ACCOUNTING AND TAX ASPECTS OF GUARANTEE LIABILITY OF FOODSTUFF CONSUMERS IN UKRAINE

No matter how trying businesses (individuals and legal entities) to comply responsibly with their obligations to buyers and suppliers, the practice of “reverse” operations is still very common in practice. In this case, like many others, the legal nature of the return of goods plays a decisive role for accounting and tax accounting.

Immediately, we note that the return or exchange of purchased goods is necessary only after certain actions are taken, the list of which is approved in the Resolution of the Cabinet of Ministers of Ukraine No. 172 of 19 March 1994 “On the implementation of certain provisions of the Law of Ukraine” On Protection of Consumer Rights “in his current edition [1]. Binding of which is 1) to ascertain whether or not the goods in the list of goods that are not subject to Exchange or return; 2) have available evidence of the purchase of specific goods in specific seller (commodity checks, invoices, etc.); 3) realize what claims exist (or missing) to goods, and whether these claims the signs specified by the law the concept of “product of poor quality”.

The most controversial of the limited items serving the first position, because it is in itself a reference to the fact that are not subject to groceries.

However, today’s leading Ukrainian lawyers claim [2] that the legislator does not identifies the concept of ‘food product and food product’, and in the case of acquisition of unfit for use by the food product establishes the duty of the seller to replace it or return to the consumer paid him money.

In this case, for food products, consumer qualities which over time can deteriorate, the expiration date, which is indicated on the labels, packages, or other documents. This expiration date is considered a warranty term.

On this basis, the calculation of the consumers in this case are as follows: in case of increase of prices of goods are carried out based on its value at the time of submission
of the relevant requirements, and if the price is based on the value of the goods at the
time of purchase. The money paid for the goods are returned to the customer on the
day of the purchase of goods, and in case of impossibility to return the money in
another time by agreement of the parties, but not later than within seven days.

Consider the accounting consequences of refunds the seller (the payer of income
tax and VAT), which return the goods as final consumers and other businesses.

In the Tax code of Ukraine there are several provisions, which to a certain extent
referred to the return of goods [3].

So, the main point, in our view, is the article 'features of the definition of the tax
base in some cases (the procedure for adjustment of tax liabilities and tax credit).
With its name implies that it set out the rules of VAT adjustments arising as a result
of any changes to the amount of compensation for goods (works, services), among
which are considered the 'view prices, recount in case of return of goods/services to
the person who gave them, or when returning the supplier the amount of pre-payment
of goods/services.

In the 'tax the lucrative' section of the TAX CODE is only one paragraph of article
140, which uses a similar formulation. In this paragraph also talks about the conversion,
namely that in the case of return of goods (when other changes the amount of the
compensation cost of goods) the taxpayers spend recalculation of income and expenses.

Special 'guaranteed' rate is in the PIT-the section of the code. This article 165,
which is established absence of taxable income of individuals in the case of the
replacement of goods or as a result of them getting them the money as a result of the
return of the goods.

The accounting guidance on this issue is almost absent. So in Provisions (standards)
of accounting Income 15 'and 16' Costs 'of recommendations in this regard are not
covered. For recalculation of income in Instruction No. 291 of accounts 'on the
application of the accounting of assets, capital, liabilities and business operations of
enterprises and organizations' uses sub-account 704 'Deduction from income (table 1).

<table>
<thead>
<tr>
<th>№</th>
<th>Contents of the economic operation</th>
<th>Correspondence of accounts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Debit</td>
</tr>
<tr>
<td>1</td>
<td>Displays the product realization through the CASH REGISTERS</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>Tax liabilities with VAT are charged</td>
<td>702</td>
</tr>
<tr>
<td>3</td>
<td>The cost of products is written off</td>
<td>902</td>
</tr>
<tr>
<td>4</td>
<td>Charged the buyer's claim</td>
<td>704</td>
</tr>
<tr>
<td>5</td>
<td>Carried out recalculation of tax liability with the VAT (the method of “the Red reversal”)</td>
<td>704</td>
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<tr>
<td>6</td>
<td>Purchased goods of inadequate quality</td>
<td>28</td>
</tr>
<tr>
<td>7</td>
<td>Cash withdrawal was issued</td>
<td>361</td>
</tr>
</tbody>
</table>
But there was no special account for the recalculation of costs, so the 'return' of the cost of goods (works, services) is carried out by the method of 'red reverse' Dt-90, Kt-26, 28 … reflecting the existing amount with a 'minus'.

The highlighted transactions allow us to demonstrate the principle of accounting effects. As in accounting and tax accounting, the transaction to secure the seller's accounting records obliges him to reduce his income and tax liabilities with VAT, to make a low-quality asset and reduce costs.

References:

