

TAX INCENTIVES FOR INNOVATIVE ACTIVITIES

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Abstract. The implementation of a favorable tax policy in the field of innovation activity is recognized in the Law of Ukraine «On Innovation Activity» as one of the main principles of the state innovation policy. According to the Tax Code of Ukraine, the sums of funds received from the Ukrainian Startup Fund are not included in the taxable income of individual income tax payers, as well as single tax payers of the first – third groups. In turn, income in the form of a budget grant is not included in the taxable income of a payer of personal income tax, an individual entrepreneur (except for persons who have chosen a simplified taxation system), a person engaged in independent professional activity, single tax payers of the first – third groups, and for corporate income tax payers, the financial result before taxation is reduced by the amount of budget grants. Therefore, the tax legislation of Ukraine provides for the stimulation of research and development works, first of all, by providing benefits to those subjects of innovative activity that receive funds for its implementation. Instead, tax preferences in the countries of the European Union are aimed mainly at those entities that invest in innovation.

Keywords: budget grant, innovative activity, research and development, tax benefits, Ukrainian Startup Fund.

Author's contribution

The author made a full contribution to writing the article independently. The author independently selected the literature, analyzed it and drew conclusions.

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INTRODUCTION

At the same time, the implementation of tax and legal incentives in the field of innovation can be manifested in various tax preferences. Innovations and creative initiatives are very important in modern society, and their incentives by the state is the key to comprehensive development of the state itself. One of the manifestations of such incentives is the creation of tax conditions favorable for the implementation of research and development. After all, this involves creating interest in investing, putting money into certain innovative, including creative, projects.

At the same time, the implementation of tax and legal incentives in the field of innovation can be manifested in various tax preferences. The purpose of this article is to conduct a study of what constitutes tax incentives of innovative activity according to the current tax legislation of Ukraine, as well as some countries of the European Union. This will allow to identify and form a system of certain tax and legal incentive elements, to determine their characteristic features. What will make it possible to effectively use the relevant domestic mechanisms of tax incentives, for example, startups, projects in the field of culture and arts, creative industries, etc.

In turn, taking into account the European integration path of Ukraine, it is useful to study foreign experience, in particular, the countries of the European Union. This will help to develop and enrich the possible arsenal of tax and legal levers to create a favorable tax climate for innovative initiatives.

After all, the integration of Ukraine into the European Union involves, among other things, the transition to a qualitatively new system of tax and legal incentives of innovative activity.

THEORETICAL FRAMEWORK

Representatives of both economic and legal sciences paid attention to the problems of tax incentives of innovative activity in their works, in particular, such scientists as O. Kondrashov, T. Savostenko, A. Hrytsaenko, T. Medinska, R. Cherevata, I. Tochylyna, O. Moldovan, R. Zheliznyak, A. Nikiforov, V. Dyba, V. Parniuk etc.

So, as it is provided, that in Polish companies, as the local exhibition of research and development (R&D) expenses, an additional deduction of part of these expenses from the taxable base can be built (Medinska, Cherevata, 2017, pp. 1152, 1153). In Hungary, tax incentives for scientific and research activities involve a reduction in corporate income taxes and tax credits (Tochylyna, 2016, pp. 57, 58; Moldovan, 2013, p. 44). In Spain, innovative enterprises are allowed to write off R&D expenses to the cost price (Tochylyna, 2016, p. 57; Zheliznyak, 2015, p. 41; Moldovan, 2013, p. 40). In France, tax incentives are provided in the form of a research tax credit (*crédit d'impôt recherche* (CIR)) for R&D expenses (Moldovan, 2013, p. 44; Nikiforov, Dyba, Parniuk, 2009, p. 82; Moldovan, 2014, pp. 23, 24).

However, currently there are still many unresolved issues and uncertain aspects of tax-legal incentives of research and development, which is caused by constant changes in both legislation and the economy. Therefore, based on the already formed scientific approaches to the specified problem, it is necessary to carry out new scientific developments taking into account the current normative-legal and socio-economic changes.

