

1-2 What is the final return?

The income tax in Japan adopts procedures to calculate by the taxpayers themselves the amount of taxable income and income tax etc. on the income in accordance with their own type of residential status (see 1-3), file a final return by the due date of the following year, and settle the excess or deficiency with the amount of tax withheld or estimated tax prepayment, regarding the income earned during the year from January 1 to December 31 of that year. This procedure is called a final return.

- Income tax in Japan adopts the self-assessment system. The self-assessment system is a system under which the tax amount is primarily determined through the filing of a tax return by each taxpayer. Under this system, taxpayers, who best know the state of their own income, calculate the amount of taxable income and the tax on the income by themselves and file proper returns on their own responsibilities.
- Income tax in Japan adopts the withholding tax system for specific incomes along with the self-assessment system. Under the withholding tax system, the payers of salaries and wages, retirement allowance, interest, dividends, and fees etc. withhold the certain amounts of income tax etc. at the time of payment and pay them to the national treasury.
- You are advised that “Special Income Tax for Reconstruction” is added to the income tax for each year from 2013 through 2037. This tax is 2.1% tax on the amount of your income tax to help finance various measures of reconstructions from the aftermath of 2011 Tohoku earthquake and tsunami, which is also referred to as the Great East Japan Earthquake. In this guide, income tax and special income tax for reconstruction are referred to as income tax etc.

1-3 Taxpayers and the scope of taxable income

Any individual is subject to tax liability of income tax etc. in accordance with the following residential categories.

1. Classification for residential status

1) Residents

Any individual who has a “JUSHO (domicile)” or owns a “KYOSHO (residence)” continuously for one year or more is classified as a **resident**.

Among residents, any individual of non-Japanese nationality who has had a domicile or a residence in Japan for an aggregate period of five years or less within the preceding ten years is classified as a **non-permanent resident**.

2) Non-residents

Any individual other than the residents mentioned in “1) Residents” above is classified as a **non-resident**.

Note

If a person who owns a residence in Japan leaves Japan with the intent to be absent temporarily and later reenter Japan, the person shall be treated as having been residing in Japan during the period of absence.

The intention to be absent temporarily will be presumed if, during the period of absence, (a) the person’s spouse or relatives remain in the household in Japan, (b) the person retains a residence or a room in a hotel for residential use after returning to Japan, or (c) the person’s personal property for daily use is kept in Japan for use upon return to Japan.

(Reference 1) Classification of taxpayers

- (1) In cases where an individual has not owned his or her domicile during the period from the date of entry into this country to the date on which one year has elapsed.
 - The individual mentioned above is deemed “a non-resident” until the date on which one year has elapsed from the date of entry into this country and “a resident” after the date following that on which one year has elapsed.
- (2) In cases where an individual did not own his or her domicile in this country immediately after entry into this country, but has owned his or her domicile during the period from the date of entry into this country to that on which one year has elapsed.
 - The individual mentioned above is deemed “a non-resident” until the date before that on which he or she owned his or her domicile and “a resident” after the date on which he or she owned his or her domicile.
- (3) In cases where an individual is a resident of non Japanese nationality and the period during which he or she has owned his or her domicile or residence in this country exceeds five years or more within the last ten years.
 - The individual mentioned above is deemed “a non-permanent resident” until the date on which five years have elapsed and “a resident other than a non-permanent resident” after the date following that on which five years have elapsed.

(Reference 2) Judgment (presumption) of the presence of a domicile

| Fact | Judgment | Remarks |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| An individual's base of living is in Japan. | Judged as having a domicile | Whether the base of living is in Japan is judged by the presence of objective facts, for example, an individual has an occupation in Japan, an individual lives together with his/her spouse or any other relatives, or an individual owns a place of business. |
| An individual has an occupation which normally requires living in Japan continuously for one year or more. | Presumed as having a domicile | An individual who came to live in Japan in order to operate a business or engage in an occupation in Japan falls under this division (except for the case where it is clear that the period for staying in Japan is previously arranged to be less than one year by a contract, etc.) |
| There are facts by which it can sufficiently be presumed that an individual has been living continuously for more than one year in Japan whether such individual has the Japanese nationality and has relatives who live together with such individual, or such individual has its occupation and assets in Japan. | Presumed as having a domicile | - |

Note: Any individual who came to live in Japan to learn science and practical arts is treated as having an occupation in Japan for the period of living for learning in Japan.

