FORM 17-

## 特 典 条 項 に 関 す る 付 表(認定省令第一条第二号関係)

Permanent Establishment in a third country

ATTACHMENT FORM FOR LIMITATION ON BENEFITS (ENTITLEMENT TO BENEFITS) ARTICLE

(Under the convention as listed in Item 2 of Article 1 of the Ministerial Ordinance for Determination under Convention) 記載に当たっては、下記の注意事項を参照してください。See separate instructions.

1	適用を受ける和税条約の特曲条項に	明七ス東西,

条第\_

The Income Tax Convention between Japan and

Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting, paragraph 3 of Article 10

この付表に記載される者の氏名又は名称;

Full name of Resident

居住地国の権限ある当局が発行した居住者証明書を添付してください(注5) Please Attach Residency Certification issued by Competent Authority of Country of residence. (Note5)

国税庁長官の認定に関する事項;

Determination by the NTA Commissioner

国税庁長官から受けた認定の内容を記載してください。第三国恒久的施設に帰せられる所得について、その認定の範囲内で租税条約の特典を受けることができます。 Please describe below the nature of the authorization from the NTA Commissioner you have received. The Convention benefits will be granted within the range of the authorization with respect to the Income attributable to the Permanent Establishment situated in a Third Country

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・認定を受けた日 Date of authorization\_

・認定を受けた所得の種類 Type of income for which the authorization was received

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## 付表の提出について

- 典条項」といいます。) に基づく国税庁長官の認定を受けた者が、その認定 に係る租税条約の特典を受けようとする場合に、租税条約に関する届出書に添付して提出します(一定の場合には、提出を省略することができます。 注意事項の2、3及び4を参照してください。)(以下、この付表を添付し 注意事項の2、3及び4を参照してください。)(以下、この付表を添付して提出する租税条約に関する届出書を「特典条項条約届出書」といいま
- 特典条項の適用を受けようとする者が、その国内源泉所得の支払を受け る日の前日以前1年内に特典条項条約届出書を提出している場合には、特 典条項条約届出書の記載事項に異動がある場合を除き、その期間内は特典 条項条約届出書の提出を省略することができます。
- 租税条約の適用を受けようとする所得が国債や地方債の利子、私募債以外の社債の利子、預貯金の利子、上場株式の配当等などの特定利子配当等である場合、既に受領済みのその所得について特典条項条約届出書を提出済みである場合は、特典条項条約届出書の記載事項に異動があるときを除 き、その所得についての特典条項条約届出書の提出を省略することができ
- 特典条項条約届出書の記載事項に異動が生じた場合には、特典条項条約 届出書を改めて提出してください。ただし、その異動の内容が租税条約に 関する届出書に関するものである場合には、租税条約に関する届出書に前 回の特典条項条約届出書の提出日を記載し、この付表の添付を省略するこ とができます。
- 所得の支払者に居住者証明書 (提示の日前1年以内に作成されたものに 限ります。)を提示し、特典条項条約届出書に記載した氏名又は名称その他 の事項について所得の支払者の確認を受けたとき (特典条項条約届出書に その確認をした旨の記載がある場合に限ります。)は、居住者証明書の添付 を省略することができます(「租税条約に関する届出書(申告対象国内源泉所得に対する所得税又は法人税の軽減・免除)(様式15)」にこの付表を添付して提出する場合には、居住者証明書の添付を省略することはできませんので、この付表に居住者証明書を添付する必要があります。)。

この場合、上記の確認をした所得の支払者は、租税条約に関する届出書 の「その他参考となるべき事項」の欄に①確認をした旨(例:届出者から 提示のあった居住者証明書により、届出書に記載された氏名又は名称その他の事項について確認しました。)、②確認者の氏名(所属)、③居住者証明書の提示を受けた日及び④居住者証明書の作成年月日をそれぞれ記載する とともに、提示を受けた居住者証明書の写しを作成し、提示を受けた日か ら5年間その国内にある事務所等に保存する必要があります。

## 付表の記載について

付表の□欄には、該当する項目について✔印を付してください。

-INSTRUCTIONS-

Submission of the Attachment Form

- This attachment form is to be submitted as an attachment to an Application Form for Income Tax Convention when a person who was given determination by the NTA Commissioner pursuant to the provisions of the Income Tax Convention as prescribed in Article 1, item 2 of the Ministerial Ordinance for Determination under the Convention pursuant to the Act on Special Provisions of the Income Tax Act, the Corporation Tax Act and the Local Tax Act regarding the Application of Conventions (referred to as "LOB convention" in this attached table), applies for the obtaining of benefits under the Income Tax Convention pertaining to that Determination concerning the income attributable permanent establishment situated in a third country. (In certain cases, this attachment form may not be required. See 2, 3 and 4 below.) (Hereafter, this attachment form and the application form for income tax convention to which it is attached will be called the application form for LOB convention".)
- If an application form for LOB convention was submitted within one year prior to the preceding day of the payment of Japanese source income, except for cases when information given in the application form has been changed, an application form for LOB convention does not need to be submitted during one year.
- If the income for which an application of convention is sought is a specified interest/dividends such as interest from a national bond, municipal bond, corporate bond other than privately placed bond, deposits, or dividends of listed shares, and the application form for LOB convention was submitted for the same income already received, an application form for LOB convention is not required, except for the case where there has been a change in the information given in the application form for LOB convention.
- 4 If the information given in the application form for LOB convention has been changed, a new application form must be submitted. However, if the change relates to the application form for income tax convention, an application form for income tax convention may be submitted alone with the date of the previous submission of application form for LOB convention stated.
- In the case that recipient of the income presents his residency certification (certification must have been issued within one year prior to the presentation) to the payer of the income, and the payer confirms the items entered in column 2 (only in case that the payer writes the fact of confirmation in the application form for LOB convention), attachment of residency certification is not required (if this attachment form is appended to "Application Form for Income Tax Convention (Relief from Japanese Income Tax or Corporation Income Tax on Japanese Source Income) (Form 15)", the residency certification must be appended to this attachment form).

In this case, the payer of the income who confirms the above-mentioned items is required to enter the following information into the column "Others" of the Application Form: ① the fact of confirmation (e.g., 'I, the payer described in column 3, have confirmed the name of the recipient and other items entered in column 2, having been presented residency certification by the recipient'.); ② the name and the affiliation of the individual who is making the confirmation; ③ the date that certification is presented; and ④ the date of issue of the residency certification. The payer is also required to make a copy of the residency certification and keep the copy in his office, etc. located in Japan for five years from the date that certification is shown.

Completion of the form

6 Applicable boxes must be checked.

If necessary, the applicant may be requested to furnish further information in order to decide whether or not relief under the Convention should be granted.