METHODOLOGY

The methodological basis of the scientific article was the general and special scientific methods of cognition: dialectical, formal-logical, system-structural and comparative-legal. The dialectical method was applied in the characterization of relevant legal phenomena and processes. With the help of the formal-logical method, individual provisions of the current legislation on the researched issues were analyzed. When determining the elements of the mechanism of tax and legal incentives of innovative activity, the method of system-structural analysis was used. The comparative-legal method was applied when comparing the provisions of legislative acts of Ukraine and the countries of the European Union.

RESULTS

Financial support, implementation of favorable credit, tax and customs policy in the field of innovative activity is recognized in accordance with part 2 of article 3 of the Law of Ukraine «On Innovative Activity» as one of the main principles of state innovative policy. In particular, the establishment of preferential taxation of subjects of innovative activity is one of the ways of state regulation of innovative activity (part 1 of article 6 of the Law of Ukraine «On Innovative Activity»). That is, the state sees in tax benefits a means by which it is possible to influence innovative activity, innovative processes in Ukraine. Thus, according to the doctrine of tax law, one of the main functions of taxes is «regulatory», which refers to the regulation of both production and consumption. Moreover, it is noted that very often the regulatory function is understood only as granting benefits to certain industries or producers. However, note that tax regulation is a more complex mechanism that takes into account not only tax pressure, but also the prospects of one or another type of activity, profitability levels, etc. In turn, among the additional functions of the tax is called «stimulating (disincentive)», which is designed to create guidelines for the development or curtailment of production and activity. Like the regulatory one, it may be connected with the application of the mechanism of benefits, change of the object of taxation, reduction of the taxable base. Sometimes this function is considered as a subspecies of regulatory (Financial law: a textbook / edited by T. Y. Kaganovska and M. P. Kucheryavenko,

2022, pp. 324, 325). This confirms the regulatory and stimulating/disincentive effect of tax benefits on economic, and therefore, including on innovative activity.

Therefore, it is appropriate to refer to the current norms of the Tax Code of Ukraine in order to find out what exactly is a favorable tax policy in the field of innovative activity and what preferential taxation is established for the implementation of state regulation of innovative activity. But before that, it should be noted that in accordance with clause 30.1 of article 30 of the Tax Code of Ukraine, tax relief is provided for by tax and customs legislation (1) the exemption of the taxpayer from the obligation to calculate and pay the tax and fee, (2) the payment of the tax and fee in a smaller amount in the presence of such grounds as: features characterizing (a) a certain group of taxpayers, (b) the type of their activity, (c) the object of taxation or (d) the nature and social significance of the expenses incurred by them.

Therefore, according to the clause 18 of unit 1 and clause 6¹ of unit 8 of section XX of the Tax Code of Ukraine, it is assumed that the sums of funds received on an irrevocable basis from the Ukrainian Startup Fund are not included in the total monthly (annual) taxable income of payers of personal income tax, as well as in the income of payers of the single tax of the first – third groups. At the same time, it should be taken into account that according to clause 22.1 of article 22 of the Tax Code of Ukraine, «income (profit)» is one of the types of taxation objects. Based on this, preferential taxation (favorable tax policy) in the specified cases is manifested in the provision of personal income tax payers, as well as single tax payers of the first – third groups of tax relief by reducing the amount of the object of taxation by the amount of funds received on an irrevocable basis from the Ukrainian Startup Fund, which, accordingly, narrows the tax base on which the tax is charged, and therefore reduces the amount of the corresponding tax.

Therefore, the tax benefit in this case consists in paying a smaller amount of tax in the presence of such grounds as features characterizing the object of taxation, as well as a certain group of taxpayers. That is, the characteristics of the object of taxation in this case can be considered as the main criterion (main basis) for granting a tax benefit, and the characteristics of taxpayers – as an additional criterion (additional basis). After all, this benefit primarily concerns the object of taxation – income, but at the same time not all taxpayers, but only individual income tax payers and single tax payers (at the same time, only the first – third groups).

