

**SPECIFICS OF THE SOCIALLY-ORIENTED ACTIVITIES TAXATION  
ON THE EXAMPLE OF UKRAINE**

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**ABSTRACT**

The article deals with the features of taxation of the socially-oriented activities based on the example of Ukrainian experience.

The article investigates one of the important problems of the tax burden on the economic entities, which significantly hinders socially-oriented activities.

Moreover, the article proposes the ways for stimulating socially-oriented activities of the business entities.

**Keywords:** social responsibility, socially-oriented activity, tax benefits, business entity, taxpayer.

**INTRODUCTION**

**Formulation of the problem.** In the process of the economic relations society increasingly pays attention to the socially-oriented activities of the business entities and their compliance with the corporate social responsibility concept. One of the criteria for the recognition of an entity as a socially-responsible is payment of all required taxes and fees timely and in a full volume.

The problem is that today the taxation of the socially-oriented activities are not sufficiently examined, also there are not enough practical recommendations for promoting its development through the stimulating function of taxes; this direction is being formed, and, therefore, needs further development, learning and improvement, which explains the relevance of this study.

**Analysis of the recent research and publications.** The issues of the socially-oriented activities taxation are highlighted in the works of scientists and it is one of the most important moments in its development. Scientific researches in the field of taxation of socially-oriented activities are highlighted in the works of scientists, who contributed to the theoretical and methodological aspects of accounting and taxation as a whole and this type of activity in particular: V.G Bulba

[2] V.V. Kuzhel [3] M. I. Melnyk [4] V.I. Korsak [5] I.V. Zhyhley [7], A.M. Kolot [9] and others.

Scientific studies show that the main problem in practice is the excessive tax burden on economic entities, which hinders the development of socially-oriented activities; it should become the impetus for the development and use of advanced standards, implementation of the modern management concepts in practice from the side of business entities and state leadership.

Modern scientists recognize the fact that payment of taxes and fees timely and in the full volume into the budget at all levels is one of the main features of modern socially-oriented entity. In this regard, the taxation of the socially-oriented activity is seen as a new stage of development of corporate social responsibility that corresponds with the modern international requirements.

**The aim of the study** is the development of theoretical and methodological aspects of taxation of the socially-oriented activities, finding the practical recommendations in purpose to stimulate and improve the level of activity of economic entities in this direction.

**Materials and methods.** As the materials for this research we have used the works of economists who contributed to the theoretical and methodological aspects of taxation of the socially-oriented activities, as well as the legislation of Ukraine, and questionnaire surveys.

The study used the following scientific methods: induction and deduction, analysis and synthesis – to reflect the essence of socially-oriented activities; synthesis – to form appropriate conclusions; bibliographic – researches of the literature for the relevant information about the researched topic; method of associations and analogies – for the proposed new ideas and proposals arising from the comparison with other more or less similar objects.

**Results of the research.** During the study of socially-oriented activity issues, it was revealed that today the concept of "socially-oriented activity" is not defined by law [1, p. 142]. Business entities are becoming more responsible for their economic activities because of the pressure of society through the state legislation and realizing the importance of the social responsibility, so there is a need to determine the concepts of "social responsibility" and "socially-oriented activity" on the legal level. This will provide an opportunity to combine business processes related to the concept of the social responsibility, increase the types of expenses and amounts of spending for the definition of income for the tax purposes, and to improve the tax system of entities in purpose to promote and improve their socially-oriented activities.

There is no doubt that taxation should ensure the flow of funds to state and local budgets, but if the UN Global Compact provides incentives to stimulate entities for the responsible actions, then

each state should also get involved in this, without forgetting the catalytic function of taxes. A well-organized system of taxation can stimulate the inflow of funds into the budget, and to encourage entities that are honest taxpayers, do not pollute the environment, improve the quality of life of the society, or help the state fulfil its functions.

The UK can be an example that the state and entities must work together [2, p.5]. It is the only country in the world where the government established the post of Minister for the Social Responsibility (Minister for CSR). This fact means that CSR is an essential element of British social, environmental and economic public policy.

It should also be noted that the government of this country supports socially responsible companies. The UK law defines the rules for preferential taxation of business entities that adhere to business ethics in terms of energy efficiency, waste recycling, and relationships with the staff.

Socially-oriented activities are considered through the concept of social responsibility, therefore it is necessary to consider the costs relating to the aforementioned activities, the appropriateness of their composition changing.

We believe that enabling socially responsible entities to reduce the amount of taxable income thereby increase their profits, is a decent gratitude of the state for their steady exercise of the socially-oriented activities.

