



Ministry  
of Finance

Republic  
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# La lutte contre la fraude fiscale en Pologne

# Combating Tax Fraud in Poland

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## Programme - Agenda :

1. Introduction
2. Closing the VAT GAP / **La réduction de l'écart de TVA**
3. Fighting with PIT and CIT avoidance / **La lutte contre l'évasion fiscale (l'IR et l'IS)**
4. Big data & analytics / **Données massives & analyses**
5. Specific example - *carousel fraud practice and STIR mechanism / Exemple spécifique - le mécanisme de la fraude carrousel et le système téléinformatique de la Chambre de compensation (STIR)*

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# 1. Introduction

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## Introduction

- Since 2008, Poland's VAT GAP has started to grow rapidly.
- According to reports by the European Commission, Polish VAT gap grew sharply between **2006 and 2011**, rising from 0.4% to 1.5% of the GDP.
- **In 2012, its size peaked at 2.5 % of GDP (circa PLN 40 bn) and kept for several years above 2,1% of GDP.**



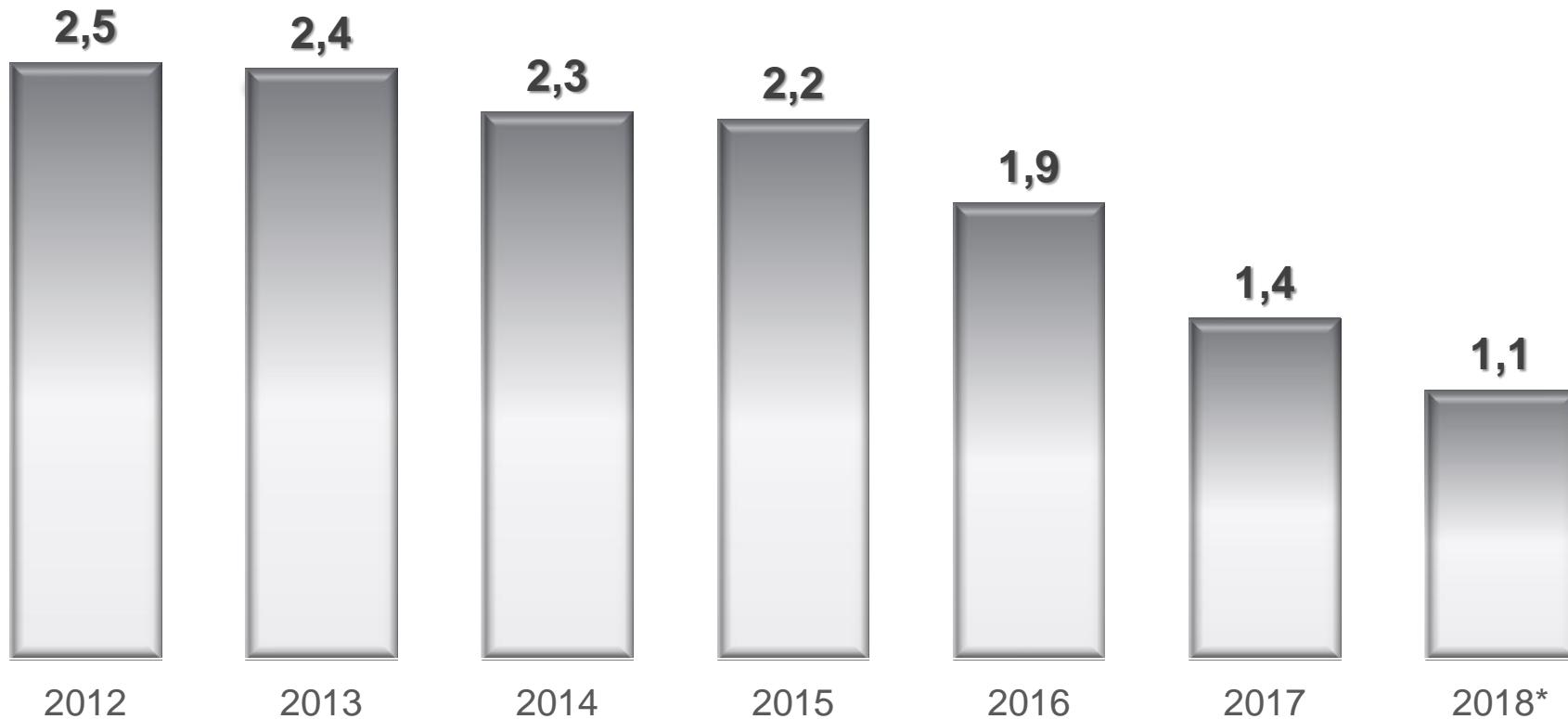
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# L'ÉCART TVA COMME % DU PIB

