

For the collection of tax debts of a limited liability company from the shareholders, following up for the legal representative primarily is not required

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That is the legal entity of the company which is primarily responsible for the payment of tax debt of limited liability companies, however, in the circumstance that the receivables cannot be collected from the legal entity of the company or if it is understood that the debts cannot be collected, both the company's legal representatives and its shareholders are responsible for the payment of these debts.

In order to be able to follow up for the public receivables that cannot be collected or understood that they cannot be collected from the legal entity of the limited company, different opinions were existing on whether it was necessary to pursue legal proceeding towards the legal representatives of the company firstly or not in the presence of judiciary.

The State Council's general assembly on the unification of judgments decided to eliminate the contradiction between the decisions by means of merging the case-law and concluded that it is not necessary to follow-up the legal representative primarily in order to start the follow-up of the shareholder in the collection of the tax debt of the limited liability company.

As per the Article 40 of the Law for State Council no.2575, the departments and boards of the State Council and administrative courts and the public authorities has to obey this ruling given by the general assembly on the unification of judgments.

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