Q12. Special provision for timing of registration of newly established corporations

Is it possible for a newly established corporation to be registered as a qualified invoicing business entity at the same time it starts its business after the start of the qualified invoicing method? 新設法人等の登録時期の特例

適格請求書等保存方式の開始後、新設法人が事業開始(設立)と同時に適格請求書発行事業者 の登録を受けることはできますか。

A12. Only taxable enterprises are eligible to be registered as a qualified invoicing business operator of the new Act on the Elimination of taxation of corporation taxes.

A new established corporation that is a tax-exempt business can become a taxable business entity from the first day of the taxable period that includes the date of commencement of its business if it submits a tax election notification by the last day of the taxable period that includes the date of commencement of its business.

In addition, where a newly established corporation submits an application for registration stating that it seeks registration from the first day of the taxable period that includes the date of commencement of its business by the last day of the taxable period that includes the date of commencement of its business, if it is registered in the qualified invoicing business operator registry by the district director, it shall be deemed to be registered on the first day of the taxable period. The corporation is deemed to have been registered.

Therefore, in order for a newly established corporation that is a tax-exempt business entity to be registered as a qualified invoicing business entity from the time of commencement of its business, it is required to submit a tax election notification together with an application for registration by the last day of the taxable period after its establishment.

In the case of a newly established corporation that is a taxable business entity, it is possible to apply for the exception to the registration timing for newly established corporations, by submitting an application for registration stating that it intends to be registered from the first day of the taxable period that includes the date of commencement of businesses by the last day of the taxable period in which it commenced business.

適格請求書発行事業者の登録を受けることができるのは、課税事業者に限られます。

免税事業者である新設法人の場合、事業を開始した日の属する課税期間の末日までに、課税 選択届出書を提出すれば、その事業を開始した日の属する課税期間の初日から課税事業者と なることができます。

また、新設法人が、事業を開始した日の属する課税期間の初日から登録を受けようとする旨を記載した登録申請書を、事業を開始した日の属する課税期間の末日までに提出した場合において、税務署長により適格請求書発行事業者登録簿への登載が行われたときは、その課税期間の初日に登録を受けたものとみなされます(以下「新設法人等の登録時期の特例」といいます。)

したがって、免税事業者である新設法人が事業開始(設立)時から、適格請求書発行事業者の 登録を受けるためには、設立後、その課税期間の末日までに、課税選択届出書と登録申請書 を併せて提出することが必要です。

なお、課税事業者である新設法人の場合については、事業を開始した課税期間の末日までに、事業を開始した日の属する課税期間の初日から登録を受けようとする旨を記載した登録申請書を提出することで、新設法人等の登録時期の特例の適用を受けることができます。

## (Reference)

The same applies in cases of incorporation-type mergers, incorporation-type company splits, and new startups of solo proprietorships. In addition, when a sole proprietor establishes a corporation and starts a business (excluding cases where the business is continued as a sole proprietorship) In addition to the procedures as a newly established corporation, a sole proprietor is required to submit a "notification of discontinuance of business". In addition. In the case where a corporation succeeds to the business of a merged corporation or a split corporation that had been subject to the registration of a newly established corporation, the special exception to the registration period of a newly established corporation, also applies to the taxable period that includes the date of merger or split. (念老)

新設合併、新設分割、個人事業者の新規開業等の場合も同様です。また、個人事業者が法人を設立して事業を開始する場合(引き続き個人事業者として事業を継続する場合を除きます。)は、新設法人としての手続に加えて、個人事業者としての廃業の手続「事業廃止届出書」の提出)が必要となります。なお、吸収合併又は吸収分割により、登録を受けていた被合併法人又は分割法人の事業を承継した場合における吸収合併又は吸収分割があった日の属する課税期間についても新設法人等の登録時期の特例の適用があります。

Special provision on the registration period for newly established corporation.

《新設法人等の登録時期の特例》

## (Example)

A corporation (with a fiscal year ending in March) is established on November 1, 2023, and submits an application for registration together with a tax election notification on February 1, 2024. In case of a newly established corporation that is a business entity,

(例) 令和5年 11 月1日に法人(3月決算)を設立し、令和6年2月1日に登録申請書と課税選択届出書を併せて提出した免税事業者である新設法人の場合

Start of business (establishment) (November 1, 2023) Year ended Year ended Year ended Qualified Invoice Qualified Invoice Qualified Invoice Issuer Issuer Issuer Submit application Retroactive to the first day of the taxable period in which the business was for registration Applicatio The "intent to be registered as of the first day of the taxable period."  $\!\!\!\!$ tax election