) does not cover the part pertaining to the corporation tax prescribed in Article 68-88-2, paragraph (1) of the Act (referred to as the "amount of corporation tax not under grace" in the following item) from the amount of corporation tax payable based on the reassessment or determination (referred to as the "amount of corporation tax based on the reassessment or determination" in the following 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 applies 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, paragraph (1) of the Act or any other case specified by Cabinet Order is the case listed respectively in the following items and the date specified by Cabinet Order prescribed in the same paragraph is the date on which the Commissioner of the National Tax Agency notified the fact that the case falls under any of those set forth 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, paragraph (1) of the Act (referred to as an "agreement" in the following item and item (iii)) cannot be reached even if the consultation prescribed in the same 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, paragraph (5) of the Act), when they have made a request for the termination of the Mutual Consultation to the competent authority of the other contracting state pertaining to the Mutual Consultation (meaning a contracting state other than Japan of a tax convention prescribed in Article 1-3, paragraph (1), item (ii); the same applies in the following item) and has obtained consent from the 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 Mutual Consultation were continued, when the Commissioner of the National Tax Agency has received a request for the termination of the Mutual Consultation from the competent authority and has given their 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, paragraph (1) of the Act, when the agreement is not to change the 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, paragraph (1) of the Act must submit a written application containing the particulars listed as follows along with a document certifying that they have filed an objection set forth in the same paragraph and other documents specified by Ministry of Finance Order to the district director, etc. prescribed in Article 46, paragraph (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 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 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 their head office or principal office) and any other particulars for reference concerning the security (where there is any special circumstance whereby the corporation cannot provide security, the 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, paragraph (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, paragraph (1) of the Act, the term "or national tax" in Article 23, paragraph (1) of the same Order is deemed to be replaced with "(including a grace of tax payment under the provisions of Article 68-88-2, paragraph (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
Payable by Consolidated Corporations to Foreign Controlling
Shareholders

(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 Payable by
Consolidated Corporations to Foreign Controlling Shareholders)

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 Cabinet Order as the amount equivalent to the excess part prescribed in Article 68-89, paragraph (1) of the Act is 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 amount that remains 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 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, paragraph (4), item (i) of the Act; hereinafter the same applies in this Article) and a fund provider, etc. (meaning a fund provider, etc. prescribed in item (ii) of the same paragraph; hereinafter the same applies in this Article) related to the consolidated corporation (that expense is 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, paragraph (4), item (ix) of the Act; the same applies in (b)) of the person who is to receive payment of the interest; that amount of expenses is referred to as the "amount of guarantee charge, etc. for the taxable income" in the following item) and then multiplying the amount of expenses by the ratio obtained by dividing the amount that remains after deducting the amount listed in (c) from the amount listed in (a) (the remaining amount is referred to as the "amount exceeding the average balance of liabilities" in the following item and the following 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, paragraph (4), item (v) of the Act; hereinafter the same applies in this Article) regarding the liabilities owed, for the relevant consolidated business year of the consolidated corporation, to the 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 same paragraph; hereinafter the same applies 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 Cabinet Order prescribed in Article 68-89, paragraph (4), item (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 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 consolidated corporation (meaning the equity interest held by a foreign controlling shareholder, etc. prescribed in Article 68-89, paragraph (4), item (vi) of the Act; the same applies in paragraph (4) and paragraph (7)) by three (where the consolidated corporation receives the application of the

provisions of paragraph (3) of the same Article, by the multiple number prescribed in the same 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 amount that remains 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, paragraph (4), item (iii) of the Act; hereinafter the same applies in this Article) that the consolidated corporation pays for the relevant consolidated business year to the foreign controlling shareholder, etc. and fund provider, etc. and then multiplying the amount that remains after deduction by the ratio obtained by dividing the amount that remains after deducting the amount listed in (b) of the preceding item from the amount exceeding the average balance of liabilities by the amount that remains after deducting the amount listed in (b) of the same item from the amount listed in (a) of the same 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口に掲げる金額」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 amount that remains after deducting the amount obtained by multiplying the amount of equity capital (meaning the amount of equity capital prescribed in Article 68-89, paragraph (4), item (vii) of the Act; hereinafter the same applies in this Article) for the relevant consolidated business year of the consolidated corporation by three from the average balance of liabilities regarding the total liabilities prescribed in Article 68-89, paragraph (1) of the Act for the relevant consolidated business year of the consolidated corporation is less than the amount exceeding the average balance of liabilities for the relevant consolidated business year of the consolidated corporation, in item (i) of the preceding paragraph, the term "the amount that remains after deducting the amount listed in (b) from the amount listed in (a) is equivalent to or less than the amount listed in (c)" is deemed to be replaced with "the amount that remains after deducting the amount obtained by multiplying the amount of equity capital prescribed in Article 68-89, paragraph (4), item (vii) of the Act for the relevant consolidated business year of the consolidated corporation by three from the average balance of liabilities regarding the total liabilities prescribed in Article 68-89, paragraph (1) of the Act for the relevant consolidated business year of the consolidated corporation (hereinafter the remaining amount is 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, paragraph (4), item (i) of the Act" is deemed to be replaced with "paragraph (4), item (i) of the same Article"; and the term "amount that remains after deducting the amount listed in (c) from the amount listed in (a) (the remaining amount is referred to as the "amount exceeding the average balance of liabilities" in the following item and the following paragraph)" is deemed to be replaced with "the amount exceeding the average balance of the total liabilities"; and in item (ii) of the same paragraph, the term "the amount that remains after deducting the amount listed in (b) from the amount listed in (a) of the preceding item exceeds the amount listed in (c)" is 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" is 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, paragraph (1) of the Act apply, the amount of interest on liabilities, etc. to be paid by a consolidated corporation prescribed in the same paragraph to the foreign controlling shareholder, etc. and fund provider, etc. for the relevant consolidated business year is to be based on the amount posted by the 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, paragraph (1) of the Act where there are two or more foreign controlling shareholders, etc. related to the 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. are to 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 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, paragraph (2) of the Act is the average balance of liabilities regarding the liabilities owed to a foreign controlling shareholder, etc. and a fund provider, etc. related to the 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, paragraph (4), item (viii) of the Act; the same applies in the following paragraph and paragraph (8)) (where the 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 means the amount calculated by a reasonable method as the average balance of the assets' book value for the relevant consolidated business year; the same applies in the following paragraph), that calculated average balance of liabilities is the average balance of assets; that average balance of assets is 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 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, paragraph (2) of the Act is 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 applies in paragraph (10)) which pertain to a specified bond transaction with a repurchase/resale agreement, etc. (where the average balance of liabilities exceeds the average balance of assets regarding assets pertaining to a specified bond transaction with a repurchase/resale agreement, etc., that calculated average balance of liabilities is the 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 Cabinet Order

prescribed in Article 68-89, paragraph (2) of the Act is 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 Cabinet Order prescribed in the same 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 same paragraph and then dividing the calculated average balance of liabilities by the equity interest held by the foreign controlling shareholder, etc. related to the consolidated corporation; and the multiple number applicable to the amount of equity capital which is calculated as specified by Cabinet Order prescribed in the same paragraph is 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 Cabinet Order prescribed in the same paragraph from the average balance of liabilities regarding the total liabilities for the relevant consolidated business year prescribed in the same paragraph and then dividing the calculated average balance of liabilities by the amount of equity capital of the 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 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, paragraph (2) of the Act is 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 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 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 paragraphs (1) to (4) in the case where the provisions of Article 68-89, paragraph (2) of the Act is applied, the term "and then multiplying the amount of expenses by the ratio" in paragraph (1), item (i) is deemed to be replaced with ", then deducting the amount obtained by multiplying the part of the 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, paragraph (4), item (viii) of the Act; hereinafter the same applies 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 applies in this item) regarding the liabilities for the amount by the average balance of liabilities regarding the liabilities for the amount which pertains to a specified bond transaction with a repurchase/resale agreement, etc., and then multiplying the amount that remains after deduction by the ratio"; the term "The average balance of liabilities (meaning the average balance of liabilities prescribed in item (v) of the same paragraph; hereinafter the same applies in this Article)" in (a) of paragraph (1), item (i) is deemed to be replaced with "The amount that remains 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 same item is deemed to be replaced with "The amount that remains after deducting the average balance of liabilities after adjustment regarding the liabilities from the average balance of liabilities"; the term "three" in (c) of the same item is 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), item (ii) is 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 same Article and the amount of guarantee charge, etc. for the taxable income"; the term "where the amount that remains after deducting the amount" in paragraph (2) is deemed to be replaced with "where the amount that remains 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 same paragraph is 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 Cabinet Order prescribed in Article 68-89, paragraph (3) of the Act is the percentage of the amount of the total liabilities of a domestic corporation whose business size set forth in paragraph (3) of the same Article and other details are similar to those of a consolidated corporation which seeks the application of the provisions of the same paragraph (hereinafter referred to as an "Applicable Corporation" in this paragraph) on the final day of any of the 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 Applicable Corporation receives the application of the provisions of paragraph (2) of the same Article, the percentage of the remaining amount of the total liabilities after deducting the amount specified by Ministry of Finance Order) 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 are to be rounded up.

11 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 Cabinet Order prescribed in Article 68-89, paragraph (4), item (i) of the Act is 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 consolidated corporation (excluding its own shares or capital contributions held by the 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 consolidated corporation and a foreign corporation are respectively held directly or indirectly by the same person (where the person is an individual, including an individual who has a special relationship prescribed in Article 4, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with the individual), the relationship between the consolidated corporation and the foreign corporation (excluding any relationship falling under that listed in the preceding item);

三 当該連結法人と非居住者（法第二条第一項第一号の二に規定する非居住者をいう。）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 consolidated corporation and a nonresident (meaning a nonresident prescribed in Article 2, paragraph (1), item (i)-2 of the Act) or a foreign corporation (hereinafter that nonresident or foreign corporation is referred to as a "nonresident, etc." in this item) enables the nonresident, etc. to determine substantially the whole or a part of the 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 consolidated corporation depends on transactions with the 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 consolidated corporation procures a considerable part of the funds necessary for its business activities by receiving loans from the

nonresident, etc. or by obtaining guarantees from the nonresident, etc.;

ハ 当該連結法人の役員の一以上の役員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 of the consolidated corporation or any officers who have authority to represent the consolidated corporation are persons who concurrently serve as officers or employees of the foreign corporation or who used to serve as officers or employees of the foreign corporation.

1 2 第三十九条の百十二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 Article 39-112, paragraph (2) and paragraph (3) 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 consolidated corporation with funds and a person specified by Cabinet Order as being related to the provision of funds as prescribed in Article 68-89, paragraph (4), item (ii) of the Act is 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 consolidated corporation has provided the consolidated corporation with funds via a third party: the 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 consolidated corporation has offered guarantees for the consolidated corporation's liabilities to a third party and thereby the third party has provided the consolidated corporation with funds: that 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 consolidated corporation to the consolidated corporation (including bonds lent by a third party to the consolidated corporation based on guarantees for the consolidated corporation's liabilities offered by the 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, paragraph (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, paragraph (4), item (viii) of the Act) and thereby the relevant other third party has provided the consolidated corporation with funds: that third party and the relevant 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 Cabinet Order prescribed in Article 68-89, paragraph (4), item (iii) of the Act is 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 same item which a consolidated corporation set forth in the same item pays to a foreign controlling shareholder, etc. related to the 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 same item or guarantee charge for the liabilities set forth in the same item which a consolidated corporation set forth in the same item pays to a foreign controlling shareholder, etc. related to the consolidated corporation or the charge for bonds set forth in the same item which the consolidated corporation pays to a third party set forth in the same 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 Cabinet Order prescribed in Article 68-89, paragraph (4), item (iv) of the Act are 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 Cabinet Order as the average amount of liabilities prescribed in Article 68-89, paragraph (4), item (v) of the Act is 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 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, paragraph (4), item (vi) of the Act is the amount obtained by multiplying the amount of equity capital for the relevant consolidated business year of the consolidated corporation by the ratio of the Shares, etc. regarding the 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 consolidated corporation's Issued Shares, etc.

