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Optimization of tax burden

Abstract. The bases of national tax systems should be considered depending on the state of the economic and socio-political structure in the conditions of market reforms. Thus, the special place in creating a tax systemof market type are the principles of its construction. If under the tax system the totality of taxes considered, duties and charges levied on the territory of the state in accordance with the Tax code, and a set of rules and regulations that define the authority and responsibility of the parties involved in tax transactions. In addition, particularly the importance of practicing the principles of the tax system in relation to the characteristics of the development of the state. The emergence of a fundamentally different model of interaction between government and business entities in the field of taxation has determined the necessity for consideration of the tax component in the total economic strategy of the enterprises. In this regard, there is a need of economic agents in the formation of individual tax policies that address issues the optimization of tax burden. However, despite the urgency of research influenceof the tax.
Key words: Tax planning, Tax optimization, Tax benefits, Tax minimization.

Introduction

In modern conditions, tax planning is the actual direction in the activities of financial services, business and individual entrepreneurs as the means it is possible to significantly reduce the cost of tax payments to the budget. Tax planning can optimize the amount of taxes paid and avoid economic losses due to the payment of fines and penalties to the state. Thus, tax planning is the effective management of own financial resources without borrowing capital through optimization of the taxable base with the use of legally permissible options of reduction of tax liabilities. While there are many different methods of tax optimization.

Methods. In this article were used methods theoretical and empirical research

Main body. Methods of tax optimization are different in nature and narrowly focused on a specific segment of the tax, not affect the whole complex of tax problems.

Among the most popular methods of tax minimization researchers identify follows:

– Method of replacing relations;

– Method of separation of relations;

– Method of deferral of tax payment;

– Method of direct reduction of the object of taxation;

– Method of adopting the accounting policy with the maximum use of the available options to reduce the size of tax payments;

– Method of application of legislatively established privileges and preferences for various industries and groups of taxpayers;

– Method of changing the jurisdiction of supply management or the center of decision-making management of the enterprise in the form of the establishment of an independent legal entity or the transfer of own production facilities for the benefit of the preferential tax treatment zone;;

-Method offshore.

As a rule, the same economic goal, such as the acquisition of the property, income, etc. can be achieved in several ways. Current legislation does not limit the business entity selecting the form and certain terms of the transaction, contractor selection, etc. because of the optionality of civil law, the parties may enter into any contract containing any terms, if it is not contrary to the common sense of the civil

legislation. The entrepreneur is entitled to choose any of the acceptable options, taking into account the efficiency of the operation in purely economic terms and from the point of view of taxation.

This is based on a method of replacing relations: operation, involving burdensome taxation is replaced by an operation that achieve the same or as close as possible to the target, and thus to apply a more preferential taxation.

Any civil contract contains essential terms, which allow distinguishing this contract from another. In addition, for each contract characteristic is its special order of execution. In this regard, it is necessary to emphasize that it should be replaced by a legal relationship (rights and responsibilities), and all essential terms of the contract and not just the formal side of the transaction (for example, the name of the contract).

Method of separation of relations is based on the method of replacement, that is replaced not the completely economic operation, but only part of one business transaction is divided into several. This method applies generally in cases where full replacement is not allows to achieve the result that is closest to the purpose of the initial transaction.

For example, the terms "reconstruction" and "repair" often perceived as synonyms, although they have significant difference. The differences between repair and reconstruction can be briefly formulated as follows: construction – is the restoration of the original characteristics of the object, and the modernization or reconstruction – a significant improvement of the original characteristics of the object or the object giving new qualities. Qualification of the performed works is carried outbecause of estimates, cost estimates, documenting and justifying the nature of the work performed. As a rule, at modernization of production facilities of small and medium businesses (offices, shops, etc.) the premises takes on completely different characteristics. In this case, a complete replacement of the agreement on the reconstruction of the premises contract, the subject of which is a capital repair is impossible, since the tax authorities to prove the "current maintenance" nature of the work performed will be very difficult. In addition, here is the separation (partial replacement) reconstruction of the actual reconstruction and repair subject to the general conditions of assignment costs, the cost will include part of the costs incurred in the cost.

It should be noted that during this operation is essential the formal side of the issue, since the tax authorities during the documentary checks first pay attention to the formulating of the documents reflect the nature of the works. In particular, a closer analysis of the estimates are subject to maintenance work and contracts with contractors. Therefore, the main attention should be paid to the fact that not all the documents and estimates for repair works contracts should contain references such as "modernization, reconstruction, re-equipment and suchlike". All work should be called "repair", and should be used in appropriate "reconstruction" terms.

Deferral method of tax payment based on the fact that the deadline for payment of most taxes is closely linked with the moment of occurrence of the tax object and calendar period (month, quarter, year). Deferral method using elements of other methods (substitution, division, etc.) enables to shift the time of the tax object (and consequently tax) for the next tax period.

In the current economic conditions and significant amounts of tax payments, deferred payment of tax to the budget first allows saving current assets, and in some cases to avoid incurred penalties.

