

Офшорные схемы в бизнесе

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Аннотация

На сегодняшний день офшорные зоны и вся деятельность, которая связана с ними, основательно огибают современную экономику, а офшорные бизнесы имеют еще больший масштаб в современном мире. В представленной статье рассматриваются популярные схемы офшорного бизнеса, так как офшорные зоны стали одной из главных частей мировой экономической системы и состава экономик многих высокоразвитых стран и не только. Схемы офшорного бизнеса разнообразны и их имеется огромное количество, каждая из них имеет свои риски и особенности. В статье рассматриваются самые более используемые схемы, которые являются базовыми в офшорном бизнесе.

Ключевые слова: офшор, популярные схемы офшорного бизнеса, налогообложение, международный бизнес, международная торговля, экономические риски.

Offshore schemes in business

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Abstract

To date, offshore zones and all activities associated with them, thoroughly encircle the modern economy, and offshore businesses have an even greater scale in the modern world. The article discusses the popular schemes of offshore business, as offshore zones have become one of

the main parts of the world economic system and the composition of the economies of many highly developed countries and not only. Offshore business schemes are diverse and there are a huge number of them, each of them has its own risks and features. The article discusses the most commonly used schemes that are basic in offshore business.

Keywords: offshore, popular offshore business schemes, taxation, international business, international trade, economic risks.

Introduction

Offshore zones and all activities associated with them, thoroughly encircle the modern economy, and offshore businesses have an even greater scale in the modern world. The article discusses the popular schemes of offshore business, as offshore zones have become one of the main parts of the world economic system and the composition of the economies of many highly developed countries and not only. Offshore business schemes are diverse and there are a huge number of them, each of them has its own risks and features. The article discusses the most commonly used schemes that are basic in offshore business.

The participants of economic activity are faced with the goal of legal tax planning: not just good accounting and correct preparation of balance sheets, but also the goal of legally freeing themselves from excessively high customs tariffs, currency control, import and export quotas, other fiscal and bureaucratic problems, or not to pay any taxes at all, or to reduce their level to a minimum in comparison with the level of existing rates.

One of the methods for planning and minimizing taxation is offshore business (creation and organization of offshore zones and companies), which is now widely used in practice around the world. This method is the use of companies established in low-tax areas in the absence of currency control [1].

The theoretical concept and essence of offshore schemes in business.

International business is constantly using offshore schemes to solve various problems. An offshore scheme is a structure of several offshore elements created for a specific purpose.

In theory, a foreign account or a foreign company can be called a structure, but increasingly some system of different elements is meant:

- Foreign company + nominee Director services;
- Foreign holding company managing a foreign company;
- A chain of companies owning a valuable asset (real estate, company shares, etc.);
- Trust, Fund and related companies and accounts; etc. [2].

Different elements of the scheme can be in different countries: a partnership in Scotland, a company in Serbia, an account in the US and Luxembourg.

Development of offshore schemes are engaged in various specialists: lawyers, accountants, consultants. They make sure that the system is efficient and performs its tasks.

What tasks does the offshore scheme solve? Most often they talk about the following points:

- Tax minimization;
- Business optimization, simplification of cash flow management;
- Concealment of information about the true beneficiaries (beneficiaries);
- Protection of assets from unscrupulous competitors, fraudsters and persons with broad powers.

The most frequent offshore schemes are:

- Trading scheme;
- Schemes for the payment of loans and royalties;
- Schemes according to ownership of assets;
- Schemes for the withdrawal of dividends outside the main jurisdiction.

Characteristics and features of popular offshore schemes in business

1. Legal activities of offshore companies

If you pay attention to the largest investors in the Russian economy, you will not see the United States or China. The largest investments are made in Russia from small countries, such as Cyprus, the Netherlands, Luxembourg. This can be explained by the low taxes in these countries. Many Russian companies prefer to work through offshore companies, because it is more convenient for foreign partners. And the main advantage of offshore companies is the absence of income tax for Russian companies [3]. And so, by withdrawing funds abroad to facilitate doing business, companies return money to Russia in the form of direct investments or loans from foreign companies that are owned by the same people. This scheme refers to legal activities, but a large proportion of the money that went overseas, the country simply does not return. In order not to arouse the suspicions of the Supervisory authorities, various schemes are used, which will be discussed later [2].

2. Payment for services

Applying this scheme, many entrepreneurs kill two birds with one stone: reduce the tax burden and keep profits on offshore accounts. Of course, it applies only if the company at the end of the year formed a substantial profit, with which it must pay 20% tax. And, if the Directors have a

firm in the offshore, the activities of which involves consulting services, you can make a profit through it. For example, it could conduct an audit or provide legal services. Then most of the net profit can be attributed to the payment of this service to an offshore company. As a result, the profit line of the accounting report will be a much smaller amount, and therefore the tax. But all the real profits will be saved in an offshore account. If documents on the rendered services will be in order, tax inspectors should have no questions [4].