1 8 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 are the total number or the sum of the consolidated corporation's Shares, etc. held directly by a foreign controlling shareholder, etc. related to the consolidated corporation and the consolidated corporation's Shares, etc. held indirectly by the foreign controlling shareholder, etc. (meaning the Shares, etc. calculated by multiplying the 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, item (xiv) of the Corporation Tax Act; hereinafter the same applies in this item and paragraph (22)) of the consolidated corporation are held by a foreign controlling shareholder, etc. related to the consolidated corporation: The ratio obtained by multiplying the 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 applies in this paragraph and paragraph (22)) pertaining to the relevant other domestic corporation by the relevant other domestic corporation's ratio of shareholding pertaining to the 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 between the 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 consolidated corporation (hereinafter that intervening domestic corporation is referred to as a "capital contribution-related domestic corporation" in this paragraph) and the foreign controlling shareholder, etc., the relevant other domestic corporation, capital contribution-related domestic corporation and the consolidated corporation have a linkage through holding the Shares, etc.: The ratio obtained by multiplying the foreign controlling shareholder, etc.'s ratio of shareholding pertaining to the relevant other domestic corporation sequentially by the relevant other domestic corporation's ratio of shareholding pertaining to the capital contribution-related domestic corporation, by the capital contribution-related domestic corporation's ratio of shareholding pertaining to other capital contribution-related domestic corporations, and by the capital contribution-related domestic corporation's ratio of shareholding pertaining to the 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 consolidated corporation and a foreign controlling shareholder, etc. related to the consolidated corporation are in a relationship listed in paragraph (11), item (ii), when the same person prescribed in the same item is a resident or any other domestic corporation prescribed in Article 2, paragraph (1), item (i)-2 of the Act, the provisions of the preceding two paragraphs are to be applied by deeming the same person to be a foreign controlling shareholder, etc. related to the 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 Cabinet Order as the amount of net assets prescribed in Article 68-89, paragraph (4), item (vii) of the Act is the amount that remains after deducting the amount listed in item (ii) from the amount listed in item (i) (where the remaining amount is less than the amount of consolidated individual stated capital, etc. prescribed in Article 2, item (xvii)-2 of the Corporation Tax Act on the final day of the relevant consolidated business year of the consolidated corporation (where the amount of consolidated individual stated capital, etc. is less than the amount of stated capital or capital contributions, the 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)), that calculated amount is the 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 consolidated corporation (that book value means the amount that remains 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 expenses for accounting purposes);

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 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 is to be based on the amount of assets or liabilities that the 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 consolidated corporation or a capital contribution-related domestic corporation (meaning a single domestic corporation or two or more domestic corporations which have a linkage with the consolidated corporation and the relevant other domestic corporation through holding the Shares, etc.; the same applies in the following paragraph) intervenes between the consolidated corporation and a foreign controlling shareholder, etc. related to the 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 consolidated corporation by the ratio of shareholding pertaining to the consolidated corporation of the relevant other domestic corporation or capital contribution-related domestic corporation exceeds the amount of stated capital, etc. prescribed in Article 39-13, paragraph (22) of the relevant other domestic corporation or capital contribution-related domestic

corporation 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, item (xvi) of the Corporation Tax Act, when the amount exceeds the amount of consolidated individual stated capital, etc.), the amount of equity capital pertaining to the consolidated corporation is the amount that remains after deducting from the amount of equity capital, either of the smaller amount of the excess amount or the amount of the liabilities owed by the relevant other domestic corporation or capital contribution-related domestic corporation to a foreign controlling shareholder, etc. and a fund provider, etc. related to the consolidated corporation on the same day (referred to as the "deductible amount" in the following 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 set forth in the same paragraph to be the consolidated corporation set forth in the same paragraph and if there is any deductible amount pertaining to the capital contribution-related domestic corporation, the amount of stated capital, etc. set forth in the same paragraph of the capital contribution-related domestic corporation is the amount that remains after deducting the deductible amount from the amount of stated capital, etc.; and the amount of the liabilities owed by the capital contribution-related domestic corporation to a foreign controlling shareholder, etc. and a fund provider, etc. set forth in the same paragraph is the amount obtained by adding the amount of the liabilities owed to the foreign controlling shareholder, etc. and fund provider, etc. and the deductible 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。

の」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, paragraph (1) of the Act apply, the term "the sum of the amount of interest on liabilities prescribed in the same paragraph to be paid for the relevant business year" in Article 155-8, paragraph (1) of the same Order is deemed to be replaced with "the sum of the amount of interest on liabilities prescribed in the same paragraph to be paid for the relevant business year (where there is any amount that is not included in deductible expenses pursuant to the provisions of Article 68-89, paragraph (1) (Special Provisions for Taxation on Interest on Liabilities Payable by Consolidated Corporations to Foreign Controlling Shareholders) of the Act on Special Measures Concerning Taxation, the sum is the amount that remains after deducting the amount)"; the term "the sum of the amount of interest on liabilities that a domestic corporation set forth in the same paragraph pays for the business year set forth in the same paragraph" in paragraph (2) of the same Article is deemed to be replaced with "the sum of the amount of interest on liabilities that a domestic corporation set forth in the same paragraph pays for the business year set forth in the same paragraph (where there is any amount that is not included in deductible expenses pursuant to the provisions of Article 68-89, paragraph (1) (Special Provisions for Taxation on Interest on Liabilities Payable by Consolidated Corporations to Foreign Controlling Shareholders) of the Act on Special Measures Concerning Taxation, the sum is the amount that remains after deducting the amount)"; the term "the amount listed in item (i)" in paragraph (1) and paragraph (2) of the same Article is deemed to be replaced with "the amount listed in item (i) (where there is any amount that is not included in deductible expenses pursuant to the provisions of Article 68-89, paragraph (1) of the Act on Special Measures Concerning Taxation, that amount is the amount that remains after deducting the amount equivalent to the amount exceeding the average balance of liabilities prescribed in Article 39-113, paragraph (1), item (i) (Calculation of the Amount of Interest on Liabilities Payable by Consolidated Corporations to Foreign Controlling Shareholders 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 following the deemed replacement of terms pursuant to the provisions of paragraph (9) of the same Article) (in the case where the provisions of paragraph (1) of the same Article are applied following the deemed replacement of terms pursuant to the provisions of paragraph (2) of the same Article, after deducting the amount equivalent to the amount exceeding the average balance of the total liabilities prescribed in the same item which is applied following the deemed replacement of terms pursuant to

the provisions of paragraph (2) of the same 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 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 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 Cabinet Order prescribed in Article 68-90, paragraph (1) of the Act is 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。以下この条において同じ。）

(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, paragraph (2), item (i) of the Act; hereinafter the same applies in this Article);

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 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 is to 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 is 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, paragraph (1) of the Corporation Tax Act; hereinafter the same applies in this Section) of the state or territory where the 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 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 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 calculated amount of income and then deducting therefrom the amount listed in (f) pertaining to the 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 is not to 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掲げる金額（同法第二十四条第一項各号に掲げる事由による金銭その他の資産の交付により減少することとなる利益積立金額に相当する金額を含む。以下この号及び次条において「配当等の額」という。）

1. the amount listed in Article 23, paragraph (1), item (i) of the Corporation Tax Act to be received from a corporation located in the State of the Head Office (including the amount equivalent to the amount of profit reserve to be reduced by reason of the delivery of money or other assets on any of the grounds listed in the items of Article 24, paragraph (1) of the same Act; hereinafter referred to as the "Amount of a Dividend, etc." in this item and the following Article);

(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 is not to 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 applies in this Section) held by the affiliated foreign company out of the total number or total amount of the corporation's issued shares or capital contributions (excluding its own

shares held by the 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 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 pays 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 pays 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, paragraph (1) or Article 57-6, paragraph (1) of the Act (hereinafter referred to as the "Insurance Reserve" in this paragraph and paragraph (2) of the following Article) that the affiliated foreign company has saved and which is included in deductible expenses, which is not to be included in deductible expenses when the provisions of Article 57-5 or Article 57-6 of the Act are to 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 is to be saved when the provisions of Article 57-5 or Article 57-6 of the Act are to be applied) does not reach the amount to be included in gross profits when these provisions are to be applied, the amount of the 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 is 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 is 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 affiliated foreign company has paid the 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、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 affiliated foreign company pursuant to the provisions of a tax convention prescribed in Article 1-3, paragraph (1), item (ii);

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 may be the amount calculated based on the highest rates out of the 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 is to 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 revenue falls under the category of the amount listed in 1. or 2. of item (i), (a), revenue other than the revenue).

（連結法人に係る特定外国子会社等の適用対象金額の計算）

(Calculation of Eligible Income of Specified Foreign Subsidiary Companies 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及び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及び第四号に掲げる金額の合計額を控除した残額（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及び第四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 Cabinet Order prescribed in Article 68-90, paragraph (2), item (ii) of the Act is the amount that remains after deducting the sum of the amounts listed in item (iii) and item (iv) pertaining to the income of a specified foreign subsidiary company, etc. prescribed in paragraph (1) of the same Article (hereinafter referred to as a "Specified Foreign Subsidiary Company, etc." in this Article and paragraph (1) of the following Article) in its settlement of accounts for the relevant business year from the sum of the amounts listed in item (i) and item (ii) pertaining to the income (where the amount listed in item (i) pertaining to the income is a loss, the amount of undistributed income is the amount that remains after deducting the sum of the amount of loss and the sum of the amounts listed in item (iii) and item (iv) pertaining to the income from the amount listed in item (ii) pertaining to the 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九款まで（同法第二十三条、第二十三条の二、第二十六条第一項から第五項まで、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。）及び第十一款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 1, Section 1, Subsection 2 to Subsection 9 (excluding Article 23,

Article 23-2, Article 26, paragraphs (1) to (5), Articles 38 to 41, Article 55, paragraph (3), Article 57, Article 58, Article 59, and Articles 61-11 to 61-13 of the Corporation Tax Act), and Subsection 11 of the same 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, Articles 65-7 to 65-9 (limited to the part pertaining to item (xix) of the table in Article 65-7, paragraph (1) of the Act), Article 66-4, paragraph (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 Article 68-88, paragraph (1) or Article 66-4, paragraph (1) of the Act is applied to a transaction with a consolidated corporation listed in the items of Article 68-90, paragraph (1) of the Act (including other consolidated corporations which have the consolidated full controlling interest with the consolidated corporation) or a domestic corporation listed in the items of Article 66-6, paragraph (1) of the Act that is related to the 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。以下この条において同じ。）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 those states or territories including the State of the Head Office (including taxes listed in the items of Article 141, paragraph (2) of the Order for Enforcement of the Corporation Tax Act to be imposed in those states or territories or by local entities in those states or territories) and taxes equivalent to incidental taxes to be imposed incidentally as prescribed in Article 2, item (xlv) of the Corporation Tax Act (excluding interest tax) and other taxes similar to the tax equivalent to the incidental taxes; hereinafter the same applies in this Article);

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;

四 当該各事業年度において子会社（他の法人の発行済株式等のうちに当該特定外国子会社等が保有しているその株式等の数若しくは金額の占める割合又は当該他の法

人の発行済株式等のうちの議決権のある株式等の数若しくは金額のうちに当該特定外国子会社等が保有している当該株式等の数若しくは金額の占める割合のいずれかが百分の二十五以上であり、かつ、その状態が当該特定外国子会社等が当該他の法人から受ける配当等の額の支払義務が確定する日（当該配当等の額が法人税法第二十四条第一項に規定する事由に係る財務省令で定める配当等の額である場合には、同日の前日。以下この号において同じ。）以前六月以上（当該他の法人が当該確定する日以前六月以内に設立された法人である場合には、その設立の日から当該確定する日まで）継続している場合の当該他の法人（次に掲げる法人を除く。）をいう。）から受ける配当等の額

(iv) the Amount of a Dividend, etc. to be received in the relevant business year from a subsidiary company (meaning another corporation (excluding any of the corporations listed in the following) in the case where either the percentage of the number or the amount of shares, etc. held by the Specified Foreign Subsidiary Company, etc. in the Issued Shares, etc. of the relevant other corporation or the percentage of the number or the amount of voting shares, etc. held by the Specified Foreign Subsidiary Company, etc. in the Issued Shares, etc. of the relevant other corporation is not less than 25 percent, and the shares have been held for six months or more until the day on which the obligation to pay the Amount of a Dividend, etc. that the Specified Foreign Subsidiary Company, etc. receives from the relevant other corporation is determined (or the day preceding that day in the case where the Amount of a Dividend, etc. is the amount of dividend, etc. specified by Ministry of Finance Order pertaining to the grounds prescribed in Article 24, paragraph (1) of the Corporation Tax Act; hereinafter the same applies in this item) (in the case where the relevant other corporation is a corporation established within six months before the day on which the obligation is determined, during the period from the date of the establishment until the day on which the obligation is determined)):

イ 法第六十七条の十四第一項に規定する特定目的会社

(a) the special purpose company prescribed in Article 67-14, paragraph (1) of the Act;

ロ 法第六十七条の十五第二項に規定する投資法人

(b) the investment corporation prescribed in Article 67-15, paragraph (2) of the Act;

ハ 法第六十八条の三の二第一項に規定する特定目的信託に係る同項又は同条第九項に規定する受託法人

(c) the trust corporation prescribed in Article 68-3-2, paragraph (1) or paragraph (9) of the Act for a special purpose trust prescribed in paragraph (1) of the same Article;

ニ 法第六十八条の三の三第一項に規定する特定投資信託（同項第一号ロ及びハに掲げる要件を満たすものに限る。）に係る同項又は同条第九項に規定する受託法

人

(d) the trust corporation prescribed in Article 68-3-3, paragraph (1) or paragraph (9) of the Act for a special investment trust prescribed in paragraph (1) of the same Article (limited to those that satisfy the requirements listed in item (i), (b) and (c) of the same paragraph).