In the work of V. Kuzhel [3, p. 165] it is noted that in Ukraine the reduction of taxes is the most important incentive for programs of social responsibility. The second and third position in the ranking of incentives occupy, respectively, reducing of the administrative burden and programs from the local authorities.

In support of this view, M.I. Melnyk notes that in order to create socially-oriented business environment one of the systemic measures and instruments of the state should be the reform of the tax system towards reducing the tax burden and enhance its stimulating effect on the activity of innovative and socially-oriented business entities , including fiscal incentives by extending the list of expenditures (for the human capital and social investments), which may refer to the costs of enterprises and also the exemption of taxation of that part of the profit, which is used for the implementation of CSR policy (from the foreign experience 5% of the profit) [ 4, p. 22].

While exploring issues of implementation of socially-oriented activities by Ukrainian entities V.I. Korsak makes a list of obstacles that have to be removed [5, p. 70]. Among them on the first place is the tax burden, which is inadequate for the modern level of the local business development, which not only does not allow private entities to perform their social function, but on the contrary, forces them to implement the shadow revenue system with the main goal of

basic survival. Additionally it is recommended to reduce the tax burden, which is prohibitively high at the modern stage of the entrepreneurship development.

It should be taken into consideration that one of the criteria for the recognition of the entity as socially responsible is payment of all national and local taxes and fees timely and in full volume, in their turn these taxes and fees can be direct and indirect. Therefore, entities have to pay for themselves, their employees and consumers. This suggests that any tax or fee will affect socially-oriented activities. Moreover, it can be said that socially-oriented activities penetrate into all the business operations of economic entities, as they are directed on employees, society and the environment.

The tax burden problem relates to the various countries. In our opinion, the taxation issue cannot be researched only by the scientists; the opinion of practitioners must be also taken into account, because they face it every day and have their own vision of this problem. In this regard, we have carried out a survey of a number of Ukrainian and American business entities; we have asked the question about the direction of raising funds that would stay with them, in the case of reducing the tax burden.

We believe that in this case there is no need to do a big a sociological survey; it is enough to hold 10 surveys of the respondents who are professionals, heads of their own business or chief accountants. The main point is that they would work in the different sectors and regions of the state, or with the non-residents. The sociological survey is mostly needed to identify trends, statistic data, etc. We are interested in the opinions of managers and/or accounting professionals, whose ideas could be taken into consideration.

For the review of our respondents we have identified and proposed the following objective of the survey: "Exploring the issue of taxation of business entities and corporate social responsibility, we have concluded that the tax reduction is the most important incentive for the implementation of socially-oriented activities. We believe that reducing the tax burden for the socially responsible entities is a worthy gratitude of the state for their permanent exercise of socially-oriented activities. In this regard, during our research there was a needed to find out for what purpose entities could raise funds in case of the tax burden reduction".

The results showed that entities often choose several options for additional funds (as possibilities). Among Ukrainian all companies would have primarily directed these funds for their own development (100%). 40% of business entities would have directed these funds for the charity, philanthropy and the award for the staff. The smallest amount would be spent on the environmental projects (10%).

Among the American entities 50% would have spent money for their own development, adding to this the awards for the staff. The remaining 50% would have spent such funds for the marketing, believing that marketing ensures their own development in the future, and, consequently, worthy salaries and bonuses for the staff, and the development of other important social projects.

Each state has its own tax legislation, in Ukraine it is the Tax Code of Ukraine, which is a major piece of the tax legislation, and which is used by all entities. After it came into force, the followings laws lost their power: the Law "On Value Added Tax", "On personal income tax" and other laws governing the taxation of business and population in Ukraine.

According to the Art. 30.2 of the Tax Code of Ukraine (TCU onwards), grounds for granting the tax exemptions are the features that characterize a certain group of taxpayers, the type of their activities the object or nature of the tax and social significance of their spending [6]. We believe that the costs of the socially-oriented activities include public interest, and socially-oriented activities should be considered as special (because they improve the quality of life of the society), and the entities could claim the possibility of increasing the tax rebates and/or reliefs. Thus, the state can and should be more involved in further development and promotion of the social responsibility of the business.

The exact definition of the tax benefit is stated in the Art. 30.1 TCU, it provides the release of the taxpayer, by the tax and customs legislation, from the obligation of calculation and payment of taxes and fees, payment of the taxes and duties in a lesser amount if there are the grounds set out in the paragraph 30.2 TCU, which was described above.

