

Impositions et stratégies fiscales

Session 2

12/09

Les principales étapes de détermination de l'impôt

Délimitation du champ d'application de l'impôt

Calculer l'impôt c'est liquider l'impôt, quand on s'adresse à des particuliers ne connaissent pas la fiscalité c'est l'état qui calcule l'impôt sur le revenu, le professionnel lui doit liquider lui-même son impôt

Recouvrement de l'impôt c'est auprès du SIE service des impôts des entreprises ou P particuliers

Administration fiscale dépend du ministère du budget

DGFIP direction générale des finances publiques à Bercy et gère dès qu'il y a un lien avec un impôt : taux applicable, base...

Seules les très grosses entreprises vont s'y adresser

Dans le ministère des finances il y a les douanes pas la même formation entre impôt et douanes **gèrent les droits indirects** concerne les alcools et tabac

Troisième direction c'est la direction de la législation fiscale = ex rédigent le projet de loi finance à partir des directions politiques du gouvernement, rédigent ordonnances et arrêtés

SIE et SIP dépendent de ces grandes directions de la DGFIP

Section IV Le contrôle fiscal

Admin fiscale bénéficie de forts pouvoirs pour contrôles fiscaux, on est sur un système fiscal déclaratif, le régime français repose sur le fait que le contribuable déclare sa base d'imposition et les entreprises le calculent, donc grande liberté donc risques de dérapage d'erreur ou fraude ou escroquerie.

Dissuasif, tous les impôts pas payés rentrées d'argent en moins pour l'état, faudra trouver argent ailleurs comme augmenter les impôts, répressif les fraudeurs sanctionnés.

Contrôle d'une entreprise si erreur et pas intentionnel on parle de rectification fiscale suite à une erreur de bonne foi, avec intérêts de retard et en fonction de la gravité il y a des pénalités dans les 10% en plus, celles de mauvaise foi plutôt de 40% et si fraude escroquerie 200% ou plus, escroquerie pénalités 400% et contre les dirigeants il y a risques de condamnation prison

Très réglementé procédures

Les moyens de contrôle :

- Demandes de renseignements
- Peut être suivie de procédure formelle qui est le droit de communication à répondre sous 30 jours, peut être envoyé au

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