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PROSPECTS OF "TAX AMNESTY"

Annotation. Theses consider the goals of tax amnesty in Ukraine. In addition, these theses examine who can benefit from the amnesty, which assets can be amnestied, what collection rates and what are the prospects for this procedure.

Key words: tax amnesty, taxes, rates, money, assets, income.

Theoretically, non-payment of taxes is a crime. However, in the process of tax amnesty, the state does not exercise its right to punish, but allows it to come out of the shadows and legalize the capital that its owners received without paying taxes or even withdrew from the country. To this end, they have the opportunity to pay lower taxes and / or avoid penalties for non-payment.

Developing countries or countries with low tax discipline tend to resort to tax amnesty. Sometimes this happens after extraordinary economic shocks or crises, and then the goal is to replenish the budget faster.

In order to attract money to the state budget, in the summer the Verkhovna Rada of Ukraine approved a tax amnesty - Law №1539-IX [1] of July 15, 2021, which has already received the signature of the President and came into force on September 1, 2021.

In addition, in Ukraine, the tax amnesty is designed to perform the following tasks: to legalize the assets of Ukrainians, increase confidence in the state and allow the population to reset before the next stage of income control through indirect methods.

The question of who can benefit from the tax amnesty remains unresolved. In the period from September 1, 2021 to September 1, 2022, citizens of Ukraine and foreigners who at the time of receipt of the asset were tax residents, taxpayers in Ukraine may file a special tax return. In this declaration, individuals must indicate the assets received from undeclared income or income from which taxes and fees were not paid before January 1, 2021.

However, not everyone will be able to take advantage of the tax amnesty. The following categories of citizens will not be able to use this procedure: civil servants, minors, incapacitated and natural persons who have fallen under the sanctions legislation.

The tax amnesty applies to the following assets:

a) funds in national and foreign currencies placed on accounts in Ukrainian or foreign banks, cash, rights of monetary claim;

b) immovable property, including objects of unfinished construction, not put into operation or the right of ownership of which is not registered, but the property rights to them belong to the declarant, and are not put into operation and are on land plots, the rights to which belong to the declarant;

c) movable property: corporate rights, other rights in associations without the status of a legal entity, securities, transport, intellectual property rights.

In Ukraine, persons wishing to file a special tax return will be able to pay the fee at the following rates:

- 1) 2.5% of the value of government bonds of Ukraine;
- 2) 5% of the value of currency values on bank accounts in Ukraine, as well as other assets located in Ukraine;
- 3) 9% of the value of currency values and other assets located abroad (7% for declarations to be submitted by March 1, 2022).

Law №1539-IX [1] also allows for the payment of agreed obligations in three equal installments. But in this case, the fee rates will be higher - 3%, 6% and 11.5%, respectively.

Citizens will also be subject to so-called "unconditional amnesty" if their assets do not exceed the limits set by Law №1539-IX [1]. In particular:

- any assets with a total value not exceeding UAH 400,000;
- apartments in Ukraine up to 120 sq. m.;
- houses in Ukraine up to 240 sq. m.;
- non-residential real estate for non-commercial purposes, up to 60 sq. m.;
- land plots, the size of which does not exceed the standards of free privatization;
- one vehicle for personal non-commercial use.

The question of what a citizen who benefits from a tax amnesty will receive remains unresolved. The state will guarantee the following person:

- 1) exemption from liability for violations of tax and currency legislation;
- 2) the impossibility of initiating criminal proceedings and carrying out investigative actions against the assets specified in the special tax return or in respect of such a person.

In addition, Law №1539-IX [1] has its unresolved issues. Because, this law states that the tax service has no right to require taxpayers to provide information on the origin of assets from which taxes have not been paid before. However, banks will be required to do so. And they may not open a taxpayer account at all if the taxpayer does not pass financial monitoring.

Thus, from our point of view, the tax amnesty was introduced mainly because it is a requirement for Ukraine's accession to the international system of tax information exchange. Before using the amnesty or refusing to participate in it, it is necessary to assess not only the risks of participation, but also the consequences of non-participation. Therefore, amnesty is usually the first step before strengthening tax control.

REFERENCES:

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