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## TAX OPTIMIZATION OF FOREIGN ECONOMIC ACTIVITY

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**Abstract.** *The article discusses the essence of tax optimization from the point of view of the business entity and government agencies. The study analyzes the legal and regulatory framework and identifies existing tools to reduce tax pressure on taxpayers in the field of foreign economic activity, through the benefits provided by law and other opportunities to optimize tax payments. The following tools of tax optimization of the subject of foreign economic activity are considered: strategic planning of activities, taking into account international agreements of Ukraine on the avoidance of double taxation; taking into account the place of supply of goods and services; some specific approaches to business organization; planning a settlement with a broker to preserve the right to a tax credit. Preventive methods are aimed to avoid the overpayment of taxes or fines and penalties.*

**Keywords:** *tax burden, tax burden optimization, tax burden tools, foreign economic activity.*

During the study, the essence of the concept of optimization of the tax burden was determined as a system of legal actions of a taxpayer aimed at minimizing tax payments and providing for the use of benefits provided by legislation or other legal advantages in order to ensure economic growth and improve their own competitiveness. For the purposes of this study, we consider the optimization of the tax burden on subjects of foreign economic activity (FEA) solely within the framework of legal actions of the payer aimed at optimizing the relevant

aspects of taxation in order to improve the economic performance.

The authors summarized the tools of tax optimization for the subject of foreign economic activity, respectively, in the framework of strategic, operational and preventive approaches. According to the strategic approach to the tools of tax optimization for the subject of foreign economic activity, the following can be attributed: determination of the territory for the supply of goods and services; use of international treaties of Ukraine on the avoidance of double taxation; introduction of a business model for the

import of customer-supplied raw materials, their processing and export of finished products.

From the point of view of operational decisions on tax optimization of foreign economic activity, the rationality of obtaining from a counterparty (non-resident) optional certificates EUR.1 and EUR-MED for confirming the origin of goods and obtaining, on its basis, the right to use the preferential duty rate is substantiated.

Preventive tools include obtaining individual tax advice and explanations from government agencies, which should

be part of the process of tax planning for foreign economic activity. If there are disagreements in the interpretation of legislative norms or some aspects are not clearly defined, enterprises should contact the tax authorities for clarification. In this case, the person who acted in accordance with the consultation cannot be held liable.

The introduction of the outlined tools of tax optimization by subjects of foreign economic activity will improve the financial results of the activities of such entities and increase their competitiveness in the international arena.

### References

1. Doing Business. (2019). Economy profile of Ukraine. doingbusiness.org. Retrieved from: [https://www.doingbusiness.org/en/data/exploreeconomies/ukraine#DB\\_tax](https://www.doingbusiness.org/en/data/exploreeconomies/ukraine#DB_tax)
2. Abdul Wahab, N. S., & Holland, K. (2012). Tax planning, corporate governance and equity value. *The British Accounting Review*, 44(2), 111e124. Retrieved from: <https://www.sciencedirect.com/science/article/abs/pii/S0890838912000212>
3. Desai, M., & Dharmapala, D. (2009). Corporate tax avoidance and firm value. *Review of Economics and Statistics*, 91(3), 537-546.
4. About the schemes to minimize the payment of taxes through the eyes of MFU. Letter 31-20010-3-8 / 3337 the Ministry of Finance of Ukraine (2008, April 25). Retrieved from: <https://zakon.rada.gov.ua/rada/show/v3337201-08>. [in Ukrainian]
5. Tax avoidance: general anti-abuse rule guidance - latest version. gov.uk. Retrieved from: <https://www.gov.uk/government/publications/tax-avoidance-general-anti-abuse-rules>
6. General Anti-Avoidance Rules. Pricewaterhouse Coopers. Retrieved from: <https://www.pwc.com/cz/cs/danove-sluzby/danova-politika/assets/gaar-general-anti-avoidance-rule-en.pdf>
7. Baranova, V.Gh., Dubovyk, O.Ju. & Khomutenko, V.P. (2014). *Tax system*. Odesa: BMB. [in Ukrainian]

8. Melnichuk, O.S. (Ed.). (2003). Etymologichnyi slovnyk ukrainskoi movy [Etymological dictionary of the Ukrainian language]. (Vol.4). Kyiv: Naukova dumka. [in Ukrainian]
9. Tax Code of Ukraine (2010, December 2) Retrieved from: <https://zakon.rada.gov.ua/laws/show/2755-17> [in Ukrainian]
10. Customs Code of Ukraine (2012, March 13). Retrieved from <https://zakon.rada.gov.ua/laws/show/4495-17> [in Ukrainian]
11. Order about Approval of the Procedure for Completion and Issuance by Customs of a Certificate for Transportation (Origin) of Goods EUR.1 or EUR-MED №139 Ministry of Finance of Ukraine. (2021, March 2). Retrieved from: [https://zakon.rada.gov.ua/laws/show/z0355-21#Text\\_](https://zakon.rada.gov.ua/laws/show/z0355-21#Text_) [in Ukrainian]
12. Preferential rules of origin within Pan-Euro-Med. Ministry of Economic Development and Trade. Ukrainian Export Promotion Office. Retrieved from: <https://helpdesk.epo.org.ua/article/preferenciyni-pravyla-pohodzhennya-u-ramkah-pan-yevro-med> [in Ukrainian]
13. FAQ z pytan funktsionuvannia vilnoi torhivli mizh Ukrainoiu ta YeS [FAQ on the functioning of free trade between Ukraine and the EU]. Ministry of Economy, Department of International Cooperation in Economics, Trade and Agriculture. Retrieved from: <https://www.me.gov.ua/Documents/Print?lang=uk-UA&id=b142801e-b932-4207-aea9-df3728dad379> [in Ukrainian].