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十四号から第十七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十七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, paragraph (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 Specified Foreign Subsidiary Company, etc. (where there are two or more laws and regulations concerning the 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, paragraph (1) or Article 66-4, paragraph (1) of the Act is applied to a transaction between the Specified Foreign Subsidiary Company, etc. and the consolidated corporation (including other consolidated corporations which have the consolidated full controlling interest with the consolidated corporation) or domestic corporation listed in the items of Article 66-6, paragraph (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 Article 68-88, paragraph (1) or Article 66-4, paragraph (1) of the Act), and the sum of the amount listed in items (i) to (xiii) pertaining to the calculated amount of income and then deducting therefrom the amount listed in items (xiv) to (xvii) pertaining to the 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 amount is the amount that remains after deducting the sum of the amount of loss and the amount listed in items (xiv) to (xvii) pertaining to the calculated amount from the sum of the amounts listed in items (i) to (xiii) pertaining to the calculated amount) may be the amount calculated in accordance with the standards specified by Cabinet Order prescribed in Article 68-90, paragraph (2), item (ii) of the Act; provided, however, that this applies only when the relevant other consolidated corporations are not subject to the provisions of the preceding paragraph with regard to the calculated amount pertaining to the 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 is not to 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 その支払う配当等の額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, etc. that the Specified Foreign Subsidiary Company, etc. pays 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 are to 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) (that inclusive amount is limited to the amount calculated, with the acquisition costs of the 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 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 is not to be included in deductible expenses when the provisions of Article 33 of the Corporation Tax Act are to 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。次条第三項において同じ。）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, item (xv) of the Corporation Tax Act; the same applies in paragraph (3) of the following Article) of the Specified Foreign Subsidiary Company, etc. included in deductible expenses for the relevant business year, which is not to be included in deductible expenses when the provisions of Article 34 or Article 35 of the same Act are to 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 is not to be included in deductible expenses when the provisions of Article 36 of the Corporation Tax Act are to 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. makes (excluding a contribution to the State of the Head Office or local entities in the state which is equivalent to that prescribed in Article 37, paragraph (3), item (i) of the Corporation Tax Act) and which is included in deductible expenses for the relevant business year, which is not to be included in deductible expenses when the provisions of paragraph (1) of the same Article and Article 66-4, paragraph (3) of the Act are to 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. pays 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 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, Article 58 or Article 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 is not to be included in deductible expenses when the provisions of Article 57-5 or Article 57-6 of the Act are to 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 are to be applied) does not reach the amount to be included in gross profits when these provisions are to be applied, the amount of the 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, paragraph (1) of the Act that the Specified Foreign Subsidiary Company, etc. pays and which is included in deductible expenses for the relevant business year, which is not to be included in deductible expenses when the provisions of the same Article are to 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, paragraph (1) of the Act or the amount of a loss prescribed in Article 67-13, paragraph (1) of the Act incurred due to a partnership business prescribed in the same paragraph), which is not to be included in deductible expenses when the provisions of Article 67-12, paragraph (1) or Article 67-13, paragraph (1) of the Act are to 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 is to be included in deductible expenses when the provisions of Article 67-12, paragraph (2) or Article 67-13, paragraph (2) of the Act are to 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 is not to be included in gross profits when the provisions of Article 25 of the Corporation Tax Act are to be applied;

十七 前項第四号に掲げる金額

(xvii) the amount listed in item (iv) of the preceding paragraph.

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 applies 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, paragraph (1) of the Act, the amount calculated in accordance with the standards specified by Cabinet Order prescribed in Article 68-90, paragraph (2), item (ii) of the Act is the amount that remains after deducting the 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ものとし、第一項第四号に規定する子会社に該当するものを除く。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金額（以下この節において「個別課税対象金額」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金額（次号において「課税対象金額」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 Specified Foreign Subsidiary Company, etc. receives from any other Specified Foreign Subsidiary Company, etc. related to the consolidated corporation (including a Specified Foreign Subsidiary Company, etc. prescribed in Article 66-6, paragraph (1) of the Act, and excluding the one that falls under the category of subsidiary company prescribed in paragraph (1), item (iv); 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 specified foreign subsidiary company, etc. out of the total Amount of a Dividend payable by the relevant Other Specified Foreign Subsidiary Company, etc. in the business year containing the base date for paying the dividend, etc. (hereinafter referred to as the "Base Business Year" in this paragraph) and the Base Business Year is the business year during which the individually taxable income prescribed in Article 68-90, paragraph (1) of the Act (hereinafter referred to as the "Individually Taxable Income" in this Section) or taxable income prescribed in Article 66-6, paragraph (1) of the Act (referred to as the "taxable income" in the following item) arises: The amount of the 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、個別課税対象金額又は課税対象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 specified foreign subsidiary company, etc. receives from any Other Specified Foreign Subsidiary Company, etc. related to the 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 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 relevant Other Specified Foreign Subsidiary Company, etc. is appropriated to the Amount of a Dividend, etc. in reverse chronological order and the Amount of a Dividend, etc. has been categorized for the relevant business year in accordance with the 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 Income or taxable 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 set forth in the following items are as prescribed respectively in those items:

一 配当可能金額 特定外国子会社等の各事業年度の適用対象金額（法第六十八条の九十第二項第二号に規定する適用対象金額をいう。以下この号において同じ。）に当該適用対象金額に係るイからニまでに掲げる金額の合計額を加算した金額から当該適用対象金額に係るホ及びへに掲げる金額の合計額を控除した残額をいう。

(i) amount of dividend payable: the amount that remains after deducting the sum of the amounts listed in (e) and (f) pertaining to the eligible income (meaning the eligible income prescribed in Article 68-90, paragraph (2), item (ii) of the Act; hereinafter the same applies in this item) of a specified foreign subsidiary company, etc. for each business year, from the amount calculated by adding the eligible income to the sum of the amounts listed in (a) to (d) pertaining to the eligible income:

イ 第一項（第四号に係る部分に限る。）又は第二項（第十七号に係る部分に限る。）の規定により控除される第一項第四号に掲げる金額

(a) the amount listed in paragraph (1), item (iv) to be deducted pursuant to the provisions of paragraph (1) (limited to the part concerning item (iv)) or paragraph (2) (limited to the part concerning item (xvii));

ロ 前項の規定により控除される同項に規定する控除対象配当等の額

(b) the amount of deductible dividend, etc. prescribed in the preceding paragraph to be deducted pursuant to the provisions of the same paragraph;

ハ 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。ハにおいて同じ。）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おいて第一項又は第二項の規定による減額をされる所得の金額のうちに当該連結法人又は当該内国法人に支払われない金額があるときの当該金額

(c) in the case where the provisions of Article 68-88, paragraph (1) or Article 66-4, paragraph (1) of the Act are applied to a transaction with a consolidated corporation listed in the items of Article 68-90, paragraph (1) of the Act (including another consolidated corporation that has a consolidated full controlling interest with the consolidated corporation; the same applies in (c)) or a domestic corporation listed in the items of Article 66-6, paragraph (1), which pertains to the specified foreign subsidiary company, etc., and the amount to be reduced pursuant to the provisions of paragraph (1) or paragraph (2) contains any amount that is not paid to the consolidated corporation or the domestic corporation, the amount that is not paid;

ニ 法第六十八条の九十第三項の規定により読み替えられた同条第二項第二号の規定により控除される同号に規定する政令で定める費用の額の百分の十に相当する金額

(d) the amount that accounts for ten percent of the amount of expenses specified by Cabinet Order as prescribed in Article 68-90, paragraph (2), item (ii) to be deducted pursuant to the provisions of the same item whose terms are replaced pursuant to the provisions of paragraph (3) of the same Article;

ホ 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配当等の額を除く。）

(e) 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, etc.);

ヘ 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適用対象金額に含まれた金額

(f) the amount paid as the expenses for the relevant business year (excluding the amount of corporate income tax and the Amount of a Dividend, etc.) which was included in the amount of eligible income for the relevant business year because the 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 same 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二項において「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（次条第二項において「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 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 specified foreign subsidiary company, etc. (where the specified foreign subsidiary company, etc. holds the Issued Shares, etc. in which claims prescribed in Article 66-6, paragraph (1) of the Act (hereinafter referred to as the "Claims" in this item and paragraph (2) of the following 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 (2) of the following Article), the ratio of the Amount of a Dividend, etc. that the relevant Other Specified Foreign Subsidiary Company, etc. can receive based on the 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及び基準所得金額に係る税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号に規定する基準所得金額（第七項及び第八項において「基準所得金額」という。）から次に掲げる金額の合計額（同条第三項の規定の適用がある場合には、同項の規定により読み替えられた同号に規定する政令で定める費用の額の百分の十に相当する金額を加算した金額）を控除した残額とする。

(5) The amount obtained as a result of an adjustment for the amount of loss and base income prescribed in Article 68-90, paragraph (2), item (ii) of the Act is the amount that remains after deducting, from the base income amount prescribed in the same item for the relevant business year of a specified foreign subsidiary company, etc. (referred to as the "base income amount" in paragraph (7) and paragraph (8)), the sum of the amounts listed as follows (where the provisions of paragraph (3) of the same Article are applied, the amount obtained by adding the amount equivalent to ten percent of the amount of expenses specified by Cabinet Order prescribed in Article 68-90, paragraph

(2), item (ii) of the Act whose terms are replaced under the provisions of paragraph (3) of the same Article):

一 当該特定外国子会社等の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。）の合計額に相当する金額

(i) the amount equivalent to the sum of the loss incurred in the business years that started within seven years prior to the first day of the relevant business year of the specified foreign subsidiary company, etc. (excluding the business years during which the company did not fall under the category of specified foreign subsidiary companies, etc. (including specified foreign subsidiary companies, etc. prescribed in Article 40-4, paragraph (1) or Article 66-6, paragraph (1) of the Act)) (that loss excludes the amount deducted in the business years preceding the relevant business year pursuant to the provisions of this paragraph or Article 39-15, paragraph (5));

二 当該特定外国子会社等が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金額）

(ii) the amount of corporate income tax that the specified foreign subsidiary company, etc. is to pay in the relevant business year (where there is any amount of corporate income tax to be refunded in the relevant business year, the amount that remains after deducting the amount of corporate income tax to be refunded).