An example of application of this method is the case when transfer of funds shall make the delay of occurrence of the taxable turnover on the last day of the reporting period. This is a very simple method of deferral of tax payments. Based on the fact that the minimum time of passage of payments through banks is one day, and an average of about three days. When carrying out settlements between partners are taken into account, as a rule, the interests of both parties. Thus, the transfer by the buyer of payment under the contract (giving instructions to the Bank to transfer funds) on the last day of the reporting tax period will allow the buyer to include the expenses in the cost calculationof the current period, in the current period to include VAT payments to the budget.

The most radical way to avoid paying taxes is to get rid of the tax object (one-way to circumvent tax) – abstaining from activities, the lack of property,etc. Direct reduction method of the tax object is intended to get rid of a number of taxable transactions or taxable property, and at the same time not have a negative impact on economic activity of the entrepreneur .An example of application of this method is to reduce the object of taxation on property tax through taking inventory. Often in the composition of taxable properties are registered objects that are in no way involved in the activities of the enterprise. It may be obsolete products, defective vehicles (which are not depreciated due to the lack of

run),etc. Carrying inventory reveals objects such write-offs, which came into physical disrepair or obsolete assets; reduce the cost of taxable property by means of an independent appraiser of revaluation of fixed assets towards downside. Another example of this method is the reduction of the object of taxation for tax on the property by renewing the normative construction period. The costs of organization for the construction (installation of equipment) are taken into account for the purposes of taxation on property tax after the statutory period of construction (installation of equipment), determined on the basis of building rules and regulations, design estimates and timelines for the construction (installation of equipment), established by the relevant contract agreements. .If the standard period of construction, installation, commissioning, established by the contract has not expired.The capital costs are not to be included in the tax base for property tax of enterprises. It should be borne in mind that the period of construction (mounting hardware) can be extended in prescribed manner. In this case, capital investments (costs) are to be included in the tax base upon the expiration of the contract for construction (installation of equipment) of the revised construction period. As a rule, standard terms are not met. In the case of torque, we recommend to extend the construction period through an adjustment to the contract. Otherwise, financial losses are inevitable.

The amount and procedure of payment of taxes largely depend on the taxpayer's methods of accounting and taxation. Therefore it is necessary to pay attention to the accounting policies defined by the organization are known before the start of the calendar year. Accounting policy is one of the elements of tax optimization. Study of the order of the accounting policy will allow choosing the optimal option of the accounting and effective from the point of view of taxation.

Example of the use of the method of making optimal accounting policy should be considered as establishing the order on the accounting policy for the taxation method of income recognition for tax purposes.

Another example of using the method of creating optimal accounting policy is the establishment of a reserve for doubtful debts.

In the formation of the organization's accounting policies must decide whether to create a reserve for doubtful accounts. Establishment of the reserve will significantly reduce the tax burden on the company in the event of non-payment of contractors for delivered products.

The method of application of legislated fixed benefits and preferences is based on correct application of the maximum range of benefits available under current tax legislation. This method is one of the most effective instruments of tax optimization.

In accordance with the tax code of RK benefits for taxes and duties granted to individual categories of taxpayers and payers of fees stipulated by the legislation on taxes and fees advantages over other taxpayers and payers of duties, including the possibility to pay no tax or fee or to pay them in a smaller. In other words, the tax benefit is provided by the tax legislation exceptional opportunity for a full or partial exemption from tax in the presence of the object of taxation, and otherwise mitigate the tax burden for the taxpayer.

Four groups of tax benefits can be distinguished:

1) provided by the individual entities of the tax exemption of certain categories of persons, tax holidays, tax deductibility of certain amounts, as a rule, expenses of the payer, etc.;

2) Provided on the object – withdrawal, discount;

3) At the rates – interest rates;

4) Terms of payment – delayed payment of tax credit.

An important criterion of the effectiveness of tax optimization with incentives is to take into account all, even the most minor of benefits provided by the current tax legislation.

The method of the change of tax jurisdiction is based on the principle of taxation federalism, based on the exclusive right of the subjects, independently and at its discretion, to establish rates of regional and local taxes, and preferential tax regimes on certain territories established by Federal law.

Offshore – a state or other legally separate territory, attracting under their tax jurisdiction of the foreign entrepreneurs by establishing the maximum possible tax benefits.

The method of offshore considers this term more broadly. Under the method of offshore company is a set of methods that based on the transfer of the object of taxation under the jurisdiction of the more lenient tax regime. There are several ways to transfer the object of taxation:

- The method of territorial offshore. This method consists in the transfer of the object of taxation (individual operations or activities in general, property, etc.) on the territory that have more favorable tax treatment. Moreover, modern information technologies

allow for the management of the company, its Bank accounts, without leaving your office.

➢ The method of preferential enterprise based on the fact that preferential tax treatment may also be associated with certain categories of taxpayers, the use of which allows to obtain significant tax savings.

These include taxpayers, applying special tax modes (the simplified system of taxation, etc.).

Conclusion

In conclusion, it can be noted that the methods and specific schemes of tax optimization very much. Schemes of tax optimization change with changes in tax legislation, judicial practice and the emergence of new methods of combat optimization on the part of the state. In many ways, their use depends on the characteristics of a taxpayer and possibility of application in respect of the entity or the individual entrepreneur.

Therefore, the development of tax optimization schemes should be based on General principles of tax optimization, the specific conditions and opportunities of the taxpayer.

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