## VAT GAP as % of GDP

(2018 estimated data)



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## Introduction

### GDP real growth / VAT GAP as a % of GDP

2006	2007	2008	2009	2010	2011	2012
<b>6.2%</b>	<b>7.0%</b>	<b>4.2%</b>	<b>2.8%</b>	<b>3.6%</b>	<b>5%</b>	<b>1.6%</b>
1.0%	0.8%	1.5%	1.8%	1.7%	1.9%	2.5%

2013	2014	2015	2016	2017	2018*
<b>1.4%</b>	<b>3.3%</b>	<b>3.8%</b>	<b>3.1%</b>	<b>4.8%</b>	<b>5.1%</b>
2.4%	2.3%	2.2%	1.8%	1.3%	1.1%



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## **2. La réduction de l'écart de TVA**

### **Closing the VAT GAP**

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## La réduction de l'écart de TVA

### Closing the VAT GAP

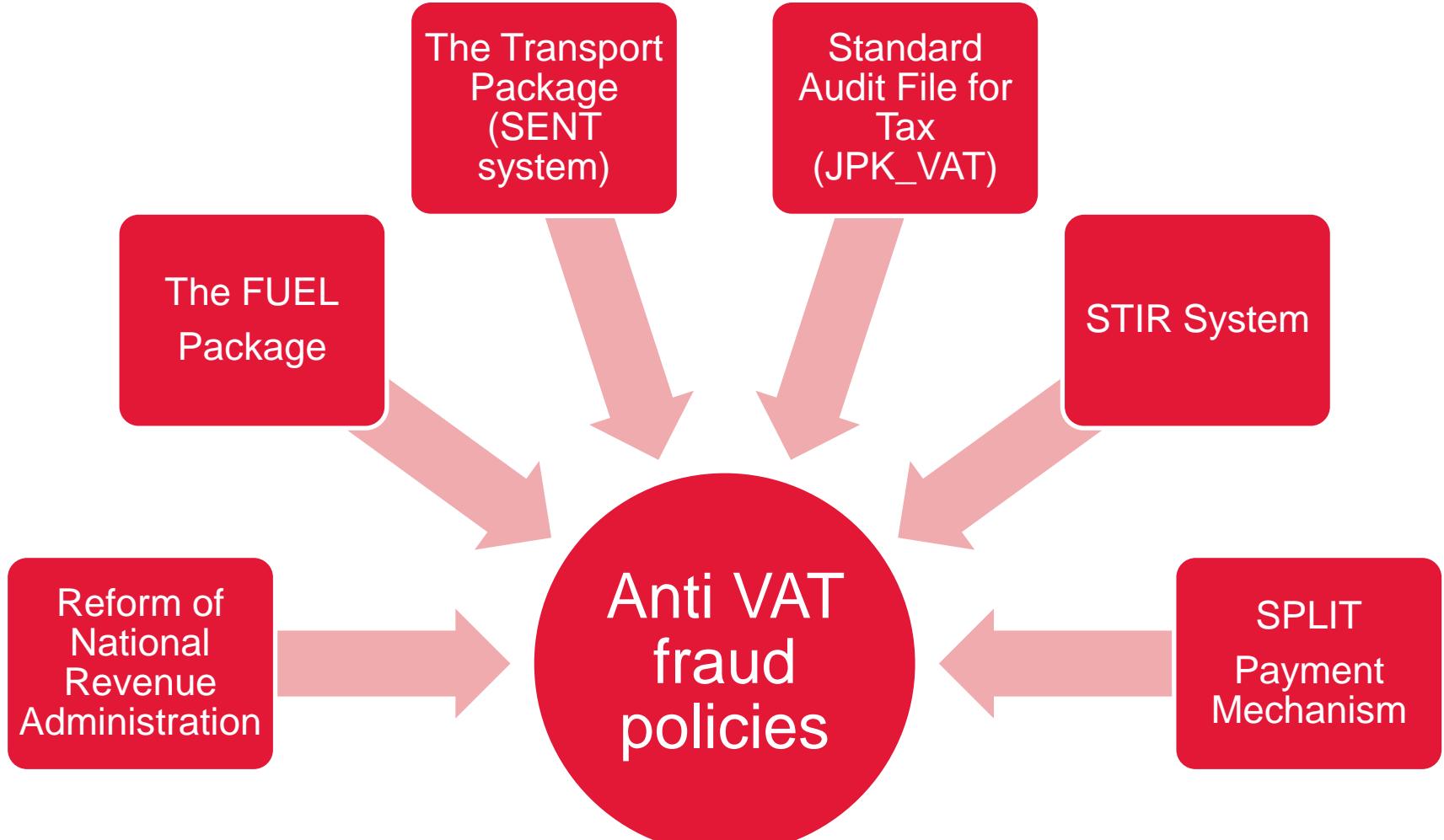
- ⇒ **Systemic efforts to reduce VAT gap started in 2015**
- ⇒ Strong political commitment to back – sometimes – unpopular changes in law and in building of IT tools
- ⇒ Consolidation of the National Revenue Administration
- ⇒ Rapid and significant changes in legislation (FUEL, SENT, SAFT, STIR, SPLIT) over period of 3 years, all based on IT
- ⇒ Innovative analytical tools (analysis of data & adequate actions)
- ⇒ IT tools and cooperation with the banking sector