It is also worth noting that the defining features of funds that allow them not to be included in taxable income (allow to reduce the volume of the object and the amount of the tax base) are that these funds (a) come from the Ukrainian Startup Fund and (b) come on an irrevocable basis. Thus, the Ukrainian Startup Fund is part of the Ministry of Finance of Ukraine. The fund is a non-profit organization, the main type of its activity is regulation and promotion of efficient economic activity (Innovation Development Fund. Questionnaire). In particular, the statutory activities of the Fund, which are directly related to the provision of funds, include: 1) providing on a competitive basis financial support, grants, other types of financing, technical assistance for the implementation of innovative projects that have a high potential for the release of their final product on the world market or aimed at achieving the goals determined by the strategic priority areas of innovative activity (innovative projects); 2) ensuring the provision of consulting and technical support during the implementation of innovative projects and supervision of the proper use of the provided funds, etc. (subsections 1, 2 clause 4 of The procedure for using the funds provided in the state budget to the Ministry of Finance to ensure the functioning of the Innovation Development Fund).

The Ukrainian Startup Fund itself receives funds from the state budget under the program «Ensuring the functioning of the Innovation Development Fund». The main administrator of these budget funds and the responsible executor of this budget program is the Ministry of Finance of Ukraine. These budget funds are directed to increase the authorized capital of the Fund and are used exclusively to ensure its statutory activities (clauses 1–4 of The procedure for using the funds provided in the state budget to the Ministry of Finance to ensure the functioning of the Innovation Development Fund). Thus, in 2022, expenditures for ensuring the functioning of the Ukrainian Startup Fund in the amount of UAH 50 million were foreseen from the general fund of the State Budget of Ukraine (Law of Ukraine About the State Budget of Ukraine for 2022). At the same time, it should be

understood that the total amount of funds at the disposal of the Fund, in particular, taking into account its authorized capital, is indeed larger. Thus, according to Opendatabot data, on December 31, 2021, the share in the authorized capital of the founder of the Fund changed from UAH 389 million 729 thousand 600 to UAH 439 million 729 thousand 600, that is, it increased by UAH 50 million (Ukrainian Startup Fund. Extract from the Unified State Register). According to various estimates, from the moment of its establishment (November 7, 2018), and more precisely, from the beginning of acceptance (December 2, 2019) and approval of the first applications, that is, from the end of 2019 until the beginning of 2022 the Fund allocated for financing startups in Ukraine in the amount of more than 6.4 million USA dollars (Driver of Innovation: How The Ukrainian Startup Fund is building an innovative Ukraine. Review before the third anniversary of The Fund). In turn, the State Budget of Ukraine for 2023 does not provide for expenditures on «Ensuring the functioning of the Innovation Development Fund» at all (Law of Ukraine About the State Budget of Ukraine for 2023).

At the same time, it is important to note that on April 5, 2022, changes were made to The procedure for using the funds provided in the state budget to the Ministry of Finance to ensure the functioning of the Innovation Development Fund, according to which the list of types of statutory activities of the Fund, for which it is possible, was supplemented use of budget funds. This direction became the implementation of investments in highly liquid financial assets through the purchase of bonds of domestic state loans, in particular bonds of the domestic state loan «Military Bonds» (subsection 5 clause 4 of The procedure for using the funds provided in the state budget to the Ministry of Finance to ensure the functioning of the Innovation Development Fund). Thus, according to the Ministry of Finance of Ukraine, after making relevant changes to the Statute, the Ukrainian Startup Fund, in agreement with the Ministry of Finance of Ukraine, will be able to buy bonds of the domestic state loan for UAH 175 million (The Innovation Development Fund will direct UAH 175 million to support the Armed Forces of Ukraine).

Therefore, it is possible to single out certain elements of the mechanism of tax and legal incentives of innovative activity at the expense of the Ukrainian Startup Fund, namely: 1) those related to the object of taxation: 1.1) source – funds are provided from the Ukrainian Startup Fund; 1.2) conditions of provision – funds are provided on a non-refundable basis; 2) those related to the taxpayer: 2.1) funds are provided to payers of the income tax; 2.2) funds are provided to payers of the single tax of the first – third groups. At the same time, the elements related to taxpayers, respectively, determine the taxes to which all these elements apply as a whole.

