

НАПРЯМ 4

ОБЛІК, АНАЛІЗ, ОПОДАТКУВАННЯ ТА ФІНАНСОВИЙ МОНІТОРИНГ ЯК ПЕРЕДУМОВА ЗАБЕЗПЕЧЕННЯ РЕЗИЛЬЄНТНОСТІ ЕКОНОМІКИ ДЕРЖАВИ

UDC 336.7

Fedorchenko Olha,
*PhD (Economics), Associate Professor of the Department
of Tax Management and Financial Monitoring (AML/CFT),
Kyiv National Economic University named after Vadym Hetman,
Kyiv, Ukraine*

Kryshtopa Iryna,
*DSc (Economics), Professor of the Department
of Tax Management and Financial Monitoring (AML/CFT),
Kyiv National Economic University named after Vadym Hetman,
Kyiv, Ukraine*

ROLE AND IMPORTANCE OF TAX COMPLIANCE FOR THE ACTIVITIES OF BUSINESS ENTITIES

The effectiveness of management of business entities and possibility of their development depends on the correctly chosen taxation system, as well as understanding by the management of the enterprise of the technology of assessment and payment of taxes in accordance with the Tax Code of Ukraine (hereinafter referred to as the TCU), the possibility of forecasting and regulation of the tax burden. Such knowledge for modern tax management specialists is the basis for building a team of specialists who will work and act within the framework of the same enterprise strategy to ensure its harmonious implementation while maintaining a high level of business efficiency. Tax management must be considered from two sides. Firstly, at the macro-level it contributes to the development of the country's economy and individual business entities, and secondly, at the micro-level, effective organization of tax management aims to counteract aggressive tax planning, tax evasion and erosion of the tax base. According to the reports of the State Tax Services of Ukraine on the results of control and inspection work for the period of only January-November 2021, taxpayers were overcharged by acts of scheduled and unscheduled inspections in the amount UAH 5,588,7296,000. The specified indicator indicates significant gaps in the tax management of business entities, inconsistency in the positions and decisions of accountants and managers. The need for further in-depth scientific research and strengthening of the personnel potential of specialists in the field of tax management is obvious.

At this stage of development, the field of taxes and fees regulated by the TCU is rather high-risky. This is due to the presence of certain tax risks, such as offshore, benefits, corruption, underpayment, shadow economy, constant changes in taxation of enterprise activity, fictitious enterprises, evasion of the obligation to pay taxes. The

specified risks threaten the tax security of Ukraine, as they are factors that reduce the filling of the state budget. That is why in the field of taxation it is necessary to comply with the requirements of the legislation that regulates relations in the field of tax collection. Failure to comply with this requirement can cause irreversible consequences for both the state itself and taxpayers. Prevention of these negative consequences is the task of an effective tax compliance system as an element of Ukraine's tax security.

Tax compliance is a set of motives and incentives of taxpayers that encourage them to comply with the requirements of tax legislation, as well as legislation on the payment of a single contribution to the mandatory state social insurance and to pay taxes, fees, and payments.

The goal of tax compliance is to predict and prevent problems during tax audits, find opportunities to reduce tax risks significantly, help taxpayers to avoid the most common tax law mistakes in the future, and encourage businesses to pay taxes voluntarily. This is the way to qualitative changes in approaches to tax administration and perception of tax authorities by taxpayers, which will allow to bring relations with taxpayers to a new level based on trust and partnership.

Modern business entities, regardless the field of activity, industry affiliation or size of business, are constantly trying to optimize their tax burden. Currently, Ukraine has not yet formed a clear understanding of the impact of aggressive tax planning on the country's budget. Current international conventions on avoidance of double taxation are misused not only by multinational corporations, but also by "domestic investors" - often for the purpose of legalizing income obtained through criminal means. As a result of gaps and inconsistencies in national and international tax legislation, business entities can practice base erosion and profit shifting (abbreviated - BEPS), that is, take free monetary assets "offshore". In contrast to this, one can observe operation of the rules of international taxation, which require constant improvement and modern approaches to combating the erosion of the tax base and the removal of profits from taxation. *The implementation of the BEPS action plan in Ukraine, in accordance with the norms of international regulations*, namely the OECD Transfer Pricing Documentation and Country-by-Country Reporting ACTION 13: 2015 Final Report, aims to introduce uniform requirements for the transparency of doing business according to international standards, increase efficiency of tax regulation, as well as ensuring financial stability.

