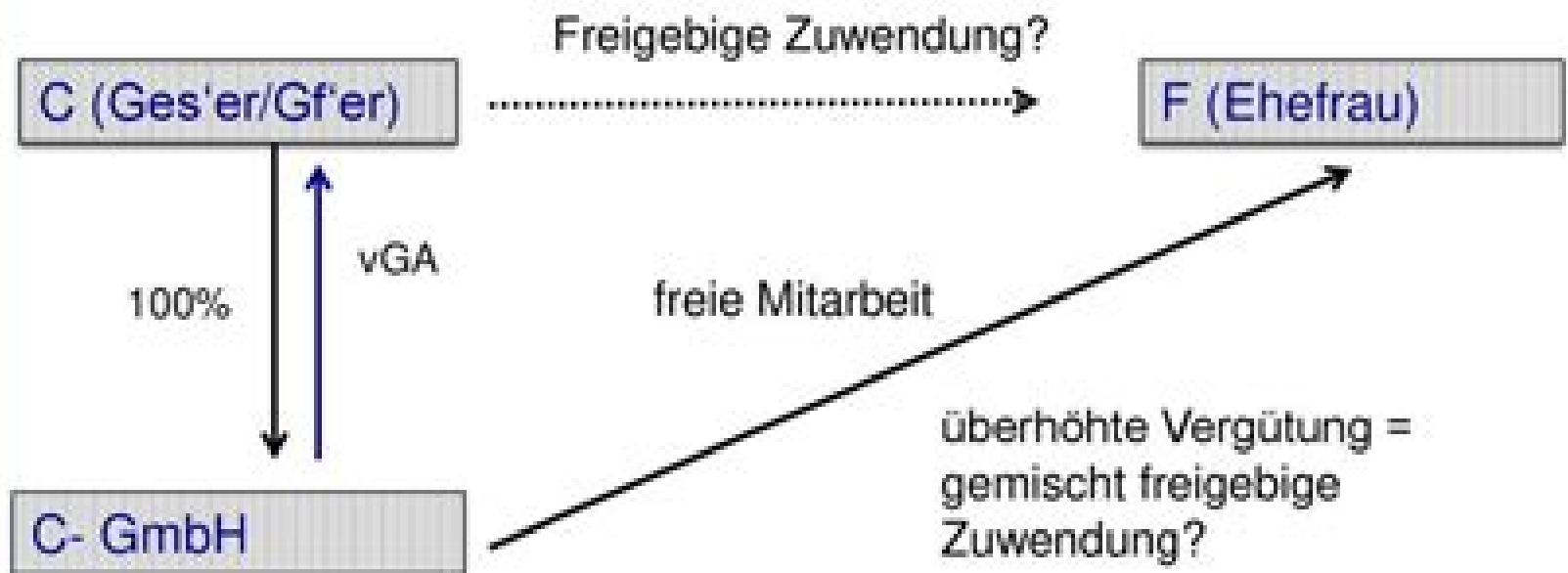


BFH v. 7.11.2007- II R 28/06, BStBl. II 2008, 258

Verdeckte Gewinnausschüttung an nahestehende Person

Disquotale Disquotale Verdeckte Gewinnausschüttung Schenkungssteuer

LM Reder



Disquotale Disquotale Verdeckte Gewinnausschüttung Schenkungsteuer:

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Gewinnausschüttung und Schenkung im Sinne des § 7 ErbStG, 2021-08-10 Studienarbeit aus dem Jahr 2021 im Fachbereich Jura Steuerrecht Note 1,3 Fachhochschule Westküste Heide Sprache Deutsch Abstract Die Arbeit beschäftigt sich mit der Frage ob die doppelte steuerliche Erfassung der verdeckten Gewinnausschüttung im Ertragssteuerrecht sowie durch Veranlagung zur Schenkungsteuer verfassungsrechtlichen Bedenken begegnen Zu dieser Problematik gibt es verschiedenste Auffassungen die kritisch zu beleuchten sind Die verdeckte Gewinnausschüttung vGA ist immer wieder Schwerpunkt in steuerlichen Auseinandersetzungen und wird als ertragsteuerliches Problem angesehen Dies zeigen auch die gesetzlichen Regelungen der verdeckten Gewinnausschüttung in § 8 Abs 3 S 2 KStG sowie § 20 Abs 1 Nr 1 S 2 EStG Jedoch sind die Finanzämter in der Vergangenheit zunehmend dazu bereitgegangen die vGA im Hinblick auf ihre schenkungssteuerliche Behandlung zu betrachten Disquotale Einlage und disquotale verdeckte Gewinnausschüttung in der Schenkungsteuer

Michael Willms, 2015 **Verdeckte Gewinnausschüttung und Schenkungsteuerbelastung als Folge nicht**

rechtsüblicher Rechtsgeschäfte Melanie Haberer, 2014-02-24 Projektarbeit aus dem Jahr 2014 im Fachbereich BWL Rechnungswesen Bilanzierung Steuern Note 1,8 Duale Hochschule Baden Württemberg Villingen Schwenningen für her Berufsakademie Villingen Schwenningen Sprache Deutsch Abstract Eine verdeckte Gewinnausschüttung bezeichnet ein Rechtsgeschäft zwischen einer Kapitalgesellschaft und beteiligten Gesellschaftern oder diesem nahe stehenden Personen welches unter Fremden unüblich wäre Ein solches wird auch bezeichnet als nicht rechtsübliches Rechtsgeschäft Häufig werden die Rechtsfolgen verdeckter Gewinnausschüttungen nur ertragsteuerlich betrachtet Dies ist problematisch da die vGA auch schenkungssteuerliche Folgen mit sich ziehen kann Da eine zusätzliche schenkungssteuerbelastung neben der Entstehung von Ertragsteuern zu einer hohen Steuerlast für die Beteiligten führt sollte man sich die Sachverhalte in denen Schenkungsteuer entsteht bewusst machen Die nachfolgende Arbeit soll zunächst auf die aktuelle ertrag und schenkungssteuerliche Behandlung von nicht rechtsüblichen Rechtsgeschäften insbesondere der vGA im Verhältnis zwischen Gesellschaft und Gesellschaftern sowie im Verhältnis zu nahe stehenden Personen eingehen Dabei sollen die derzeit strittigen Sachverhalte dargelegt werden Ziel der Arbeit ist bei derzeitiger Rechtslage und im Hinblick auf mögliche Änderungen auf potenzielle Gestaltungen zur

Minimierung der Steuerbelastung aufmerksam zu machen Dabei soll im Besonderen die Reduktion der Schenkungsteuerbelastung bzw die Vermeidung der Entstehung von Schenkungsteuer im Vordergrund stehen

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