The next thing that needs attention with regard to the tax incentives of innovative activity is the taxation of so-called «budget grants». And although the latter are not always related to the financing of innovative projects, they can still indirectly be attributed to the methods of tax incentives of innovative activities. Thus, according to subsection 14.1.277¹ clause 14.1 of article 14 of the Tax Code of Ukraine, a budget grant is targeted assistance in the form of funds or property provided on a free and non-refundable basis at the expense of state and/or local budgets, international technical assistance for the implementation of a project or program in the fields of culture, tourism and the sector of creative industries, sports and other humanitarian spheres in the manner established by law. So, like the funds of the Ukrainian Startup Fund, budget grants are also characterized by their provision on an irrevocable basis, but at the same time, they are also characterized by their provision on a free basis. At the same time, in addition to funds, the budget grant can also be expressed in property. In addition, the targeted nature of the grant is indicated, the range of sources of its allocation is wider (state and/or local budgets, international technical assistance), the directions of possible financing are also specified (the sphere of culture, tourism, the sector of creative industries, sports and other humanitarian spheres).

As for the impact of budget grants on tax incentives, it is also somewhat similar to the impact of funds provided from the Ukrainian Startup Fund. In particular, income in the form of a budget grant is not taxable and is not included in the total monthly or annual taxable income of the payer of income tax (subsection 170.7¹.1 clause 170.7¹ of article 170 of the Tax Code of Ukraine). In the same way, the amounts of income in the form of a budget grant are not included in the income of an individual entrepreneur (except for persons who have chosen a simplified taxation system) (subsection 177.3.2

clause 177.3 of article 177 of the Tax Code of Ukraine), as well as in the income of a person engaged in independent professional activity (paragraph four clause 178.3 of article 178 of the Tax Code of Ukraine). Also, income in the form of budget grants is not included in the income of natural persons – entrepreneurs (payers of the single tax of the first – third groups) (subsection 1 clause 292.1 of article 292 of the Tax Code of Ukraine). At the same time, the amount of funds and the value of property received by such taxpayers in the form of a budget grant are not included in the income of single tax payers (first to third groups) – legal entities, but only on the condition of its intended use (subsection 12 clause 292.11 of article 292 of the Tax Code of Ukraine). In turn, for corporate income tax payers, the financial result before taxation is reduced by the amount of budget grants received and included in the income of the reporting period in accordance with national accounting regulations (standards) or international financial reporting standards (subsection 140.4.8 clause 140.4 of article 140 of the Tax Code of Ukraine).

Therefore, as in the case of funds from the Ukrainian Startup Fund, funds received in the form of budget grants are excluded from the object of taxation. That is, the amount of these funds does not include, in particular, personal income tax, single tax and corporate income tax. In other words, the amount of these funds is not covered by the tax base of the specified taxes. At the same time, in connection with the larger number of taxes that are partially exempted by this benefit, the circle of payers to whom this tax preference applies is also wider, i.e. payers of income tax, payers of the single tax (of the first – third groups), as well as corporate income tax payers.

However, if with regard to funds from the Ukrainian Startup Fund, the subject of their provision is a person (this is the Ukrainian Startup Fund), then in the case of budget grants in subsection 14.1.277¹ clause 14.1 of Article 14 of the Tax Code of Ukraine it is noted that the list of their providers is determined by the Cabinet of Ministers of Ukraine. Thus, according to the List of Budget Grant Providers, approved by the Cabinet of Ministers of Ukraine, only the Ukrainian Cultural Fund belongs to them (List of budget grant providers). This Fund is a budgetary institution that performs the special functions provided by the Law of Ukraine «On the Ukrainian Cultural Fund» to promote the national and cultural development of Ukraine. The Fund's activities are directed and coordinated by the Ministry of Culture and Information Policy of Ukraine (part 1 of article 1 of the Law of Ukraine On the Ukrainian Cultural Fund). It is noteworthy that the Law of Ukraine «On the Ukrainian Cultural Fund» defines a grant, in particular, as financial resources provided on a free and irrevocable basis by the Ukrainian Cultural Fund to an entity engaged in activities in the field of culture, for project implementation, financing decisions which was adopted in accordance with the procedure provided for by the Law of Ukraine «On the Ukrainian Cultural Fund» (paragraph two of part 3 of article 12 of the Law of Ukraine On the Ukrainian Cultural Fund).