6 前項第一号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 item (i) of the preceding paragraph means 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（次項において「連結確定申告書」という。）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基準所得金額の計算上、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), item (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 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, Articles 65-7 to 65-9 (limited to the part pertaining to item (xix) of the table in Article 65-7, paragraph (1) of the Act), Article 67-12, paragraph (2) and Article 67-13, paragraph (2) of the Act, whose provisions are to be applicable under the provisions of the same item, the amount is to be included in deductible expenses for calculating the base income amount for the relevant business year, only when detailed statements concerning the inclusion of the amount in deductible expenses are attached to a consolidated final return form set forth in Article 68-90, paragraph (5) of the Act (hereinafter referred to as a "Consolidated Final Return Form" in the following paragraph) for the relevant business year; provided, however, that this does not apply when the competent district director having jurisdiction over the consolidated parent corporation's place for tax payment finds that there was unavoidable reason for the failure to attach detailed statements and the detailed statements have been submitted.

8 第一項（第四号に係る部分に限る。）又は第二項（第十七号に係る部分に限る。）の規定により基準所得金額を計算する場合において、これらの規定により当該各事業年度において控除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連結確定申告書に当該金額の計算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基準所得金額の計算上控除する。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。

(8) When calculating the base income amount pursuant to the provisions of paragraph (1) (limited to the part concerning item (iv)) or paragraph (2) (limited to the part concerning item (xvii)), if there is any amount to be deducted for the relevant business year pursuant to these provisions, the amount is deducted in the calculation of the base income amount of the business year only where a detailed statement concerning the calculation of the amount is attached to the Consolidated Final Return Form pertaining to the business year; provided, however, that this does not apply when the competent district director having jurisdiction over the place for tax payment of the consolidated parent corporation finds any unavoidable reason for the failure to attach the detailed statement, and the detailed statement is submitted.

9 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。

- (9) 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 must 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金額の計算等)

(Calculation of the Amount of Individually Taxable Income of Specified Foreign Subsidiary Companies 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金額に、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とする。

Article 39-116 (1) The amount calculated as specified by Cabinet Order prescribed in Article 68-90, paragraph (1) of the Act is the amount obtained by multiplying the eligible income prescribed in the same paragraph for the relevant business year of a specified foreign subsidiary company, etc. pertaining to a consolidated corporation listed in the items of the same paragraph by the ratio of the shares, etc. for considering the Claims held by the consolidated corporation out of the 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.

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

ろによる。

(2) In the preceding paragraph and this paragraph, the meanings of the terms set forth in the following items are as prescribed respectively in those 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法人税法第二十三条第一項第一号に掲げる金額（次号イにおいて「剰余金の配当等の額」という。）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 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 foreign corporation by the ratio of the amount listed in Article 23, paragraph (1), item (i) of the Corporation Tax Act (referred to as the "Amount of a Dividend of surplus, etc." in (a) of the following item) that the consolidated corporation can receive based on the 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。イにおいて同じ。）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, item (xiv) of the

Corporation Tax Act; hereinafter the same applies in (a)) of the foreign corporation (hereinafter the relevant other foreign corporations are simply referred to as "Other Foreign Corporations" in (a)): The ratio obtained by multiplying the 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 shares, etc. (where the 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 shareholder, etc. can receive based on the Claims out of the total amount); hereinafter the same applies in this item) pertaining to the relevant Other Foreign Corporations by the relevant Other Foreign Corporations' ratio of shareholding pertaining to the 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 between the 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 that intervening foreign corporation is referred to as a "Capital Contribution-Related Foreign Corporation" in this item) and the consolidated corporation, the relevant Other Foreign Corporation, Capital Contribution-Related Foreign Corporation and the foreign corporation have a linkage through holding the shares, etc.: The ratio obtained by multiplying the consolidated corporation's ratio of shareholding pertaining to the relevant Other Foreign Corporation sequentially by the relevant Other Foreign Corporation's ratio of shareholding pertaining to the Capital Contribution-Related Foreign Corporation, by the capital contribution-related foreign corporation's ratio of shareholding pertaining to other Capital Contribution-Related Foreign Corporations, and by the capital contribution-related foreign corporation's ratio of shareholding pertaining

to the foreign corporation (where there are two or more linkages, the sum of the ratios calculated for each of them).

- 3 法第六十八条の九十第三項の規定により読み替えられた同条第二項第二号に規定する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。

- (3) The amount of expenses specified by Cabinet Order prescribed in Article 68-90, paragraph (2), item (ii) of the Act whose terms are replaced pursuant to the provisions of paragraph (3) of the same Article is the sum of personnel expense for officers and employees of a specified foreign subsidiary company, etc. engaged in the business at the specified foreign subsidiary company, etc. prescribed in paragraph (3) of the same Article (limited to the amount of income calculated in accordance with the Provisions of the Laws and Regulations of Japan prescribed in paragraph (1), item (i) of the preceding Article or pursuant to the provisions of paragraph (2) of the same Article or the amount to be included in deductible expenses for calculating the amount of a loss for the relevant business year of the 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 of Business of Specified Foreign Subsidiary Companies 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 Cabinet Order prescribed in Article 68-90, paragraph (4), item (i) of the Act is 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, paragraph (1) of the Act which pertains to a specified foreign subsidiary company, etc. prescribed in Article 68-90, paragraph (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 same 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, paragraph (1) of the Act (where the consolidated corporation is a consolidated subsidiary corporation, a consolidated parent corporation related to the consolidated corporation) which pertains to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 68-90, paragraph (4), item (i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (1) of the Act and the preceding item who is related to the 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, paragraph (1) of the Act which pertains to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 68-90, paragraph (4), item (i) of the Act (excluding a person falling under any of those listed in the items of Article 40-4, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (1) of the Act and the preceding two items who is related to the 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三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, paragraph (1), items of Article 66-6, paragraph (1) or items of Article 68-90, paragraph (1) of the Act who is related to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 68-90, paragraph (4), item (i) of the Act holds the shares, etc. indirectly pertaining to the Specified Foreign Subsidiary Company, etc. (the shares, etc. mean the number of shares or the

amount of capital contributions of a foreign corporation specified by Cabinet Order as being held through indirect ownership as prescribed in Article 66-6, paragraph (2), item (iii) of the Act), the other foreign corporations prescribed in paragraph Article 39-16, paragraph (3), item (i) or the other foreign corporation and Capital Contribution-Related Foreign Corporation(s) prescribed in item (ii) of the same paragraph which pertain to the 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 Cabinet Order prescribed in Article 66-6, paragraph (2), item (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, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (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, paragraph (4), item (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, paragraph (4), item (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, paragraph (1), items of Article 66-6, paragraph (1) or items of Article 68-90, paragraph (1) of the Act who is related to a Specified Foreign Subsidiary Company, etc. mainly engaged in the business listed in Article 68-90, paragraph (4), item (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 Cabinet Order prescribed in Article 68-90, paragraph (4), item (i) of the Act is 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 same 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, the revenues include the amount from the transactions for which the 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, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (1) of the Act and the preceding items who are related to the specified foreign subsidiary company, etc.; hereinafter the same applies in this paragraph and the following 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, the acquisition costs include the amount from the transactions for which the 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の占める割合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 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 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 trust charge to be received from a person other than affiliated persons exceeds 50 percent;

四 金融商品取引業 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) financial instruments 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 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 premium income to be received from a person other than affiliated persons (where the 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 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 specified foreign subsidiary company, etc. are conducted indirectly via a

person other than an affiliated person related to the specified foreign subsidiary company, etc. (hereinafter referred to as a "Non-Affiliated Person" in this paragraph), transactions between the specified foreign subsidiary company, etc. and the Non-Affiliated Person are deemed to have been conducted directly between the specified foreign subsidiary company, etc. and the affiliated person and the provisions of the items of the preceding paragraph are applied, except in the case where there are reasonable grounds for having the Non-Affiliated Person intervene in the 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 Cabinet Order prescribed in Article 68-90, paragraph (4), item (ii) of the Act is 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 same 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。）の売買又は貸付け（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 real estate) (real estate includes the rights thereon; hereinafter the same applies 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 real estate, and managing the 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金額に係る外国法人税額の計算等）

(Calculation of Foreign Corporation Tax on Individually Taxable Income of Specified Foreign Subsidiary Companies)

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金額（法第六十八条の九十第二項第二

号に規定する適用対象金額をいう。以下この項並びに次条第一項及び第二項において同じ。)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金額(第三十九条の百十五第一項(第四号に係る部分に限る。)若しくは第二項(第十七号に係る部分に限る。)の規定により控除される同条第一項第四号に掲げる金額又は同条第三項の規定により控除される同項に規定する控除対象配当等の額がある場合には、これらの金額を加算した金額)のうち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金額を超える場合には、当該個別課税対象金額に相当する金額)とする。

Article 39-118 (1) The amount calculated as specified by Cabinet Order prescribed in Article 68-91, paragraph (1) of the Act is the amount obtained by multiplying the amount of foreign corporation tax to be imposed on a specified foreign subsidiary company, etc. prescribed in the same paragraph (hereinafter referred to as a "Foreign Subsidiary Company, etc." in this Article) on its income for a business year containing eligible income (meaning eligible income prescribed in Article 68-90, paragraph (2), item (ii) of the Act; hereinafter the same applies in this paragraph, and paragraph (1) and paragraph (2) of the following Article) (hereinafter referred to as a "Taxable Business Year" through to paragraph (4)) by the ratio of the Individually Taxable Income pertaining to a consolidated corporation prescribed in Article 68-91, paragraph (1) of the Act out of the eligible income for the relevant Taxable Business Year (where there is any amount listed in Article 39-115, paragraph (1), item (iv) to be deducted pursuant to the provisions of Article paragraph (1) (limited to the part concerning item (iv)) or paragraph (2) (limited to the part concerning item (xvii)) of the same Article or the amount of a deductible dividend, etc. prescribed in Article 39-115, paragraph (3) to be deducted pursuant to the provisions of the same paragraph, the amount obtained by adding these amounts) (where the amount exceeds the Individually Taxable Income, the amount equivalent to the Individually Taxable 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 Specified Foreign Subsidiary Company, etc. seeks the application of the provisions of Article 68-91, paragraph (1) (including the cases where it is applied pursuant to the provisions of paragraph (2) of the same Article by deeming the amount to be as specified therein; hereinafter the same applies in this Article) or Article 66-7, paragraph (1) (including the cases where it is applied pursuant to the provisions of paragraph (2) of the same Article by deeming the amount to be as specified therein; hereinafter the same applies 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, paragraph (1) of the Act for a consolidated business year following the first one of those 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, paragraph (1) of the Act for the first time after receiving the application of the provisions of Article 66-7, paragraph (1) of the Act) from the amount listed in item (i) is 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 consolidated business year subject to the provisions of Article 68-91, paragraph (1) of the Act (hereinafter referred to as the "Applicable Consolidated Business Year" in this paragraph) (that amount of foreign corporation taxes is limited to those to which the provisions of Article 68-91, paragraph (1) or Article 66-7, paragraph (1) of the Act were chosen to apply, pursuant to the provisions of paragraph (4) or Article 39-18, paragraph (4); hereinafter the same applies 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, paragraph (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, paragraph (1) of the Act that is paid by a consolidated corporation related to the Specified Foreign Subsidiary Company, etc., pursuant to the provisions of the same paragraph, (hereinafter referred to as the "Amount of Individually Creditable Foreign Corporation Taxes" in this Article) is 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 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, paragraph (1) of the Act are applied regarding the amount equivalent to the Individually Taxable Income for the relevant Taxable Business Year: The consolidated business year subject to the provisions of Article 68-90, paragraph (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法第六十六条の六第一項に規定する課税対象金額に相当する金額につき同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 Specified Foreign Subsidiary Company, etc. after the final day of the consolidated business year for which the provisions of Article 68-90, paragraph (1) of the Act are applied regarding the amount equivalent to the Individually Taxable Income for the relevant Taxable Business Year (where the provisions of Article 68-91, paragraph (2) of the Act are applied, after the final day of the business year for which the provisions of Article 66-6, paragraph (1) of the Act were applied regarding the amount equivalent to the taxable income prescribed in Article 66-6, paragraph (1) of the Act for the relevant Taxable Business Year): the 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金額に相当する金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る連結法人は、その適用を受ける個別課税対象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, paragraph (1) of the Act are applied, regarding the amount equivalent to the Individually Taxable Income for the relevant Taxable Business Year of the Specified Foreign Subsidiary Company, etc., may choose whether or not it will seek the application of the provisions of Article 68-91, paragraph (1) of the Act regarding the amount of respective foreign corporation taxes on the Individually Taxable Income subject to the provisions of Article 68-90, paragraph (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。）開始の日後七年以内に開始するその連結法人の各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 consolidated corporation was subject to the provisions of Article 68-91, paragraph (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 amount of