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# La réduction de l'écart de TVA Closing the VAT GAP

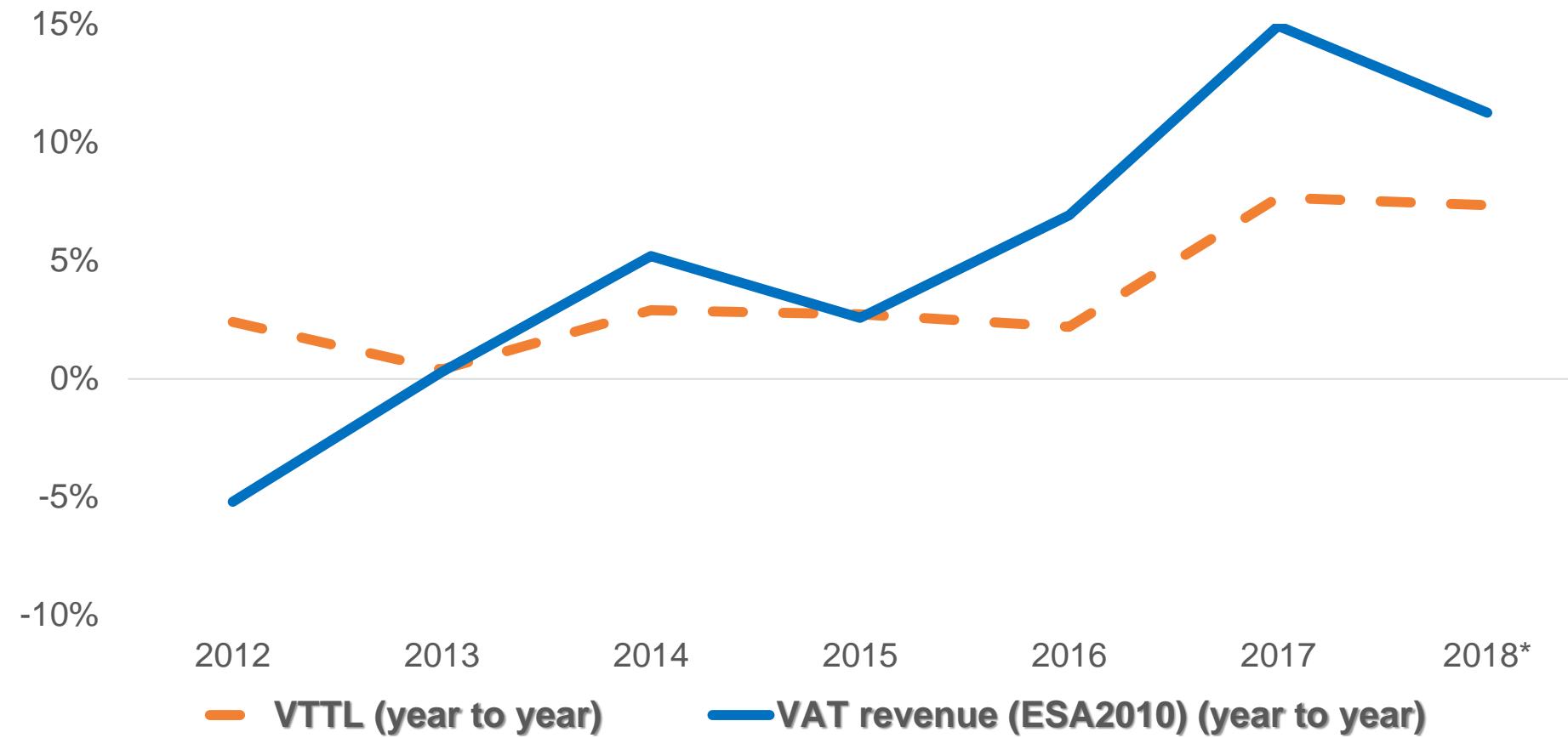


## La réduction de l'écart de TVA Closing the VAT GAP

- ✓ A sign of efficiency are a significant decrease in the VAT gap and a significant increase in the VAT receipts