Thus, the following elements of the mechanism of indirect tax-legal incentives of innovative activity at the expense of budget grants from the Ukrainian Cultural Fund can be noted today, namely: 1) those related to the object of taxation: 1.1) source – financial resources are provided from the Ukrainian Cultural Fund; 1.2) terms of provision – financial resources are provided free of charge; 1.3) terms of provision – financial resources are provided on an irrevocable basis; 1.4) conditions of provision – target nature (financial resources are provided for the implementation of the project, the decision on financing of which was made in accordance with the procedure provided for by the Law of Ukraine «On the Ukrainian Cultural Fund»); 2) those related to the taxpayer: 2.1) financial resources are provided to entities engaged in activities in the field of culture: 2.1.1) to payers of income tax; 2.1.2) (income tax payers) to natural persons – entrepreneurs, except for persons who have chosen a simplified taxation system; 2.1.3) (to payers of income tax) to individuals engaged in independent professional activity; 2.1.4) single tax payers of the first – third groups – natural persons – entrepreneurs; 2.1.6) payers of the single tax of the third group – legal entities; 2.1.7) to corporate income tax payers.

DISCUSSION

In turn, it should be taken into account that, say, a tax discount is considered only one of the tools for tax incentives of innovative activity, along with a reduction in the tax rate, exemption

from taxation of reinvested profits, tax agreements with other countries, tax credits, etc. (Kondrashov, 2002, p. 29). Thus, it is noted that tax benefits are widely used to incentives innovative activity in global practice, in particular: provision of research and/or investment tax credit; tax reduction on a certain increase in innovation costs; «tax holidays» for several years for the payment of income tax, which was received from the implementation of innovative projects; preferential taxation of dividends of legal entities and individuals received from shares of innovative organizations; reduction of income tax rates aimed at commissioned and joint R&D; connection of the provision of benefits taking into account the priority of the projects being implemented; preferential taxation of profit received as a result of the use of patents, licenses, «know-how» and other intangible assets that are part of intellectual property; reduction of taxable profit by the amount of the cost of devices and equipment, which are transferred to universities, research institutes and other innovative organizations; deduction from taxable income of contributions to charitable funds whose activities are related to the financing of innovations; crediting part of the profit of the innovative organization to special accounts with further preferential taxation in case of use for innovative purposes (Savostenko, Hrytsaenko, 2005, pp. 19, 20).

Considering the historically determined path of Ukraine in the direction of European integration, it is advisable to focus attention on tax preferences in the countries of the European Union. So, for example, in Poland, companies carrying out research and development (R&D) expenses, in addition to recognizing such expenses as deductions for general tax expenses, can make additional deductions of a part of these expenses from the taxable base. Such costs include: salaries and bonuses of R&D employees; acquisition of materials and raw materials for R&D; expert reports, opinions, consultations and other equivalent services, as well as the acquisition of the results of scientific research, provided that R&D activities are performed; free use of research equipment if it is used for R&D activities; write-off of depreciation on R&D fixed assets and intangible assets. In addition, tax incentives for R&D in Poland include a reduction of the tax base up to 50 % of costs incurred for the acquisition of new technologies in the form of intangible assets, such as property rights under licenses, rights under patents or utility models. In addition, R&D can create an innovation fund, which receives 20 % of the revenue monthly. R&D can also benefit through exemptions from property tax, agricultural tax and forest tax (Medinska, Cherevata, 2017, pp. 1152, 1153).