foreign corporation tax was reduced in each consolidated business year of the consolidated corporation which starts within seven years following the first day of the consolidated business year subject to the provisions of the same paragraph (hereinafter referred to as the "Applicable Consolidated Business Year" in this paragraph), it is deemed that the amount that remains after deducting the amount listed in item (ii) from the amount listed in item (i) has been reduced from the part of the 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 same Article, as on the day of the reduction of the 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 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 is deemed to be the amount of individually creditable foreign corporation tax payable by the consolidated corporation when the provisions of Article 68-91, paragraph (1) of the Act are applied in the Applicable Consolidated Business Year to the 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。）開始の日後七年以内に開始するその連結法人の各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, paragraph (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 amount of foreign corporation tax was reduced in each consolidated business year of the consolidated corporation which starts within seven years following the first day of the business year subject to the provisions of the same paragraph (hereinafter referred to as the "Applicable Business Year" in this paragraph), it

is deemed that the amount that remains after deducting the amount listed in item (ii) from the amount listed in item (i) has been reduced from the part of the 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 same Article (hereinafter referred to as the "Amount of Creditable Foreign Corporation Tax" in this Article), as on the day of the reduction of the 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 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 is deemed to be the Amount of Creditable Foreign Corporation Tax payable by the consolidated corporation when the provisions of Article 66-7, paragraph (1) of the Act are applied in the Applicable Business Year to the 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八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三十五（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「外国法人税の額に係る当該連結法人」とあるのは「外国法人税の額（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金額に係る外国税額の控除）又は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これら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を含む。以下この項において同じ。）に係る当該連結法人」と、「個別控除対象外国法人税の額（）」とあるのは「個別控除対象外国法人税の額（租税特別措置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。）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金額を含む。）」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, paragraph (8) of the Corporation Tax Act are applied as specified in Article 155-35 (excluding paragraph (2)) of the Order for

Enforcement of the Corporation Tax Act. In this case, in paragraph (1) of the same Article, the term "where the amount of foreign corporation tax to be paid by a consolidated corporation" is deemed to be replaced with "where the amount of foreign corporation tax (including any part of the amount of foreign corporation tax to be imposed on the income of a Specified Foreign Subsidiary Company, etc. prescribed in Article 68-91, paragraph (1) of the Act on Special Measures Concerning Taxation (Credit for Foreign Tax on Individually Taxable Income of Specified Foreign Subsidiary Companies of Consolidated Corporations) or Article 66-7, paragraph (1) of the same Act (Credit for Foreign Tax on Taxable Income of Specified Foreign Subsidiary Companies of Domestic Corporations), which is deemed to be payable by the consolidated corporation pursuant to the provisions of Article 68-91, paragraph (1) or Article 66-7, paragraph (1) of the same Act; hereinafter the same applies in this paragraph) to be paid by a consolidated corporation"; the term "the amount of individually creditable foreign corporation tax that the consolidated corporation is to pay in the consolidated business year pertaining to the tax reduction (" is deemed to be replaced with "the amount of individually creditable foreign corporation tax that the consolidated corporation is to pay in the consolidated business year pertaining to the tax reduction (including any amount which is deemed to be payable by the consolidated corporation pursuant to the provisions of Article 68-91, paragraph (1) of the Act on Special Measures Concerning Taxation (including cases where applied mutatis mutandis by deeming the amount as prescribed in paragraph (2) of the same Article)"; and the term "the amount of individually reduced creditable foreign corporation tax" is 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, paragraph (5) or paragraph (6) (Reduction of Foreign Corporation Tax on Individually Taxable Income of Specified Foreign Subsidiary Companies) 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, paragraph (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 same paragraph, the amount included in gross profits is to be included in the consolidated foreign income prescribed in the main clause of Article 155-28, paragraph (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 same Article for the relevant consolidated business year of the 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, paragraph (1) of the same Order on income of the Specified Foreign Subsidiary Company, etc., the amount to be included in the consolidated foreign income is the amount equivalent to one-third of the 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, paragraph (1) of the Act, is to be included in consolidated foreign income prescribed in the main clause of Article 155-28, paragraph (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 same 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三十五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 155-35, paragraph (1) of the Order for Enforcement of the Corporation Tax Act under the provisions of the same paragraph or for deduction from the amount exceeding the maximum amount of individual deduction prescribed in paragraph (3) of the same Article under the provisions of the same paragraph is to 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 the deduction. In this case, the amount to be included in deductible expenses is to 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, paragraph (3) of the same Order.

1 1 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 Cabinet Order prescribed in Article 68-91, paragraph (3) of the Act is 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.

(特定外国子会社等の特定個別課税対象金額の計算等)

(Calculation of the Specified Individually Taxable Income of Specified Foreign Subsidiary Companies)

第三十九条 の百十九 法第六十八条の九十二第三項第一号に規定する政令で定める金額は、同号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。）に係る適用対象金額（連結法人の同号に規定する連結事業年度の連結所得の金額の計算上益金の額に算入される個別課税対象金額に係るものに限る。以下この項において同じ。）に、当該特定外国子会社等の当該適用対象金額に係る事業年度終了の時ににおける発行済株式等のうちに当該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請求権勘案直接保有株式等（第三十九条の十九第一項に規定する請求権勘案直接保有株式等をいう。以下この条において同じ。）の占める割合を乗じて計算した金額とする。

Article 39-119 (1) The amount specified by Cabinet Order as prescribed in Article 68-92, paragraph (3), item (i) of the Act is the amount obtained by multiplying the eligible income pertaining to a specified foreign subsidiary company, etc. prescribed in the same item (hereinafter referred to as the "Specified Foreign Subsidiary Company, etc." in this Article) (limited to the eligible income pertaining to the Individually Taxable Income that is included

in gross profits in the calculation of the amount of consolidated income of a consolidated corporation for a consolidated business year prescribed in the same item; hereinafter the same applies in this paragraph) by the ratio of the shares, etc. for considering the claims held directly by the consolidated corporation (meaning the shares, etc. for considering the claims held directly as prescribed in Article 39-19, paragraph (1); hereinafter the same applies in this Article) out of the 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. pertaining to the eligible income.

2 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金額は、特定外国子会社等の各事業年度の適用対象金額（連結法人の同号に規定する前十年以内の各連結事業年度の連結所得の金額の計算上益金の額に算入された個別課税対象金額に係るものに限る。以下この項において同じ。）に、当該特定外国子会社等の当該適用対象金額に係る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直接保有株式等の占める割合を乗じて計算した金額の合計額とする。

(2) The amount specified by Cabinet Order as prescribed in Article 68-92, paragraph (3), item (ii) of the Act is the total of the amount obtained by multiplying the eligible income for each business year of a Specified Foreign Subsidiary Company, etc. (limited to the eligible income pertaining to the Individually Taxable Income that is included in gross profits in the calculation of the amount of consolidated income of a consolidated corporation for each consolidated business year within the preceding ten years prescribed in the same item; hereinafter the same applies in this paragraph) by the ratio of the shares, etc. for considering the claims held directly by the consolidated corporation out of the 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. pertaining to the eligible income.

3 法第六十八条の九十二第五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三項の規定の適用については、同条第五項各号に定める個別課税済金額（同条第三項第二号に掲げる金額をいう。以下この条において同じ。）又は課税済金額（法第六十六条の八第三項第二号に掲げる金額をいう。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金額とみなす。

(3) With respect to the application of the provisions of Article 68-92, paragraph (3) of the Act in or after the consolidated business year containing the day of a qualified merger prescribed in paragraph (5) of the same Article (referred to as a "qualified merger, etc." in the following paragraph) of a consolidated

corporation set forth in the same paragraph, in the case where the provisions of the same paragraph apply, the individually taxed amount of income specified in the items of the same paragraph (meaning the amount listed in paragraph (3), item (ii) of the same Article; hereinafter the same applies in this Article) or the taxed amount of income (meaning the amount listed in Article 66-8, paragraph (3), item (ii) of the Act; hereinafter the same applies in this Article) is deemed to be the individually taxed amount of income for a consolidated business year of the 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 following 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五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五項第二号に規定する分割前十年内事業年度（以下第五項までにおいて「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, paragraph (5), item (i) of the Act (hereinafter referred to as a "Business Year Within Ten Years Prior to the Merger" in this paragraph and the following 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 (5), item (ii) of the same Article (hereinafter referred to as a "Business Year Within Ten Years Prior to the Company Split" through to paragraph (5)) 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 following item): The relevant consolidated business year of the consolidated corporation including the first day of a Business Year Within Ten Years Prior to the Merger of the merged corporation or the relevant consolidated business year of the consolidated corporation including the first day of a Business Year Within Ten Years Prior to the Company Split of the 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 containing the day of the 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 containing the day of the 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 containing the day preceding the first day of the Consolidated Business Year of the Merger or Consolidated Business Year of the Split Succession of the consolidated corporation;

三 適格分社型分割等（法第六十八条の九十二第五項第三号に規定する適格分社型分割等をいう。以下この項及び第六項において同じ。）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。以下この項及び第六項において同じ。）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, paragraph (5), item (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 applies in this paragraph and paragraph (6)) pertaining to a qualified spin-off-type company split, etc. (meaning a qualified spin-off-type company split, etc. prescribed in Article 68-92, paragraph (3), item (iii) of the Act; hereinafter the same applies in this paragraph and paragraph (6)) (excluding a Business Year Within Ten Years Prior to the Company Split when falling under the case listed in the following 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 consolidated corporation including the first day of a Business Year Within Ten Years Prior to the Company Split, etc. of the 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 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 business year falls before the first day of the consolidated business year of the consolidated corporation that includes the day of the qualified spin-off-type company split, etc.: The relevant consolidated business year of the consolidated corporation including the final day of a Business Year Within Ten Years Prior to the Company Split, etc. of the 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 consolidated corporation including the day of the 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 consolidated corporation including the day preceding the first day of the Consolidated Business Year of the Split Succession, etc.

4 法第六十八条の九十二第五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前日以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。

(4) 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 containing the day of a qualified merger, etc. of a consolidated corporation set forth in Article 68-92, paragraph (5) 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 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 apply by deeming respective periods classifying the period between the First Day of the Business Year of the Merged Corporations, etc. Ten Years before and the day preceding the First Day of the Business Year of the Consolidated Corporation Ten Years before (in the case where the consolidated corporation is to be established through the 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 applies in this paragraph) by the corresponding Business Year of the Merged Corporation(s), etc. Within the Preceding Ten Years pertaining to the First Day of the Business Year of the Merged Corporations, etc. Ten Years before (for the period including the preceding day, the period between the first day of the consolidated business year or business year of the merged corporation, etc. including the preceding day and the day preceding the First Day of the Business Year of the Consolidated Corporation Ten Years before) to be the relevant consolidated business year of the consolidated corporation.