Since one of the main elements of the tax compliance system is the identification and assessment of tax risks, enterprises, especially those operating in the area of transfer pricing, where almost all risks are very high, should implement an effective tax compliance system in order to minimize them, anticipate and prevent problems during tax audits, help taxpayers avoid the most common tax law mistakes in the future and encourage businesses to voluntarily pay taxes.

As a result of introduction of tax compliance, the following processes will take place at enterprises:

- risk management to prevent aggressive tax planning and tax evasion and erosion of the tax base;
- ensuring control over compliance with legislation, actions in certain situations related to the prevention and counteraction of corruption, effective management of the compliance management system;

– developing the skills of a culture of a negative attitude towards corruption manifestations and, accordingly, overcoming passivity in responding to discovered facts, which will increase the effectiveness of law enforcement agencies in detecting corruption offenses and bringing the perpetrators to justice.

As a result, the perspective of further scientific research in this area will be placed in the plane of further harmonization of the requirements of current legislation in Ukraine with the realities of the development of the EU legislation, as well as more substantiated consideration of the issue of further development of recommendations on the introduction of tax compliance into the practical activities of enterprises.

References:

1. *Рекомендації з реалізації Плану дій з BEPS (мінімальні стандарти). Міністерство фінансів України.* URL: https://mof.gov.ua/uploads/redactor/files/2017_Roadmap_BEPS_UKRAINE_ua.pdf
2. *BEPS Action 13 on Country - by Country Reporting. PEER REVIEW DOCUMENTS* URL: <https://www.oecd.org/tax/beps/beps-action-13-on-country-by-country-reporting-peer-review-documents.pdf>
3. *OECD (2019), Guidance on the Implementation of Country-by-Country Reporting – BEPS Action 13, OECD, Paris*
4. *OECD (2020), Signatories and parties to the multilateral convention to implement tax treaty related measures to prevent base erosion and profit shifting.* URL: <https://www.oecd.org/tax/treaties/beps-mli-signatories-and-parties.pdf>

УДК 336.7

Абесінова Олена Костянтинівна,

*к.е.н., доцент кафедри податкового менеджменту та фінансового моніторингу,
Київський національний економічний університет імені Вадима Гетьмана,
м. Київ, Україна*

ОРГАНІЗАЦІЙНІ АСПЕКТИ РОЗКРИТТЯ ІНФОРМАЦІЇ ПРО БЕНЕФІЦІАРНУ ВЛАСНІСТЬ ЮРИДИЧНИХ ОСІБ

Розкриття інформації про бенефіціарну власність є основним інструментом у боротьбі з незаконними діями, які пов'язані з відмиванням коштів, ухиленням від сплати податків, торгівлею зброєю, корупцією. Прозорість бенефіціарної власності є одним із засобів забезпечення прозорості ведення бізнесу та економічних відносин. Розкриваючи інформацію про структуру власності та бенефіціарного власника, компанії уникають репутаційних й фінансових ризиків. Важливість розкриття інформації про кінцевого бенефіціарного власника (КБВ) відображена у багатьох міжнародних та національних законодавчих актах. Зокрема, вимоги Директив ЄС 2015/849 та 2018/843 до прозорості інформації про бенефіціарного власника, були враховані при розробці нової редакції Закону України «Про запобігання та протидію легалізації (відмивання) доходів, одержаних злочинним шляхом, фінансуванню тероризму та фінансуванню розповсюдження зброї масового знищення» від 06.12.2019 р. № 361-IX (далі Закон) [1].