Art. 30.9. states that the tax benefit is provided by:

- a) tax deduction (discount), which reduces the tax base to tax assessment and collection;
- b) deduction of the tax obligation after the tax assessment and collection;
- c) a reduced rate of tax and duty;
- d) exemption from payment of taxes and duties.

Art. 30.6 and 30.8 TCU are also important for the accounting, their content is that any taxes and fees, which are not paid by the business entity into the budget because of the tax benefits, should be recorded by this entity.

Controlling authorities provide control over the correctness and accounting of tax, timely reporting, and their intended use, if the legal definition of areas of their use exists. The order of

calculation, deduction and payment (transfer) of the tax into the budget are stated in the Art. 168 TCU.

An important feature of taxation is providing tax relief, and possible special tax regime, which may include exemption from certain taxes and charges referred to in Article 11.3. TCU.

In purpose to reduce the incidence of deliberate understatement of the tax base, tax law establishes a list of costs which are largely used for masking such actions of economic entities [7, p. 267].

Among them are the following costs:

- the costs for organizing receptions, presentations, celebrations, entertainment and recreation; acquisition and distribution of gifts;
- financing of personal needs of the individuals;
- payment of dividends;
- payment of rewards or other incentives associated with the taxpayer for the individuals, if there are no documentary evidence that such payments or incentives were made as compensation for the actually provided services.

The income tax rate, specified in the Art. 167 of the Code, depends on the different cases and types of income. Each year the Cabinet of Ministers of Ukraine and the Parliament of Ukraine make changes to the Tax Code of Ukraine, in particular in the articles which determine the tax incentives, rebates, tax rates and fees. This is caused by the level of revenue and economic situation in the country, thus, the income tax rate can be changed. Methodological approaches to the recognition of costs that affect profits are constantly changing. Accrual and payment of the compensations to the employees is an integral and one of the largest components of the socially-oriented activities.

Thus, I.V. Zhyhley considered the possibility of including the staff costs into the "gross spending" [7, p. 267], but nowadays the profit before the taxation is adjusted to the tax differences, and the "gross spending" concept does not exist.

Accordingly, there is a division of the costs of the economic entity: those included in a full volume, not included at all, or included in the appropriate part of the legislation.

The interest of the State Tax Service appears in verifying the correctness of calculations, completeness and timeliness of tax payment, procedure of recognition of costs and revenues.

A great part of socially-oriented activities are aimed at the environment protection. Art. 48 of the Law of Ukraine "On Environmental Protection" dated June 25, 1991 № 1264-XII amended [8]

provides tax incentives for entities in the case of their actions aimed at the natural resource management and environmental protection.

In order to protect the environment as of today, the Part IX, Art.251 TCU provides the payment of such taxes in the form of rent, which consists of:

- rental payments for use of the subsoil for mining;
- rent for the use of the subsoil for the purposes not related to mining;
- rent for the use of the radio frequency resource of Ukraine; rent for the special use of the water;
- rent for special use of the forest resources;
- rent for the transportation of oil and oil products through the trunk pipelines and oil pipelines, transit transportation of ammonia via the pipelines through the territory of Ukraine.

Environmental tax combines significant portion of pre-existing taxes and charges [9, p. 221]. According to TCU (Art. 1.14.57) environmental tax is defined as a nationwide compulsory payment levied on the actual emissions into the air, discharges of pollutants into the water bodies, waste disposal, the actual volume of radioactive waste temporarily kept by their producers, the actual amount of generated radioactive wastes and the actual amount of radioactive wastes. The objects and the tax base (Art. 242 TCU) are the volumes and types of pollutants that are released into the air, discharged into water bodies; radioactive wastes. Environmental tax rates are different, depending on the amounts and denominations of pollutants, some types of extremely hazardous wastes. These rates are calculated for the ton of pollutants and radioactive substances in the cubic centimetres.

The issue of environmental protection in Ukraine has rather low level of attention, but every year more and more entities and citizens pay attention to it. Ukrainian entities are getting involved in the environmental actions, trying to support energy efficiency programs, both for saving their money and due to the fact that their environmental awareness is growing. The results are often published in their social responsibility reports on their Internet-sites.

We believe that the funds, which were used by the entity to protect the environment (partly also those funds, which are used for providing innovations) should be fully related to the expenses aimed at the reduction of the taxable income.

The TCU also provides reduction of the tax rates by 20% as an incentive for the manufacturers to switch to the low-waste and the non-waste and resource-saving technologies, implementation of the best available environmentally friendly technologies.

Reducing the tax rates of various taxes and fees will contribute to the responsibility of the economic entities for the society. In the case of ignoring of this step by the state, the tax rate for



the specific subject can always be returned to the total (previous) size; in addition, penalties and other legal instruments should be applied for the dishonest entities.

It will be advisable to encourage the economic entities to carry out the costs that are allowed to be included into the tax rebates, the amount of money or value of property listed (transferred) by the taxpayer in the form of donations or charitable contributions to the non-profit organizations in an amount greater than the one that does not exceed 4% of the total taxable income for the financial year.

We believe that increasing the allowed percentage size will increase the revenues to the charitable and non-profit organizations whose activities are aimed at improving the lives of people, including people with disabilities.

We offer to attribute to the costs of the economic entities all funds that are clearly directed to the society and are important for the state, including social, environmental, investment and innovation costs. Through these expenses entities help the state authorities to develop social and environmental trends, innovations, and, therefore, the science as a whole, attracting investments and so on. These conscious steps of the responsible economic entities certainly deserve encouragement from the state.

Socially-oriented activities can raise additional revenue for the certain entities, so it is needed to consider the particular charges (benefits) and taxations for the certain types of income, which are stated in Art. 170 of the Tax Code of Ukraine and may be related to this type of activity.

Art. 170.7. states that charity, including humanitarian assistance, in the form of money or property (free of charge work or services) and that meets the requirements set out in this paragraph, is not taxable and not included in the total monthly or annual taxable income of the taxpayer.

For the tax purposes, charity is divided into targeted and untargeted. The targeted is a charitable aid granted under the conditions and directions of its spending, and untargeted is the aid granted without imposing such conditions or directions.

Not included into the taxable income targeted or untargeted charitable assistance, which is provided to the taxpayer, who suffered from:

- a) environmental, technological and other disasters in the areas, with the marginal amounts determined by the Cabinet of Ministers of Ukraine;
- b) natural disasters, accidents, epidemics of the national or local character that caused damage or endanger the health of citizens, environment and so on.



There are also a number of subjects that have the right not to include into the taxable income the targeted charity assistance. These are the healthcare institutions, to compensate for the cost of paid services for the treatment of the taxpayer or his family member of the first-degree relationship, persons with disabilities, orphans, etc., in the amounts that do not overlap with the benefit funds of the social health insurance.

It also applies to institutions that provide food services and accommodation for the night for the people who do not have housing: kid's houses, boarding school, family type orphanage, Red Cross Society of Ukraine and others.

Moreover, Art. 170.7.7. TCU states that it is prohibited to provide charitable assistance to state and local governments or non-profit organizations created by them. We believe that the entities that fully meet the criteria of social responsibility are eligible for the tax benefit.

Considering the proposed cost structure of the socially-oriented activities, which shows their components, we derived a formula for their calculations and analysis [10, p. 45]. Therefore, we propose the following formula (see F. 1):

$$CSO=SC+EC+OC, \text{ where} \quad (F.1)$$

*SC*– social costs,

*EC* – environmental costs,

*OC* – other socially-oriented costs,

*SCO* – socially-oriented costs in total.

This formula determines the composition of the socially-oriented activities. In order to determine the most responsible economic entities for the society, we have identified 18 key criteria for their evaluation and sum formula for all the coefficients (see. F. 2):

$$K = K1 + K2 + K3 + \dots + K17 + K18, \quad (F.2)$$

where *K1* – *K18* – coefficient for the determination of numerical criteria;

*K* – the total value of all the coefficients.

On this basis, we have developed a ranking table, which takes into account these 18 most important, in our opinion, criteria for determining the level of the socially-oriented activities

(Table 1 near here).

**The rating system of the social responsibility of the economic entities**

#	Criteria	POINTS
	<b>ECONOMIC ISSUES</b>	
1 (*)	Made in _____ (for manufacturing) (the country)	20
2 (*)	Made in _____ components (for manufacturing - 50% up) (the country)	14
3 (*)	Made in _____ products on shelves (for retail stores - 50% up) (the country)	20
4	Taxes - Timely payments	7
5	Corporate profit (10% up)	2
6	Financial reporting transparency	5
	<b>SOCIAL ISSUES</b>	
7	Wages of employees	
7,1	Between M (minimum wage) and 2 x M	3
7,2	Between 2 x M and 3 x M	10
7,3	3M and up	20
8	Health insurance for employees (yes or no)	8
9	Unions (yes or no)	2
10	Contribution to charity (2% from profit or more)	1
11	Promotion of education, incl. special education and employment enhancing vocational skills (training facility - yes or no)	4
12	Employment of veterans	
12,1	From 1% to 3%	2
12,2	From 3% to 5%	5
12,3	5% and up	10
13	Employment of disable people	
13,1	From 1% to 3%	2
13,2	From 3% to 5%	5
13,3	5% and up	10
14	Safety (OSHA requirements)	7
15	Youth employment (including new graduates)	5
16	The absence of discrimination on various grounds	4
	<b>ECOLOGICAL ISSUES</b>	