2. Scope of taxable income

1) Residents other than non-permanent residents

Residents other than non-permanent residents are obligated to pay the income tax etc. for their whole income.

2) Non-permanent residents

Non-permanent residents are obliged to pay income tax etc. with respect to their (a) income other than foreign source income, (b) foreign source income paid in Japan and (c) foreign source income paid abroad and remitted to Japan from abroad.

The amount “remitted to Japan from abroad” means, among the amount remitted and received by non-permanent residents from abroad to Japan in each year, “the amount exceeding the amount of the income other than foreign source income paid abroad” in that year.

【Example】

| Income other than Foreign Source Income (750) | | Foreign Source Income (250) | |
|--------------------------------------------------|---------------|--------------------------------|---------------|
| A Paid in Japan | B Paid Abroad | C Paid in Japan | D Paid Abroad |
| 500 | 250 | 150 | 100 |

In the case that a non-permanent resident remits and receives 260 from abroad to Japan, among the amount of 350 (B+D) paid abroad, 250 (B) portion is first deemed to be the remittance of the income other than foreign source income paid abroad, and then the remaining 10 is deemed to be the remittance of the foreign source income paid abroad (D), which will be taxed accordingly.

3) Non-residents

Non-residents are obligated to pay the income tax etc. for their domestic source income.

➤ Scope of taxable income

| Classification | | Income other than Foreign Source Income | Foreign Source Income | |
|-----------------|---------------------------------------------------|-----------------------------------------|-----------------------|-------------------------------------------------------|
| | | | Paid in Japan | Paid Abroad |
| Resident | Resident other than non-permanent resident | Taxable | | |
| | Non-permanent Resident | Taxable | | Only the portion deemed remitted to Japan is taxable. |

| Classification | | Domestic Source Income (see page 8) | Income other than Domestic Source Income |
|---------------------|--|-------------------------------------|------------------------------------------|
| Non-resident | | Taxable in principle (see page 9) | Not Taxable |

(Reference 1) DOMESTIC SOURCE INCOME

The following income is treated as domestic source income:

- (1) Income attributable to a permanent establishment.
- (2) Income from the utilization or possession assets located in Japan.
- (3) Income from the transfer of assets located in Japan.
- (4) Certain distributions derived from the profits of a business conducted through a permanent establishment based on a partnership contract and received in accordance with the provisions therein.
- (5) Income from sale or disposal of land, rights established on land, buildings, and facilities attached to buildings, or structures in Japan.
- (6) Income received as compensation by business operators providing personal services in Japan, including compensation for services provided by motion picture artistes, musicians and any other entertainers, professional athletes, lawyers, accountants, and other professionals, or persons possessing scientific, technical, or managerial expertise or skills.
- (7) Rent or other compensation for the use or lease of real estate in Japan and rights therein or established thereon.
- (8) Interest on national and local government bonds and debentures issued by domestic corporations; interest on debentures issued by foreign corporations that is attributable to business conducted through a permanent establishment; interest on savings deposited to entities located in Japan, etc.
- (9) Dividends on surplus, dividends of profits, distribution of surpluses received, etc. from domestic corporations.
- (10) Interest on loans that are provided for business operators for their business conducted in Japan.
- (11) Royalties or proceeds from the sale of industrial property rights and copyrights, and rental charges on equipment that are received from business operators for their business conducted in Japan.
- (12) Salaries, bonuses, or compensation for the provision of personal services resulting from employment and other personal services provided in Japan; and public pensions and severance allowances derived from employment, etc. offered during the resident taxpayer period.
- (13) Monetary awards for the advertisement of a business conducted in Japan.
- (14) Pensions, etc. based on life insurance contracts concluded through entities located in Japan.
- (15) Money for payment for installment savings accounts, etc. received by entities located in Japan.
- (16) Distributions of profits based on silent partnership arrangements, etc. for contributing capital to a business operating in Japan.
- (17) Other domestic source income including that concerning insurance benefits and compensations for damages received in conjunction with business conducted in Japan or assets located in Japan.

Taxation method for the above varies depending on the type of domestic source income, whether there is a permanent establishment, and whether the domestic source income is attributable to a permanent establishment. When domestic source income is provided differently in any tax treaty, the tax treaty prevails.