In Hungary, tax incentives for scientific and research activities include a reduction in corporate income taxes and tax credits. Thus, taxpayers (companies) that invest at least 100 million forints in projects related to the implementation of the R&D have the right to reduce their income tax (maximum – by 80 %) in accordance with the amount of the investments made (Tochylyna, 2016, pp. 57, 58). In addition, in Hungary, entities that are the right holders of the R&D developed and patented by them are allowed to deduct from the tax base 50 % of the income received from the person who has material rights (as a rule, engaged in the industrial development of R&D). In turn, enterprises that implement R&D together with research institutes and organizations can receive an additional tax discount of 100 %. In addition, for small and medium-sized businesses, a tax credit of 25 % (for the rest – 10 %) is provided for expenses related to the remuneration of scientific and research personnel (Moldovan, 2013, p. 44).

In Spain, innovative enterprises are allowed to write off 100 % of R&D costs to the cost price (Tochylyna, 2016, p. 57). At the same time, it is provided for the use of a tax credit in the amount, according to various sources, from 25 to 42 % (Zheliznyak, 2015, p. 41) or 30 % (Tochylyna, 2016, p. 57) or up to 35 % (Moldovan, 2013, p. 40) of the amount of R&D expenditures. In turn, additional benefits are also established at the regional level (Tochylyna, 2016, p. 57).

In France, companies can apply to the tax authorities for an official opinion on the compliance of the project with the requirements for receiving a tax benefit, that is, obtaining a preliminary estimate of the costs of scientific research activities. In particular, the types of activities that provide the right to receive a tax benefit must comply with the international definitions of R&D, specified in the Frascati Manual. Although the latter is a framework document of a recommendatory nature and national governments independently choose the range of expenses that give the right to receive benefits (Tochylyna, 2016, pp. 58, 59; Moldovan, 2013, p. 40).

Thus, tax incentives in France are provided in the form of a research tax credit (*crédit d'impôt recherche (CIR)*) for R&D expenses. At the same time, if the amount of R&D expenses does not exceed EUR 100 million, the amount of the tax credit is 30 % of such expenses, and a discount of 5 % is applied to the excess amount. For companies using tax benefits for the first time, the research tax credit rate is 50 % for the first year and 40 % for the second. In addition, for this group of enterprises, there is also a regime of prompt reimbursement of the research tax credit, which means that at the end of the first year of operation, if the enterprise did not make a profit, it can reimburse its R&D expenses by receiving the corresponding amount in cash. In turn, expenses for the protection of intellectual property rights (patenting of R&D results) also belong to the expenses covered by the tax credit (Moldovan, 2013, p. 44; Nikiforov, Dyba, Parniuk, 2009, p. 82; Moldovan, 2014, pp. 23, 24).

CONCLUSIONS

Thus, taking into account the above mechanisms of tax and legal incentives of innovative activity in some countries of the European Union, it becomes clear that these mechanisms are primarily aimed at incentives investment in R&D, i.e. at incentives investment in innovation. At the same time, tax preferences are also provided for those who are engaged in R&D using their own funds. Instead, the tax legislation of Ukraine provides for the incentives of innovative activity by granting benefits to those entities that are also engaged in R&D, but who receive funds from investors. So, we have a conceptual contrast between incentives investment (investing) and incentives receiving (using) investments.

Probably, it is hardly possible to clearly indicate which mechanism is better, perhaps it is worth using them together. But looking at the level of innovative development in the specified countries, there is an assumption that, after all, incentives investment in innovation is more effective, compared to incentives the use and spending of investments. After all, stimulating investment arouses the interest of those who have funds to invest them in scientific and technological progress. In this way, the object of taxation is influenced (in the first place) by those who invest in innovations, and not by those who receive them. Also, the influence is aimed at the object of taxation of those who are engaged in innovative activities, are engaged in the development of innovations, carry out R&D at their own expense and receive a profit from it.