17	Ensuring environmental sustainability and ecological balance (yes or no)	2
18	Energy saving (Solar, LEED, LED lights)	2

\*Developed by the author

(\*) This definition of the social responsibility of business entities can be used in any state. After completing this table by the stakeholders (rating or auditing company, tax service, etc.), it can be determined whether a business of the entity is socially-oriented and what contribution to the state welfare each of them makes.

This is determined by the amount of points, which can be received from each of these 18 factors. If the entity ultimately receives at least 85% of all the available points, it qualifies as socially responsible, if it receives 98% or more, then it can claim a tax benefit for a period determined by the state.

This is a general example of the table. Here the factors considered for the recognition of the entity as socially responsible, the importance of each of the factors can be seen. Table 2 shows a hypothetical example of how the retailer will be assessed for getting the positive review, and being determined as socially responsible (Table 1 near here).

It is noteworthy that this method of determining the level of the social responsibility of economic entities can be used by the public authorities (such as the State Fiscal Service, Ministry of Finance, etc.), auditors, various rating companies and publications.

**The rating system of the social responsibility of economic entities  
(on the example of the supermarket)**

<b>EXAMPLE</b>				
<b>Store similar to Stop &amp; Shop</b> (supermarket)		41 employees	<b>Goal - 85 points (85% from total)</b>	
#	Criteria	Company	Points	Max
<b>ECONOMIC ISSUES</b>				
1	Made in _____ (for manufacturing) (the country)	N/A		
2	Made in _____ components (for manufacturing - 50% up)	N/A		

	(the country)			
3	Made in USA products on shelves (for retail stores - 50% up)	65%	20	15
4	Taxes - Timely payments	YES	7	7
5	Corporate profit (10% up)	15%	2	2
6	Financial reporting transparency	YES	5	5
	<b>SOCIAL ISSUES</b>			
7	Wages of employees			
7,1	Between M (minimum wage) and 2 x M		3	3
7,2	Between 2 x M and 3 x M			7
7,3	3M and up			10
8	Health insurance for employees (yes or no)	YES	10	5
9	Unions (yes or no)	YES	1	1
10	Contribution to charity (2% from profit or more)	YES	3	3
11	Professional qualifications of employees (yes or not)	NO	0	2
12	Employment of veterans : people			
12,1	From 1% to 3%			1
12,2	From 3% to 5%	2 empl	3	3
12,3	5% and up			5
13	Employment of disable people			
13,1	From 1% to 3%			2
13,2	From 3% to 5%			5
13,3	5% and up	3 empl	7	7
14	Safety (OSHA requirements)	YES	5	4
15	Youth employment (including new graduates)	20 empl	5	5
16	The absence of discrimination on various grounds	YES	4	4
	<b>ECOLOGICAL ISSUES</b>			
17	Ensuring environmental sustainability and ecological balance (yes or no)	YES	2	2
18	Energy saving (Solar, LEED, LED lights)	YES	2	2
	<b>CORE INDEX IS 79, WHICH IS LESS THAN 85 REQUIRED</b>		79	100

\* Developed by the author

**Conclusions.** In the result of the study we have found that excessive taxation of business entities impedes the development of socially-oriented activities, which in turn can become their even bigger contribution (investment) into society that will certainly help the state to perform its functions better.

We have identified the most important criteria for the development of socially-oriented activities; derived a formula for determining the total value of all the coefficients (criteria), which enable the evaluation of the individual components of the socially-oriented activities.

Moreover, we have provided the practical guidance on determining the most socially responsible economic entities in order to stimulate the development of socially-oriented activities by reducing the tax burden for them. In this regard, we have developed and proposed a rating table that takes into account the most important, in our opinion, criteria for determining the level of socially-oriented activities in order to have a reason to reduce the tax burden for the most socially responsible entities.

We believe that it will push for the further development of the socially-oriented business entities. The provided recommendations will help promoting a better management of socially-oriented activities of the entity, and, therefore, business in general. Furthermore, the provided proposals will promote further attention to the issues of taxation of business entities; improvements of the state regulations; will increase the social responsibility level and the related socially-oriented activities.

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