

Summary of the Act on Partially Amending the Act on Strengthening Industrial Competitiveness and Other Acts* to Create New Business and Encourage Investment in Industries

*The Act on Strengthening Industrial Competitiveness, the Limited Partnership Act for Investment, the Act on the National Center for Industrial Property Information and Training, Independent Administrative Agency, and the Act on the New Energy and Industrial Technology Development Organization

Background

- ✓ **A “turning point” is emerging the Japanese economy, where the highest levels of wage increase and domestic investment in 30 years**, driven by changes in the macroeconomic environment, including the increase in geopolitical risks and the implementation of the “New Direction of Economic and Industrial Policies”, that provides large-scale, long-term, and consistent support to addressing issues that all humankind and society confront, including climate change and digitalization.
- ✓ Japan’s recent inflation has been centered on rising import prices, but it is important to **strengthen the supply capacity through domestic investment and put the Japanese economy on a growth trajectory so that such dynamism can be sustained, resulting in inflation accompanied by a wage increase and economic revitalization**. To this end, Japan needs to achieve a structural reform of its economy **through strengthened initiatives for the New Directions, including “expanding strategic domestic investment” and “promoting innovation and the reorganization of industries in order to expand domestic investment”**.

Outline of the Act

1. The bill is to stipulate provisions for **large-scale and long-term tax deductions for investment and production in strategic areas** and **tax deductions for strengthening Japan’s competitiveness in locations used as research and development bases**, both of which are initiatives for **expanding strategic domestic investment**.
2. The bill is to stipulate provisions for **measures for intensively supporting Leading Medium Enterprises and startups**, which are the driving force of the Japanese economy, as initiatives for **promoting innovation and replacement of industries that contribute to expanding domestic investment**.

1. Expanding strategic domestic investment

- [i] **Defining products with particular significance to gain domestic and international markets** amidst international competition (i.e., clean vehicles, green steel, green chemicals, sustainable aviation fuels (SAF), and semiconductors); and taking the following measures provided that **the competent minister approves the plans** submitted by the companies **for production and sales of the aforementioned products**:
- **Tax deductions that are proportionate to domestic production and sales in the strategic areas**
 - Financial support for large-scale and long-term financing offered by the Japan Finance Corporation (two-step loan)

- [ii] Taking the following measures provided that **the government confirms that companies are utilizing IP to a certain level pursuant to the provisions to be newly established by the government for its investigation of such companies’ current utilization of IP and other related activities**:

➢ **Tax deductions for innovation bases** (innovation box tax regime)

- Eligible IP: Patent right granted to a product or copyright granted to AI-related software for which a company has conducted R&D and created the product in Japan
- Eligible income: Income from the licensing of target IP and income from the transfer thereof
- Income deductions by 30% (reducing 29.74% on the basis of the effective tax rates for companies to the equivalent of around 20%)

2. Promoting innovation and replacement of industries that contribute to expanding domestic investment

(1) Measures related to Leading Medium Enterprises

- [iii] Defining companies that have 2,000 or fewer full-time employees, excluding SMEs, as “**Leading Medium Enterprises**” and, in particular, defining **Leading Medium Enterprises that pay higher wages and are proactively engaging in domestic investment as “Specified Leading Medium Enterprises”**

Taking the following measures regarding the Specified Leading Medium Enterprises provided that the competent minister approves the plans for business reconstruction with the potential for growth submitted by the enterprises:

- **Tax benefit for Specified Leading Medium Enterprises and SMEs that have formed group companies through conducting multiple M&As**
 - Allowing these enterprises to declare up to 100% of the share acquisition value for 10 years as a reserves for losses.
- Financial support for large-scale and long-term financing offered by the Japan Finance Corporation (two-step loan)
- Subsidies and advice concerning IP management from the National Center for Industrial Property Information and Training(INPIT), etc.

Note: Apart from these measures, if **Specified Leading Medium Enterprises** receive approval on their plans under the Regional Future Investment Promotion Act, an **additional tax reduction for business investment are applied to these enterprises** (tax reduction up to 6% from the current tax brake up to 5%).

(2) Measures related to startups

- [iv] Extension of the period for which **Japan Investment Corporation (JIC)** can hold securities, etc. **to the end of March 2050** (the current limit is the end of March 2034)

- [v] Enhancing the function of the New Energy and Industrial Technology Development Organization (NEDO) to provide subsidies **to support activities by deep-tech startups for business development**

- [vi] **Adding crypto assets as one form of asset** that **an investment limited partnership (LPS)** is allowed to acquire and hold, etc.

- [vii] **Establishing special measures (so-called stock option pools)** that allows startups **to issue stock options in a flexible and agile manner** (expanding the scope of matters and the period of delegations those are allowed to be delegated from the general shareholders’ meeting to the board of directors)

(3) Inter-company measure

- [viii] **Allowing companies to receive consultations from INPIT and NEDO provided that the competent minister approves the plans submitted by the companies for creating new markets by taking advantage of standardization and IP** focusing on joint research and development between the companies and universities, etc.

Notes: 1. In addition, the bill is to stipulate provisions for other measures, including the abolition of the measures for business adaptation for development and growth under the business adaptation plan and the abolition of measures for the plans for specified investment program for developing new business.
2. The bill is to revise the wording of the Act on Strengthening Industrial Competitiveness to more appropriate wording concerning Article 23(5)(iv) of the Act, which was stipulated at the time of the establishment of the Act in 2013, and Article 107(1), which was revised at the time of the revision in 2018.

新たな事業の創出及び産業への投資を促進するための産業競争力強化法等^(※)の一部を改正する法律の概要

※産業競争力強化法（産競法）、投資事業有限責任組合契約に関する法律（LPS法）、独立行政法人人工業所有権情報・研修館法（INPIT法）、国立研究開発法人新エネルギー・産業技術総合開発機構法（NEDO法）

背景

- ✓ 我が国経済では、地政学的リスクの拡大といったマクロ環境の変化と、気候変動やデジタル化といった人類や社会の課題解決に資する大規模・長期・計画的な支援を行う新たな産業政策（経済産業政策の新機軸）により、**30年ぶりの高水準の賃上げ・国内投資という「潮目の変化」**が生じている。
- ✓ 足下のインフレは輸入物価上昇を中心とするインフレだが、**こうした潮目の変化を持続化することで賃上げ・経済活性化を伴うインフレとなるよう、国内投資により供給力を強化し、日本経済を成長軌道に乗せていくため、「戦略的国内投資の拡大」と「国内投資拡大に繋がるイノベーション及び新陳代謝の促進」といった新機軸の取組強化**を通じて、我が国経済の構造改革を実現することが必要。

法律の概要

1. **戦略的国内投資の拡大**に向けて、**戦略分野への投資・生産に対する大規模・長期の税制措置**及び**研究開発拠点としての立地競争力を強化する税制措置**を講じる。
2. **国内投資拡大に繋がるイノベーション及び新陳代謝の促進**に向けて、我が国経済のけん引役である**中堅企業・スタートアップへの集中支援等の措置**を講じる。

1. 戦略的国内投資の拡大

- ① 国際競争に対応して**内外の市場を獲得すること等が特に求められる商品を定義し**（電気自動車等、グリーンスチール、グリーンケミカル、持続可能な航空燃料（SAF）、半導体）、これを**生産・販売する計画を主務大臣が認定**した場合、以下を措置
- **戦略分野国内生産促進税制**（物資毎の生産・販売量に応じた税額控除）
 - EV40万円/台、グリーンスチール2万円/トン等の生産・販売量に応じた税額控除
 - 日本政策金融公庫による大規模・長期の金融支援（ツーステップローン）

- ② **政府が事業活動における知的財産等の活用状況を調査できる規定を新設し、一定の知的財産を用いていることを確認**できた場合には以下を措置
- **イノベーション拠点税制**（イノベーションボックス税制）
 - 対象知財：国内で自ら研究開発して生み出した、特許権及びAI関連ソフトウェアの著作権
 - 対象所得：対象知財のライセンス所得及び譲渡所得
 - 30%の所得控除（法人実効税率ベースでは、29.74%を約20%相当まで引下げ）

2. 国内投資拡大に繋がるイノベーション及び新陳代謝の促進

(1) 中堅企業関連措置

- ③ 常用従業員数2,000人以下の会社等（中小企業者除く）を「**中堅企業者**」、特に賃金水準が高く国内投資に積極的な中堅企業者を「**特定中堅企業者**」と定義。
- 特定中堅企業者等について、成長を伴う事業再編の計画を主務大臣が認定し、以下を措置**
- **中堅・中小グループ化税制**（特定中堅企業者又は中小企業者が、複数回のM&Aを行う場合の税制優遇）
 - 株式取得価額の最大100%・10年間、損失準備金として積立可能に
 - 日本政策金融公庫による大規模・長期の金融支援（ツーステップローン）
 - 知財管理に関するINPITの助成・助言 等
- ※別途、**特定中堅企業者が地域未来投資促進法の計画承認を受けた場合に、設備投資減税を拡充**（最大6%の税額控除 ※現行は最大5%）

(2) スタートアップ企業関連措置

- ④ **産業革新投資機構（JIC）**が有価証券等の処分を行う期限を**2050年3月末までに延長**（現在の期限は2034年3月末）
- ⑤ NEDOによる**ディープテック・スタートアップの事業開発活動への補助業務の追加**
- ⑥ **LPS（投資事業有限責任組合）**の取得可能資産への**暗号資産の追加** 等
- ⑦ スタートアップが**ストックオプションを柔軟かつ機動的に発行できる仕組み（ストックオプション・プール）の整備**（株主総会から取締役会に委任できる内容・期間を拡大）

(3) 企業横断的措置

- ⑧ **企業・大学等の共同研究開発に関する、標準化と知的財産を活用した市場創出の計画を主務大臣が認定し、INPIT・NEDOが助言**

※その他、事業適応計画における成長発展事業適応の廃止や特定新事業開拓投資事業計画の廃止等の措置を講ずる。

※産競法については、平成25年制定時に規定された同法第23条第5項第4号及び平成30年改正時に改正された同法第107条第1項について、表現の適正化を行う。