5 法第六十八条の九十二第五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金額又は課税済金額の区分に応じ当該各号に定める金額とする。

(5) The amount calculated as specified by Cabinet Order prescribed in Article 68-92, paragraph (5), item (ii) of the Act is the amount specified respectively in the following items for the category of the individually taxed amount of income

or taxed amount of income listed in the relevant items:

一 個別課税済金額 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金額にイに掲げる請求権勘案直接保有株式等のうちにロに掲げる請求権勘案直接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 income: The amount obtained by multiplying respectively the individually taxed amount of 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 directly that are listed in (b) out of the shares, etc. for considering the claims held directly 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直接保有株式等

(a) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which the split corporation held immediately prior to the qualified split-off-type company split;

ロ 法第六十八条の九十二第五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直接保有株式等

(b) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which are to be transferred from the split corporation to a consolidated corporation set forth in Article 68-92, paragraph (5) of the Act through the qualified split-off-type company split;

二 課税済金額 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金額にイに掲げる請求権勘案直接保有株式等のうちにロに掲げる請求権勘案直接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 income: The amount obtained by multiplying respectively the taxed amount of 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 directly that are listed in (b) out of the shares, etc. for considering the claims held directly 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直接保有株式等

(a) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which the split corporation held immediately prior to the qualified split-off-type company split;

ロ 法第六十八条の九十二第五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直接保有株式等

(b) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which are to be transferred from the split corporation to a consolidated corporation set forth in Article 68-92,

- paragraph (5) of the Act through the qualified split-off-type company split.
- 6 法第六十八条の九十二第五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金額又は課税済金額の区分に応じ当該各号に定める金額とする。
- (6) The amount calculated as specified by Cabinet Order prescribed in Article 68-92, paragraph (5), item (iii) of the Act is the amount specified respectively in the following items for the category of the individually taxed amount of income or taxed amount of income listed in the relevant items:
- 一 個別課税済金額 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金額にイに掲げる請求権勘案直接保有株式等のうちにロに掲げる請求権勘案直接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 income: The amount obtained by multiplying respectively the individually taxed amount of 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 directly that are listed in (b) out of the shares, etc. for considering the claims held directly 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直接保有株式等
- (a) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which the split corporation, etc. held immediately prior to the qualified spin-off-type company split, etc.;
- ロ 法第六十八条の九十二第五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直接保有株式等
- (b) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which are to be transferred from the split corporation, etc. to a consolidated corporation set forth in Article 68-92, paragraph (5) of the Act through the qualified spin-off-type company split;
- 二 課税済金額 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金額にイに掲げる請求権勘案直接保有株式等のうちにロに掲げる請求権勘案直接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 income: The amount obtained by multiplying respectively the taxed amount of 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 directly that are listed in (b) out of the shares, etc. for considering the claims held directly 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直接保有株式等

(a) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which the split corporation, etc. held immediately prior to the qualified spin-off-type company split, etc.;

ロ 法第六十八条の九十二第五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直接保有株式等

(b) the Specified Foreign Subsidiary Company, etc.'s shares, etc. for considering the claims held directly which are to be transferred from the split corporation, etc. to a consolidated corporation set forth in Article 68-92, paragraph (5) of the Act through the qualified spin-off-type company split.

7 法第六十八条の九十二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、同令第九条の二第一項第一号ロ及び第一百五十五条の四十三第二項第二号中「損金算入）」とあるのは、「損金算入）又は租税特別措置法第六十八条の九十二（特定外国子会社等から受ける剰余金の配当等の益金不算入等）」とする。

(7) With regard to the application of the provisions of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 68-92, paragraph (1) of the Act apply, the phrase "of the Act" in Article 9-2, paragraph (1), item (i), (b) of the same Order is deemed to be replaced with "of the Act and Article 68-92 (Exclusion from Gross Profits of Dividend of Surplus, etc. to be Received from Specified Foreign Subsidiary Company, etc.) of the Act on Special Measures Concerning Taxation)".

8 法第六十八条の九十二第二項前段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、同令第九条の二第一項第一号ロ中「益金不算入）」とあるのは「益金不算入）（租税特別措置法第六十八条の九十二第二項前段（特定外国子会社等から受ける剰余金の配当等の益金不算入等）の規定により読み替えて適用する場合を含む。））」と、「同項」とあるのは「法第八十一条の三第一項」と、同令第一百五十五条の四十三第二項第二号中「益金不算入）」とあるのは「益金不算入）（租税特別措置法第六十八条の九十二第二項前段（特定外国子会社等から受ける剰余金の配当等の益金不算入等）の規定により読み替えて適用する場合を含む。））」とする。

(8) With regard to the application of the provisions of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of the first sentence of Article 68-92, paragraph (2) of the Act apply, in Article 9-2, paragraph (1), item (i), (b) of the same Order, the phrase "of the Act" is deemed to be replaced with "of the Act (including cases where applied following the deemed replacement of terms pursuant to the provisions of the first sentence of Article 66-8, paragraph (2) (Exclusion from Gross Profits of Dividend of Surplus, etc. to be Received from Specified Foreign Subsidiary Company, etc.) of the Act on Special Measures Concerning Taxation)", and the phrase "the same paragraph" is deemed to be replaced with "Article 81-3, paragraph (1) of the Act"; in Article 155-43, paragraph (2), item (ii) of the same Order, the phrase "of the Act" is deemed to be replaced with "of the Act (including cases

where applied following the deemed replacement of terms pursuant to the provisions of the first sentence of Article 68-92, paragraph (2) (Exclusion from Gross Profits of Dividend of Surplus, etc. to be Received from Specified Foreign Subsidiary Company, etc.) of the Act on Special Measures Concerning Taxation)".

(外国関係会社の判定等)

(Determination 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、外国法人が同条第二項第一号に規定する外国関係会社（以下この項及び次項において「外国関係会社」という。）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、連結法人が同条第一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, paragraph (1) of the Act, whether or not a foreign company falls under the category of an affiliated foreign company prescribed in paragraph (2), item (i) of the same Article (hereinafter referred to as an "Affiliated Foreign Company" in this paragraph and the following paragraph) is to be determined according to its status at the end of the relevant business year of the foreign corporation and whether or not a consolidated corporation falls under the category of a consolidated corporation listed in the items of paragraph (1) of the same Article is determined according to its status at the end of the relevant business year of an Affiliated Foreign Company related to the 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, paragraph (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 consolidated corporation, the number of the shares, etc. of the affiliated foreign company prescribed in Article 66-6, paragraph (2), item (iii) of the Act which were directly and indirectly held by the consolidated corporation (hereinafter referred to as the "Number of Shares, etc. Directly and Indirectly Held" in this paragraph) and which have been succeeded to by the merging corporation pertaining to the merger is deemed to be the Number of Shares, etc. Directly and Indirectly Held by the merging corporation on the final day of the relevant business year of the

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, paragraph (1) of the Act, pursuant to the provisions of the same paragraph, is not to be included in the amount of consolidated income, etc. prescribed in the provisions of Article 81-13, paragraph (2) and paragraph (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, paragraph (1) of the Act is not to be included in the amount of individual income prescribed in Article 9-2, paragraph (1), item (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, paragraph (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（第三項を除く。）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, paragraphs (1) to (5) and paragraphs (7) to (11) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where the provisions of Article 68-90, paragraph (7) of the Act apply under the provisions of the same Article (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 68-93 of the Act, Articles 39-114 to 39-116 (excluding paragraph (3)), 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（第三項を除く。）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, beyond what is specified in the preceding paragraph, other necessary particulars 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 Articles 39-114 to 39-116 (excluding paragraph (3)),

or Article 39-118 to this Article are specified by Ministry of Finance Order.

第二十八節 特殊関係株主等である連結法人に係る特定外国法人に係る所得の課税の特例

Section 28 Special Provisions for Taxation on Income of Specified Foreign Corporations Related to Consolidated Corporations That Are Specially-Related Shareholders

(特殊関係株主等の範囲等)

(Scope of Specially-Related Shareholders)

第三十九条 の百二十の二 法第六十八条の九十三の二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 39-120-2 (1) An individual who has a special relationship specified by Cabinet Order prescribed in Article 68-93-2, paragraph (1) of the Act is any of the following:

一 特定株主等（法第六十八条の九十三の二第二項第一号に規定する特定株主等をいう。次号及び次項第一号において同じ。）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, paragraph (1) of the Order for Enforcement of the Corporation Tax Act with an individual falling under the category of a specified shareholder, etc. (meaning a specified shareholder, etc. prescribed in Article 68-93-2, paragraph (2), item (i) of the Act; hereinafter the same applies in the following item and item (i) of the following 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。以下この項及び第三十九条の百二十の四第二項において同じ。）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（次号において「特殊関係者」という。）

(ii) an officer (meaning an officer prescribed in Article 2, item (xv) of the Corporation Tax Act; hereinafter the same applies in this paragraph and Article 39-120-4, paragraph (2)) of a corporation falling under the category of a specified shareholder, etc. 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 officer (referred to as a "specially-related person" in the following item);

三 特殊関係内国法人（法第六十八条の九十三の二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。）の役員及び当該役員に係る特殊関係者

(iii) an officer of a specially-related domestic corporation (meaning a specially-related domestic corporation prescribed in Article 68-93-2, paragraph (2), item (ii) of the Act; hereinafter the same applies in this Section) and a specially-related person who is related to the officer.

2 法第六十八条の九十三の二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 Cabinet Order prescribed in Article 68-93-2, paragraph (1) of the Act is any of the following:

一 一の特定株主等（当該特定株主等と前項第一号又は第二号に規定する特殊の関係のある個人を含む。）又は一の特種関係内国法人と同項第三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「判定株主等」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

(i) where a specified shareholder, etc. (including an individual who has a special relationship with the specified shareholder, etc. as prescribed in item (i) or item (ii) of the preceding paragraph) or an individual who has a special relationship with a specially-related domestic corporation as prescribed in item (iii) of the same paragraph (hereinafter referred to as a "Determined Shareholder, etc." in this paragraph) controls any other corporation, the relevant other corporation;

二 判定株主等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 a Determined Shareholder, etc. and a corporation which has a special relationship with the Determined Shareholder, etc. as prescribed in the preceding item control any other corporation, the relevant other corporation;

三 判定株主等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 a Determined Shareholder, etc. and a corporation which has a special relationship with the Determined Shareholder, etc. as prescribed in the preceding two items control any other corporation, the relevant 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, paragraph (3) and paragraph (4) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where the provisions of the preceding paragraph apply.

4 法第六十八条の九十三の二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 Cabinet Order prescribed in Article 68-93-2, paragraph (1) of the Act is the relevant relationship in the case where a specially-related shareholder, etc. prescribed in the same 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。以下この条において同じ。）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 applies in this item) which is a shareholder, etc. (meaning a shareholder, etc. prescribed in Article 2, item (xiv) of the Corporation Tax Act; hereinafter the same applies in this Article) of a specially-related domestic corporation (the issued shares or capital contributions exclude those held on their own by the foreign corporation; and the total number or total amount of the issued shares or capital contributions is 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 the shares, etc. (meaning shares or capital contributions; hereinafter the same applies in this Section): The ratio of the number or the amount of shares, etc. of a specially-related domestic corporation held by the foreign corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the specially-related domestic corporation (where there are two or more the 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 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 same item and a corporation falling under the category of a Specially-Related Shareholder, etc.) and a Specially-Related Shareholder, etc., and have a linkage with them through holding the shares, etc. (where the corporation which is a shareholder, etc. is a domestic corporation and the relevant single corporation is or two or more corporations are all domestic corporations, excluding the domestic corporations and the corporation falling under the category of a Specially-Related Shareholder, etc.; hereinafter referred to as a "Capital Contribution-Related Corporation" 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 and the corporation which is a shareholder, etc. are held by a Specially-Related Shareholder, etc. or a Capital Contribution-Related Corporation (the Specially-Related Shareholder, etc. or Capital Contribution-Related Corporation is 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 Corporations)): The ratio of the number or the amount of the shares, etc. of a specially-related domestic corporation held by the corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the specially-related domestic corporation (where there are two or more of those 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二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 Cabinet Order prescribed in Article 68-93-2, paragraph (1) of the Act is 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 same 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 same 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. is to 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 same 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 same paragraph and a foreign corporation falling under the category of a Specially-Related Shareholder, etc.; hereinafter the same applies in this paragraph) (that ratio of the shares, etc. held directly means 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 relevant 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 same paragraph pertaining to the relevant other foreign corporation (the ratio of the shares, etc. held indirectly means 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 relevant other foreign corporation: The ratio of the number or the amount of the shares, etc. of the relevant other foreign corporation held by the foreign corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the relevant other foreign corporation (where there are two or more of those 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 between a foreign corporation which is a shareholder, etc. of the relevant 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 same item) and a foreign corporation listed in item (i) and item (ii) of the preceding paragraph, and have a linkage with them through holding the shares, etc. (hereinafter referred to as a "Capital Contribution-Related

Foreign Corporation" 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 and the foreign corporation which is a shareholder, etc. are held by a foreign corporation listed in item (i) and item (ii) of the same paragraph or a Capital Contribution-Related Foreign Corporation(s) (the foreign corporation or Capital Contribution-Related Foreign Corporation is 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 same paragraph or other capital contribution-related corporations)): The ratio of the number or the amount of the shares, etc. of the relevant other foreign corporation held by the foreign corporation which is a shareholder, etc. out of the total Issued Shares, etc. of the relevant other foreign corporation (where there are two or more of those 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二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 Cabinet Order prescribed in Article 68-93-2, paragraph (1) of the Act is 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二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 68-93-2, paragraph (1) of the Act; hereinafter the same applies 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 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, paragraph (2) 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.