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ПОДАТКОВІ СТИМУЛИ ДЛЯ ІННОВАЦІЙНОЇ ДІЯЛЬНОСТІ

Анотація. Інноваційна діяльність завжди виступає надпотужним провідником соціально-економічного розвитку будь-якої країни. У той же час, науково-дослідна та дослідно-конструкторська робота також потребує певного живлення, в першу чергу, з боку держави, зокрема через відповідні нормативно-правові механізми її стимулювання. І чим більше держава зацікавлена у науково-технічному розвитку, тим ширшим має бути коло та тим більш досконалішими мають бути механізми стимулювання інноваційної діяльності. Метою цієї статті є аналіз норм чинних нормативно-правових актів України, які передбачають податкові пільги у зв'язку із здійсненням інноваційної діяльності, а також порівняння їх із податковими преференціями у деяких країнах Європейського Союзу.

Так, проаналізовано порядок надання податкової пільги щодо коштів, які отримуються від Фонду розвитку інновацій (Українського фонду стартапів). Виокремлено та дано характеристику елементам правового механізму надання цієї пільги, визначено її вплив на об'єкт і базу оподаткування, а також окреслено коло платників податків, яких вона стосується. Визначено правовий статус Українського фонду стартапів, порядок та обсяг його фінансування за рахунок коштів державного бюджету. Також приділено увагу визначенню сутності та особливостей надання бюджетних грантів, їх впливу на стимулювання інноваційної діяльності. Охарактеризовано елементи податково-правового механізму надання бюджетних грантів, позначено їх вплив на об'єкт і базу оподаткування, встановлено категорії платників податків, які мають право на податкову пільгу, у зв'язку із одержанням бюджетного гранту. Підкреслено, що на сьогодні податкові пільги стосуються тільки бюджетних грантів, що надаються Українським культурним фондом.

У свою чергу, на підставі аналізу праць вчених з юридичних та економічних наук визначено перелік найпоширеніших у світовій практиці податкових пільг, які використовуються для стимулювання інноваційної діяльності. Особливу увагу приділено особливостям податкового стимулювання інноваційної діяльності у Польщі, Угорщині, Іспанії та Франції. Встановлено спільні риси та принципові відмінності між концепціями податково-правового стимулювання інноваційної діяльності в Україні та у зазначених країнах Європейського Союзу.

Ключові слова: бюджетний грант, інноваційна діяльність, науково-дослідні і дослідно-конструкторські роботи, податкові пільги, Фонд розвитку інновацій.

TAX INCENTIVES FOR INNOVATIVE ACTIVITIES

Abstract. Innovative activity is always a powerful driver of social and economic development of any state. At the same time, research and development also needs a certain amount of nourishment, first of all, from the state, in particular through the appropriate regulatory and legal mechanisms for its incentive. And the more the state is interested in scientific and technical development, the wider the circle should be and the more perfect the mechanisms for incentive innovative activity should be. The purpose of this article is to analyze the norms of the current regulatory legal acts of Ukraine, which provide for tax benefits in connection with the implementation of innovative activities, as well as to compare them with tax preferences in some countries of the European Union.

Thus, the procedure for providing tax relief for funds received from the Innovation Development Fund (Ukrainian Startup Fund) has been analyzed. The elements of the legal mechanism for granting this benefit are singled out and characterized, its impact on the object and tax base is determined, and the circle of taxpayers to whom it applies is outlined. The legal status of the Ukrainian Startup Fund, the order and scope of its financing from the state budget have been determined. Attention was also paid to determining the essence and features of the provision of budget grants, their impact on the incentive of innovative activity. The elements of the tax-legal mechanism for providing budget grants are characterized, their impact on the object and tax base is indicated, and the categories of taxpayers who are entitled to a tax benefit in connection with receiving a budget grant are established. It is emphasized that today tax benefits apply only to budget grants provided by the Ukrainian Cultural Fund.

In turn, on the basis of the analysis of the works of scientists from legal and economic sciences, a list of the most common tax benefits used to incentive innovative activity was determined in global practice. Particular attention is paid to the peculiarities of tax incentives for innovative activity in Poland, Hungary, Spain and France. Common features and fundamental differences between the concepts of tax and legal incentives of innovative activity in Ukraine and in the specified countries of the European Union have been established.

Keywords: budget grant, innovative activity, research and development, tax benefits, Ukrainian Startup Fund.

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