3. Offshore fleet

The largest merchant fleet on paper does not belong to the United States and China, and a small Panama. In Panama and similar offshore zones, it is possible to register your vessel inexpensively, there are no taxes for conducting any activity, there are also no numerous checks. This policy attracts a lot of entrepreneurs, because it allows you to get a huge profit with minimal taxation.

4. International trade

If the company is engaged in international trade and procurement activities (buys goods in one country and sells in another), thanks to the registration of the company in the offshore zone, it can save on taxes. So, the profit will settle in one place—a tax-free zone [2].

5. Conducting transport activities

This company will act on the territory of Russia as a carrier, while the income will not be taxed, because the agreement is valid [3]. In turn, the money received on the account of a Cypriot company can be transferred to the account of a classic offshore company in the Caribbean, for example, under the scheme of payment for consulting services. Thanks to this scheme, you can legally avoid taxes by operating in Russia.

6. Open a foreign Bank account

Using this scheme, you can transfer money with impunity from a Russian account to an account in any foreign Bank. To do this, the Russian organization opens an account in a foreign Bank and transfers the necessary amount there. In the reporting documentation, this operation will appear as a transfer between your accounts. Everything that happens to the money in the account is no longer displayed in the documentation. As a result, for tax inspectors, the money will still be in a foreign Bank account, although, of course, they are no longer there. In order to determine whether the money is actually stored in a Bank account, the tax service needs to make a request to the tax service of the country where the Bank is located. At the moment, such an operation is unlikely.

7. Accumulation of assets through offshore

To work under this scheme, two foreign companies are needed, similar to the scheme with transport activities. The first firm is registered in the country with which the agreement on

avoidance of double taxation works, for example, with the same Cyprus, thus the firm will own not less than 25% of the Russian organization [2]. The second company, which owns a Cyprus firm, opens in the Caribbean, for example, in Belize. Under this scheme, dividends from the profits of the Russian organization are paid to the accounts of the Cypriot company, while only 5% tax is paid, and not 9%, as for Russian residents. Dividends received are immediately transferred to accounts in Belize. As a result, considerable funds are accumulated, while this scheme is completely legal.

In our article, we decided to consider the case of the offshore scheme, so that it became clear how it actually works: diamonds from South Africa

A network of offshore companies actively used a multi-stage scheme of secret diamond exports from South Africa. The centrepiece of the scheme was a private aircraft registered in Bermuda and used in various regions of the world. Based in South Africa, the aircraft flew to Zimbabwe, Singapore, Hong Kong, Tanzania, Angola and carried VIP passengers and illegal cargo-diamonds mined in the combat zone in South Africa. The offshore registration of the aircraft allowed the beneficiaries of the scheme to remain unrecognized for many years. The investigation established a link between the aircraft and local government officials, as well as law firms and investors around the world. An additional advantage of using offshore companies was the avoidance of taxes and customs duties levied on exported stones.

Suspicious of illegal transportation and trade should be aroused:

- attraction of offshore companies to make purchase and sale transactions;
- lack of information on the ultimate beneficiaries of transactions;
- offshore registration of air and sea vessels for transportation of goods;
- lack of proper documentation for transported goods, such as customs documentation;
- non-standard conditions for making payments (for example, payments from banks located in jurisdictions with ambiguous legal regulation).

Conclusion

And as a conclusion, we decided to understand how offshore companies can help small and medium-sized businesses.

For example, if instead of cash settlement you sent money not to the counterparty directly, but to an offshore company, you will not be checked in any way. Counter-reconciliation with a non-resident in principle is not procedurally provided. In some cases, multimillion-dollar transactions- Yes, but in small transactions it is costly for the tax itself.

It turns out that it is safer and cheaper to conduct transactions through an offshore company. This, for example, can be a solution to even such elementary problems as the withdrawal

of net profit. If you want to protect your profits by depositing them in a Swiss Bank, you don't need to take a train and go to Switzerland in person. It is easier to do this through your offshore company. You can even open a Swiss Bank account on Skype. And this account will be anonymous.

To avoid sanctions, the contract must be official. The currency control agent must make sure that all documents are in order, there is a seal and signature of the non-resident, confirming his intentions. And there are requirements to the contract, and if you will comply with them all, you will get five pages in small print, even for an elementary transaction. And sometimes the package of documents is more than impressive. Obviously, it is more profitable to buy offshore in the Seychelles, Panama or any other tax-free country.

There is an enormous number of ads where it is offered to buy an offshore sale for \$450 plus a Bank account "as a gift". That is, within \$ 500 you can buy a ready-made offshore business. With his Panama company easier to conclude a formal contract, with all the signatures and seals, and under this contract to transfer money to her. And already the offshore company will pay for all services and services abroad.

In any case, for whatever purpose you decide to use offshore, it is necessary to contact the experts beforehand and consult, so that they suggested whether it is advisable and legal to use the scheme that you have chosen.

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