(特定外国法人の適用対象金額額の計算)

(Calculation of Eligible Income of Specified Foreign Corporations)

第三十九条の百二十の三 法第六十八条の九十三の二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

及び次条第一項において「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 39-120-3 (1) The amount of undistributed income calculated in accordance with the standards specified by Cabinet Order prescribed in Article 68-93-2, paragraph (2), item (iii) of the Act is the amount calculated, pursuant to the provisions of Article 39-115, paragraph (1) or paragraph (2), or paragraph (3) of the same Article with regard to the income of a specified foreign corporation prescribed in Article 68-93-6, paragraph (1) of the Act (hereinafter referred to as a "Specified Foreign Corporation" in this Article and paragraph (1) of the following Article) in its settlement of accounts for the relevant business year.

2 法第六十八条の九十三の二第二項第三号に規定する欠損の金額及び基準所得金額に係る税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号に規定する基準所得金額から次に掲げる金額の合計額（同条第三項の規定の適用がある場合には、同項の規定により読み替えられた同号に規定する政令で定める費用の額の百分の十に相当する金額を加算した金額）を控除した残額とする。

(2) The amount obtained as a result of an adjustment for the amount of loss and base income prescribed in Article 68-93-2, paragraph (2), item (iii) of the Act is the amount that remains after deducting, from the base income amount prescribed in the same item for the relevant business year of a Specified Foreign Corporation., the sum of the amounts listed as follows (where the provisions of paragraph (3) of the same Article are applied, the amount obtained by adding the amount equivalent to ten percent of the amount of expenses specified by Cabinet Order prescribed in Article 68-93-2, paragraph (2), item (iii) of the Act whose terms are replaced under the provisions of paragraph (3) of the same Article):

一 当該特定外国法人の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（法第四十条の七第一項又は第六十六条の九の二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三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。）の合計額に相当する金額

(i) the amount equivalent to the sum of the loss incurred in the business years that started within seven years prior to the first day of the relevant business year of the Specified Foreign Corporation (excluding the business years that started before October 1, 2007 and the business years during which the corporation did not fall under the category of Specified Foreign Corporation (including Specified Foreign Corporation prescribed in Article 40-7, paragraph (1) or Article 66-9-2, paragraph (1) of the Act)) (that loss excludes the amount deducted in the business years preceding the relevant business

year pursuant to the provisions of this paragraph or Article 39-20-3 paragraph (2));

二 当該特定外国法人が当該各事業年度において納付をすることとなる第三十九条の百十五第一項第二号に規定する法人所得税（以下この号において「法人所得税」という。）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金額）

(ii) the amount of corporate income tax prescribed in Article 39-115, paragraph (1), item (ii) (hereinafter referred to as "Corporate Income Tax" in this item) that the Specified Foreign Corporation is to pay in the relevant business year (where there is any amount of Corporate Income Tax to be refunded in the relevant business year, the amount that remains after deducting the amount of Corporate Income Tax to be refunded).

3 前項第一号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 item (i) of the preceding paragraph is 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から第九項までの規定は、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, paragraphs (7) to (9) 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 same Article.

（特定外国法人の個別課税対象金額の計算等）

(Calculation of the Amount of Individually Taxable Income of Specified Foreign Corporations)

第三十九条の百二十の四 法第六十八条の九十三の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、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金額（同項に規定する適用対象金額をいう。以下この節において同じ。）につき、第三十九条の百十六第一項及び第二項の規定の例により計算した金額とする。

Article 39-120-4 (1) The amount calculated as specified by Cabinet Order prescribed in Article 68-93-2, paragraph (1) of the Act is the amount calculated with regard to the eligible income (meaning the eligible income prescribed in the same paragraph; hereinafter the same applies 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, paragraph (1) and paragraph (2).

2 法第六十八条の九十三の二第三項の規定により読み替えられた同条第二項第三号に規定する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三項の規定の例により計算した金額とする。

(2) The amount of expenses specified by Cabinet Order set forth in Article 68-93-2, paragraph (2), item (iii) of the Act whose terms are replaced pursuant to the provisions of paragraph (3) of the same Article is 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 Specified Foreign Corporation prescribed in paragraph (3) of the same Article, pursuant to the provisions of Article 39-116, paragraph (3).

(特定外国法人の事業の判定等)

(Determination of Business of Specified Foreign Corporations)

第三十九条 の百二十の五 法第六十八条の九十三の二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 39-120-5 (1) The person specified by Cabinet Order prescribed in Article 68-93-2, paragraph (4), item (i) of the Act is any of the following:

一 法第六十八条の九十三の二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 68-93-2, paragraph (4), item (i) 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 same paragraph (the relevant other consolidated corporations exclude those falling under the category of Specially-Related Shareholders, etc. pertaining to the Specified Foreign Corporation);

二 法第六十八条の九十三の二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 68-93-2, paragraph (4), item (i) of the Act (excluding a person falling under the category of a Specially-Related Shareholder, etc. pertaining to the 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二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 consolidated corporation is a consolidated subsidiary corporation, a consolidated parent corporation related to the consolidated corporation) which pertains to a Specified Foreign Corporation mainly engaged in the business listed in Article 68-93-2, paragraph (4), item (i) of the Act (excluding a person falling under the category of a Specially-Related Shareholder, etc. pertaining to the 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二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 68-93-2, paragraph (4), item (i) of the Act;

五 法第六十八条の九十三の二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二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 39-120-2, paragraph (4), item (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 68-93-2, paragraph (4), item (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六十八条の九十三の二第一項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 Cabinet Order prescribed in Article 68-93-2, paragraph (1) 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 paragraph (4), item (i) of the same Article, 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二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 68-93-2, paragraph (4), item (i) of the Act;

ロ 法第六十八条の九十三の二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 68-93-2, paragraph (4), item (i) of the Act;

ハ 法第六十八条の九十三の二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 68-93-2, paragraph (4), item (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二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二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五第一項各号」と読み替えるものとする。

(2) The provisions of Article 39-117, paragraph (2) and paragraph (3) apply mutatis mutandis to the case specified by Cabinet Order prescribed in Article 68-93-2, paragraph (4), item (i) of the Act. In this case, the term "those listed in the items of Article 40-4, paragraph (1), items of Article 66-6, paragraph (1), items of Article 68-90, paragraph (1) of the Act and the preceding items" in Article 39-117, paragraph (2), item (i) is deemed to be replaced with "a specially-related domestic corporation prescribed in Article 68-93-2, paragraph (2), item (ii) of the Act, Specially-Related Shareholder, etc. prescribed in paragraph (1) of the same Article and those listed in the items of Article 39-120-5, paragraph (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二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, paragraph (4) apply mutatis mutandis to the case specified by Cabinet Order prescribed in Article 68-93-2, paragraph (4), item (ii) of the Act.

(特定外国法人の個別課税対象金額に係る外国法人税額の計算等)

(Calculation of Foreign Corporation Tax on Individually Taxable Income of Specified Foreign Corporations)

第三十九条の百二十の六 法第六十八条の九十三の三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 39-120-6 (1) The amount calculated as specified by Cabinet Order prescribed in Article 68-93-3, paragraph (1) of the Act is the amount calculated, pursuant to the provisions of Article 39-118, paragraph (1), with regard to the amount of foreign corporation tax (meaning foreign corporation tax prescribed in Article 69, paragraph (1) of the Corporation Tax Act; the same applies in paragraph (3)) to be imposed on a specified foreign corporation prescribed in Article 68-93-3, paragraph (1) of the Act (referred to as a "Specified Foreign Corporation" in paragraph (3)) on its income for a business year containing eligible income.

2 法第六十八条の九十三の三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項から同条第十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の規定の例による。

(2) In the case where the provisions of Article 81-15, paragraphs (1) to (11) 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 same Article payable by a consolidated corporation that is a Specially-Related Shareholder, etc. pursuant to the provisions of Article 68-93-3, paragraph (1) of the Act, the particulars concerning the application of these provisions are as prescribed in the provisions of Article 39-118, paragraphs (2) to (10).

3 法第六十八条の九十三の三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連結事業年度とする。

(3) The consolidated business year specified by Cabinet Order prescribed in Article 68-93-3, paragraph (3) of the Act is the consolidated business year specified respectively in the items of Article 39-118, paragraph (3), in accordance with the category of the amount of foreign corporation tax imposed on the income of a Specified Foreign Corporation.

(特定外国法人の特定個別課税対象金額の計算等)

(Calculation of Specified Individual Taxable Amount of Specified Foreign Corporation)

第三十九条の百二十の七 法第六十八条の九十三の四第三項第一号に規定する政令で定める金額は、同号に規定する特定外国法人（次項において「特定外国法人」という。）に係る適用対象金額（特殊関係株主等である連結法人の同号に規定する連結事業年度の連結所得の金額の計算上益金の額に算入される同号に規定する個別課税対象金額に係るものに限る。）につき、第三十九条の百十九第一項の規定の例により計算した金額とする。

Article 39-120-7 (1) The amount specified by Cabinet Order as prescribed in Article 68-93-4, paragraph (3), item (i) of the Act is the amount calculated in accordance with the provisions of Article 39-119, paragraph (1) with regard to eligible income (limited to that which pertains to Individually Taxable Income prescribed in the same item that is included in gross profits in the calculation of the amount of consolidated income for a consolidated business year, prescribed in the same item, of a consolidated corporation which is a Specially-Related Shareholder, etc.) pertaining to a specified foreign corporation prescribed in the same item (referred to as a "Specified Foreign Corporation" in the following paragraph).

2 法第六十八条の九十三の四第三項第二号に規定する政令で定める金額は、特定外国法人の各事業年度の適用対象金額（特殊関係株主等である連結法人の同号に規定する前十年以内の各連結事業年度の連結所得の金額の計算上益金の額に算入された同号に規定する個別課税対象金額に係るものに限る。）につき、第三十九条の百十九第二項の規定の例により計算した金額とする。

(2) The amount specified by Cabinet Order as prescribed in Article 68-93-4, paragraph (3), item (ii) of the Act is the amount calculated in accordance with the provisions of Article 39-119, paragraph (2) with regard to eligible income (limited to that which pertains to Individually Taxable Income prescribed in the same item that is included in gross profits in the calculation of the amount of consolidated income for each consolidated business year within the preceding ten years, prescribed in the same item, of a consolidated corporation which is a Specially-Related Shareholder, etc.) for each business year of a Specified Foreign Corporation.

3 法第六十八条の九十三の四第五項において準用する法第六十八条の九十二第五項から第八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三項から第六項までの規定の例による。

(3) The particulars concerning the application of the provisions of Article 68-92, paragraphs (5) through (8) of the Act as applied mutatis mutandis pursuant to Article 68-93-4, paragraph (5) of the Act are as prescribed in the provisions of Article 39-119, paragraphs (3) through (6).