Note: 1. **Attributable income to the permanent establishment** means the income that is attributable to the permanent establishment, taking into account the functions the permanent establishment performed, the dealings between the permanent establishment and non-resident's place of business, and the other condition, if the permanent establishment is the business operator independent from the non-resident.

Note: 2. The following are examples of contracts falling under the classification "**contract of partnership.**"

- (1) Contract of partnership as provided for in Article 667(1) of the Civil Code.
- (2) A venture capital investment limited partnership agreement as stipulated in Section 3, Article 1 of the Law Relating to Venture Capital Investment Limited Partnerships;
- (3) A limited liability partnership agreement as stipulated in Section 3, Article 1 of the Law Relating to Limited Liability Partnerships;
- (4) Contracts concluded in a foreign country and similar to those described in (1) through (3) above.

Note: 3. Income received from a person who uses a purchased property as a dwelling place for himself / herself or his / her relatives are not the income of (5) but the income of (3) when the income is not more than 100,000,000 yen.

Note: 4. Interest on shipper's usance bills and bank import usance bills which is payable within six months of the date of issuance should not be included in the income of (10).

Note: 5. Services rendered as a director of a domestic corporation and services provided aboard a ship or aircraft operated by a resident or a domestic corporation are deemed to have been performed in Japan regardless of where such services are performed in reality.

Note: 6. Salaries, wages, and other remuneration for personal services performed in Japan are treated as domestic source income even if they are not paid in Japan.

(Reference 2) Outline of taxation on non-residents

| Classification of non-resident Income type | Non-resident | | | Withholding income tax etc. |
|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------|---------------------------------------------|-----------------------------|
| | Those holding a permanent establishment | | Those not holding a permanent establishment | |
| | Income attributable to a permanent establishment (see page 8) | Other income | | |
| (Business income) | Aggregate taxation (see page 10) | Untaxed | | No |
| ① Income derived from utilization or holding of assets (excluding those applicable to ⑦ to ⑮) | | Aggregate taxation (partial) | | No |
| ② Income derived from transfer of assets | | | | No |
| ③ Distribution of profits from partnership business | Aggregate taxation after being withheld at source | Untaxed | | 20.42% |
| ④ Income from transfer of land etc. | | | | 10.21% |
| ⑤ Income from business of providing personal services | | Aggregate taxation after being withheld at source | | 20.42% |
| ⑥ Real estate rent etc. | | | | 20.42% |
| ⑦ Interest etc. | Aggregate taxation after being withheld at source | Separate taxation at source (see page 10) | | 15.315% |
| ⑧ Dividend etc. | | | | 20.42% |
| ⑨ Interest on loans | | | | 20.42% |
| ⑩ Royalties etc. | | | | 20.42% |
| ⑪ Salaries and other rewards for provision of personal services, public pensions etc, retirement allowances etc. | | | | 20.42% |
| ⑫ Prize money for advertisement of a business | | | | 20.42% |
| ⑬ Annuities based on life insurance contracts etc. | | | | 20.42% |
| ⑭ Compensation money for benefits under installment savings contracts etc. | | | | 15.315% |
| ⑮ Distribution of profits based on sleeping partnership (Tokumei Kumiai) contracts | | | | 20.42% |
| ⑯ Other domestic source income | Aggregate taxation | Aggregate taxation | No | |

Note:

1. Please note that income attributable to a permanent establishment (see page 8) may overlap with domestic source income stated in ① to ⑯ in the table above.
2. Of the “② Income derived from transfer of assets” in the table above, income other than those falling under income attributable to a permanent establishment is taxed only if the income corresponds to those listed in Article 281, paragraph 1, item 1 to 8 of the Order for Enforcement of the Income Tax Act.
3. Please note that certain ones of the income subject to aggregate taxation in the table above may be subject to separate self-assessment taxation or separate taxation at source pursuant to the provisions of the Act on Special Measures concerning Taxation (see page 10).
4. Please note that withholding tax rates in the table above relating to certain incomes may be reduced or exempted pursuant to the provisions of the Act on Special Measures concerning Taxation.
5. In cases where a tax treaty is concluded between the country of residence of the non-resident and Japan, taxation may be reduced or exempted pursuant to the tax treaty (see page 63).