4 法第六十八条の九十三の四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、同令第九条の二第一項第一号ロ及び第一百五十五条の四十三第二項第二号中「損金算入）」とあるのは、「損金算入) 又は租税特別措置法第六十八条の九十三の四（特定外国法人から受ける剰余金の配当等の益金不算入等）」とする。

- (4) With regard to the application of the provisions of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of Article 68-93-4, paragraph (1) of the Act apply, the phrase "(Inclusion in Deductible Expenses...)" in Article 9-2, paragraph (1), item (i), (b) and Article 155-43, paragraph (2), item (ii) of the same Order is deemed to be replaced with "(Inclusion in Deductible Expenses ...) of the Act or Article 68-93-4 (Exclusion from Gross Profits of Dividend of Surplus, etc. Received from Specified Foreign Corporation) of the Act on Special Measures Concerning Taxation)".
- 5 法第六十八条の九十三の四第二項前段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、同令第九条の二第一項第一号ロ中「益金不算入）」とあるのは「益金不算入)（租税特別措置法第六十八条の九十三の四第二項前段（特定外国法人から受ける剰余金の配当等の益金不算入等）の規定により読み替えて適用する場合を含む。））」と、「同項」とあるのは「法第八十一条の三第一項」と、同令第一百五十五条の四十三第二項第二号中「益金不算入）」とあるのは「益金不算入)（租税特別措置法第六十八条の九十三の四第二項前段（特定外国法人から受ける剰余金の配当等の益金不算入等）の規定により読み替えて適用する場合を含む。））」とする。
- (5) With regard to the application of the provisions of the Order for Enforcement of the Corporation Tax Act in the case where the provisions of the first sentence of Article 68-93-4, paragraph (2) of the Act apply, the phrase "(Exclusion of Gross Profit...) of the Act" in Article 9-2, paragraph (1), item (i), (b) of the same Order is deemed to be replaced with "(Exclusion of Gross Profit ...) of the Act (including the case where it is applied following the deemed replacement of terms pursuant to the provisions of the first sentence of Article 68-93-4, paragraph (2) (Exclusion from Gross Profits of Dividend of Surplus, etc. Received from Specified Foreign Corporation) of the Act on Special Measures Concerning Taxation)"; and the phrase "the same paragraph" in the same item (b) is deemed to be replaced with "Article 81-3, paragraph (1) of the Act"; and the phrase "(Exclusion of Gross Profit...) of the Act" in Article 155-43, paragraph (2), item (ii) of the same Order is deemed to be replaced with "(Exclusion of Gross Profit ...) of the Act (including the case where it is applied following the deemed replacement of terms pursuant to the provisions of the first sentence of Article 68-93-4, paragraph (2) (Exclusion from Gross Profits of Dividend of Surplus, etc. Received from Specified Foreign Corporation) of the Act on Special Measures Concerning Taxation)".

(特定関係の判定等)

(Determination of Specified Relationship)

第三十九条の百二十の八 第三十九条の二十の八第一項及び第二項の規定は、法第六十八条の九十三の二第一項の規定を適用する場合について準用する。

Article 39-120-8 (1) The provisions of Article 39-20-8, paragraph (1) and paragraph (2) apply mutatis mutandis where the provisions of Article 68-93-2, paragraph (1) of the Act 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二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 consolidated corporation, the number of the shares, etc. of the affiliated foreign corporation prescribed in Article 66-9-2, paragraph (2), item (iv) of the Act which were directly and indirectly held by the consolidated corporation (hereinafter referred to as the "Number of Shares, etc. Directly and Indirectly Held" in this paragraph) and which have been transferred to the merging corporation pertaining to the merger (the merging corporation is limited to one falling under the category of a Specially-Related Shareholder, etc. related to the specially-related domestic corporation and one that proves to fall under the category of a Specially-Related Shareholder, etc. related to the specially-related domestic corporation by receiving the transfer of the number of the shares, etc. of the affiliated foreign corporation directly and indirectly held by the consolidated corporation through the merger; hereinafter the same applies in this paragraph) is deemed to be the Number of Shares, etc. Directly and Indirectly Held by the merging corporation on the final day of the relevant business year of the 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二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, paragraph (3) and paragraph (4) apply mutatis mutandis to the application of the provisions of Article 81-13, paragraph (2) and paragraph (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 consolidated corporation pursuant to the provisions of Article 68-93-2, paragraph (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二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五までの規定並びに第三十九条の百二十の二から第三十九条の百二十の四（第二項を除く。）まで及び第三十九条の百二十の六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, paragraphs (1) to (5) and paragraphs (7) to (11) of the Order for Enforcement of the Corporation Tax Act apply mutatis mutandis where the provisions of Article 68-93-2, paragraph (8) of the Act apply under the provisions of the same Article (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 68-93-5 of the Act, Articles 39-120-2 to 39-120-4 (excluding paragraph (2)), and Article 39-120-6 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二（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五までの規定又は第三十九条の百二十の二から第三十九条の百二十の四（第二項を除く。）まで若しくは第三十九条の百二十の六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, beyond what is specified in the preceding paragraph, other necessary particulars concerning the application of the provisions of Article 68-93-2 (excluding paragraph (3), paragraph (4) and paragraph (6)) to Article 68-93-5 of the Act, Articles 39-120-2 to 39-120-4 (excluding paragraph (2)), or Article 39-120-6 to this Article are specified by Ministry of Finance Order.

第二十九節 連結法人のその他の特例

Section 29 Other Special Provisions for Consolidated Corporations

(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 in Cases of Specified Merger)

第三十九条の百二十八 法人税法施行令百十九条の七の二第一項の規定は法第六十八条の百九の二第一項に規定する政令で定める関係について、同令百十九条の七の二第三項の規定は法第六十八条の百九の二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 39-128 (1) The provisions of Article 119-7-2, paragraph (1) of the Order for Enforcement of the Corporation Tax apply mutatis mutandis to the relationship specified by Cabinet Order as prescribed in Article 68-109-2, paragraph (1) of the Act, and the provisions of Article 119-7-2, paragraph (3) of

the same Order apply mutatis mutandis to the relationship specified by Cabinet Order as prescribed in Article 68-109-2, paragraph (3) of the Act respectively.

- 2 連結親法人又は当該連結親法人による連結完全支配関係にある連結子法人が旧株（これらの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百九の二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、法人税法第八十一条の三第一項の規定により同項に規定する個別益金額又は個別損金額を計算する場合における法人税法施行令第百十九条第一項第五号の規定は、適用しない。

(2) Where a consolidated parent corporation or a consolidated subsidiary corporation in which the consolidated parent corporation has a consolidated full controlling interest, has received, as a result of a merger (limited to a merger that does not fall under the category of qualified merger) of a domestic corporation which issued old shares (meaning shares (including capital contributions; hereinafter the same applies in this Article) that were held by those corporations), the delivery of shares of a foreign corporation which has a relationship specified by Cabinet Order as prescribed in Article 68-109-2, paragraph (1) of the Act, when the shares of the foreign corporation fall under the category of 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, paragraph (5), item (i) of the Act; the same applies in paragraph (4)), with regard to the acquisition cost of the shares thus delivered, the provisions of Article 119, paragraph (1), item (v) of the Order for Enforcement of the Corporation Tax Act in the case of calculating the amount of individual gross profits or amount of individual deductible expenses prescribed in Article 81-3, paragraph (1) of the Corporation Tax Act pursuant to the provisions of the same paragraph do not apply.

- 3 連結親法人又は当該連結親法人による連結完全支配関係にある連結子法人が旧株（これらの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百九の二第二項に規定する特定分割型分割により分割承継法人に係る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、法人税法第八十一条の三第一項の規定により同項に規定する個別益金額又は個別損金額を計算する場合における法人税法施行令第百十九条第一項第六号の規定は、適用しない。

(3) Where a consolidated parent corporation or a consolidated subsidiary corporation, in which the consolidated parent corporation has a consolidated full controlling interest, has received, as a result of a specified split-off-type company split prescribed in Article 68-109-2, paragraph (2) of the Act which is

effected by a domestic corporation that issued old shares (meaning shares that were held by those corporations), the delivery of shares of a specified foreign parent corporation prescribed in the same paragraph pertaining to a succeeding corporation in a company split, with regard to the acquisition cost of the shares thus delivered, the provisions of Article 119, paragraph (1), item (vi) of the Order for Enforcement of the Corporation Tax Act in the case of calculating the amount of individual gross profits or amount of individual deductible expenses prescribed in Article 81-3, paragraph (1) of the Corporation Tax Act pursuant to the provisions of the same paragraph do not apply.

- 4 連結親法人又は当該連結親法人による連結完全支配関係にある連結子法人が旧株（これらの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百九の二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、法人税法第八十一条の三第一項の規定により同項に規定する個別益金額又は個別損金額を計算する場合における法人税法施行令第百十九条第一項第八号の規定は、適用しない。

- (4) Where a consolidated parent corporation or a consolidated subsidiary corporation, in which the consolidated parent corporation has a consolidated full controlling interest, has received, as a result of a share exchange (limited to the share exchange that does not fall under category of qualified share exchange) which is effected by a domestic corporation that issued old shares (meaning shares that were held by those corporations), the delivery of shares of a foreign parent corporation which has a relationship specified by Cabinet Order as prescribed in Article 68-109-2, paragraph (3) of the Act, and where the shares of the foreign corporation fall under the category of shares of a specified foreign corporation with less tax burden, with regard to the acquisition cost of the shares thus delivered, the provisions of Article 119, paragraph (1), item (viii) of the Order for Enforcement of the Corporation Tax Act in the case of calculating the amount of individual gross profits or amount of individual deductible expenses prescribed in Article 81-3, paragraph (1) of the Corporation Tax Act pursuant to the provisions of the same paragraph do not apply.

（連結法人の受ける特定目的信託の利益の分配に係る課税の特例）

(Special Provisions for Taxation on Distribution of Profit from Special Purpose Trust to Be Received by Consolidated Corporation)

- 第三十九条 の百二十九 法第六十八条の百十第二項に規定する政令で定めるものは、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（法人税法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）又は法第六十八条の九十三の二

第一項に規定する特定外国法人（法人税法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）から受ける法第六十八条の三の二第十項に規定する外国特定目的信託の利益分配の額（法第六十八条の九十二第三項に規定する特定個別課税対象金額に達するまでの金額又は法第六十八条の九十三の四第三項に規定する特定個別課税対象金額に達するまでの金額に限る。）とする。

Article 39-129 The amount specified by Cabinet Order as prescribed in Article 68-110, paragraph (2) of the Act is the amount of the distribution of profit from a foreign special purpose trust prescribed in Article 68-3-2, paragraph (10) of the Act (limited to the amount up to the specified individual taxable income prescribed in Article 68-92, paragraph (3) of the Act or the amount up to the specified individual taxable income prescribed in Article 68-93-4, paragraph (3) of the Act) to be received from a specified foreign subsidiary company, etc. prescribed in Article 68-90, paragraph (1) of the Act (limited to those falling under the category of foreign subsidiary company prescribed in Article 23-2, paragraph (1) of the Corporation Tax Act) or a specified foreign corporation prescribed in Article 68-93-2, paragraph (1) of the Act (limited to those falling under the category of foreign subsidiary company prescribed in Article 23-2, paragraph (1) of the Corporation Tax Act).

（連結法人の受ける特定投資信託の収益の分配に係る課税の特例）

(Special Provisions for Taxation on Distribution of Proceeds from Special Investment Trust to Be Received by Consolidated Corporation)

第三十九条 の百三十 法第六十八条の百十一第二項に規定する政令で定めるものは、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（法人税法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）又は法第六十八条の九十三の二第一項に規定する特定外国法人（法人税法第二十三条の二第一項に規定する外国子会社に該当するものに限る。）から受ける法第六十八条の三の三第十項に規定する外国特定投資信託の収益分配の額（法第六十八条の九十二第三項に規定する特定個別課税対象金額に達するまでの金額又は法第六十八条の九十三の四第三項に規定する特定個別課税対象金額に達するまでの金額に限る。）とする。

Article 39-130 The amount specified by Cabinet Order as prescribed in Article 68-111, paragraph (2) of the Act is the amount of the distribution of proceeds from a foreign special investment trust prescribed in Article 68-3-3, paragraph (10) of the Act (limited to the amount up to the specified individual taxable income prescribed in Article 68-92, paragraph (3) of the Act or the amount up to the specified individual taxable income prescribed in Article 68-93-4, paragraph (3) of the Act) to be received from a specified foreign subsidiary company, etc. prescribed in Article 68-90, paragraph (1) of the Act (limited to those falling under the category of foreign subsidiary company prescribed in Article 23-2, paragraph (1) of the Corporation Tax Act) or a specified foreign corporation prescribed in Article 68-93-2, paragraph (1) of the Act (limited to

those falling under the category of foreign subsidiary company prescribed in Article 23-2, paragraph (1) of the Corporation Tax Act).