Depuis 2016, les recettes de la TVA ont démontré une croissance plus rapide que la VTTL

Since 2016, VAT receipts have been growing faster than VTTL  
(\* - 2018 estimated data)





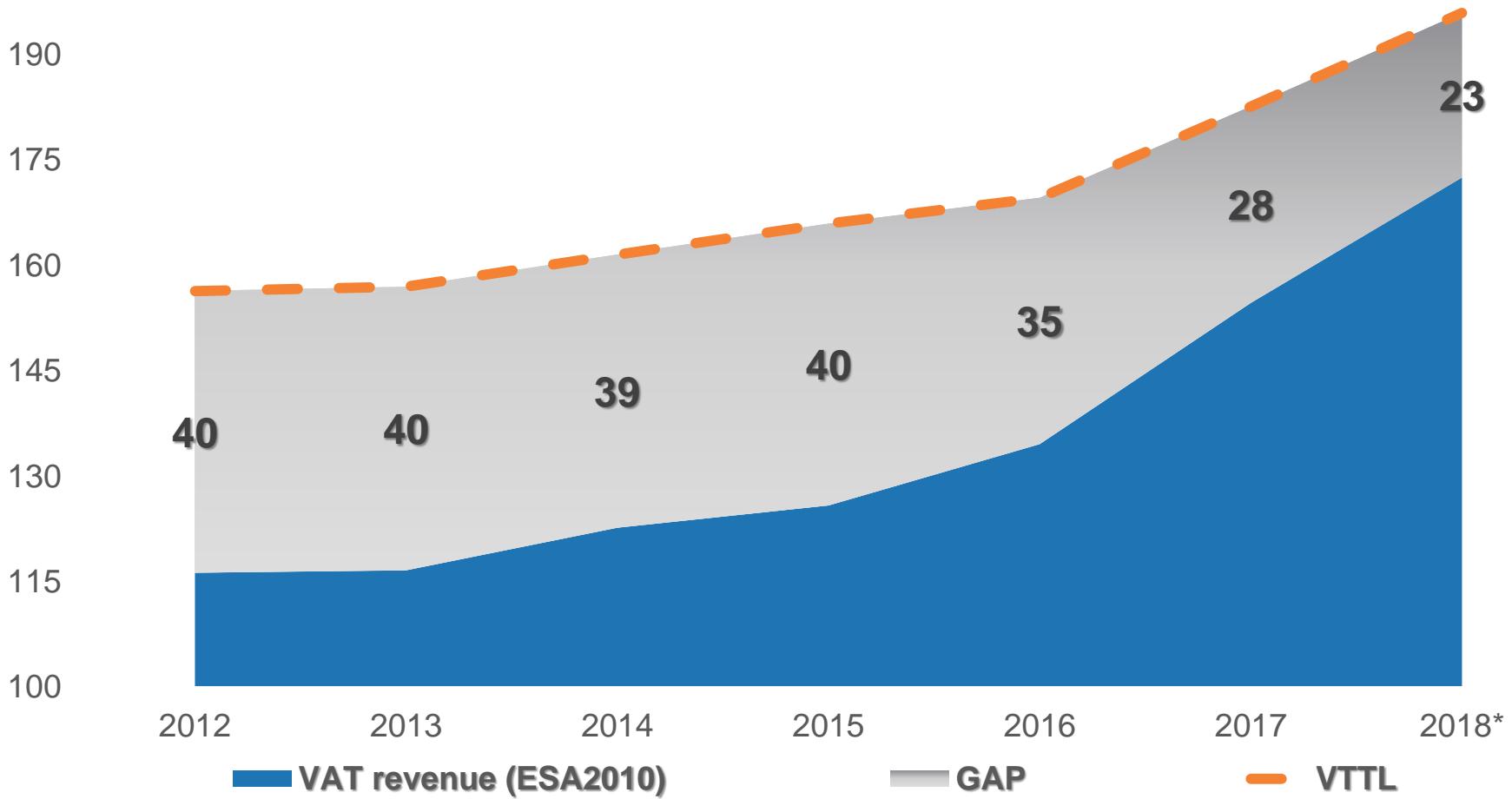
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## La réduction de l'écart de TVA (Mrd PLN)

### Closing the VAT GAP (bn PLN)

(\* - 2018 données estimées - estimated data)



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### **3. La lutte contre l'évasion fiscale (l'IR et l'IS)**

### **Fighting with PIT and CIT avoidance**

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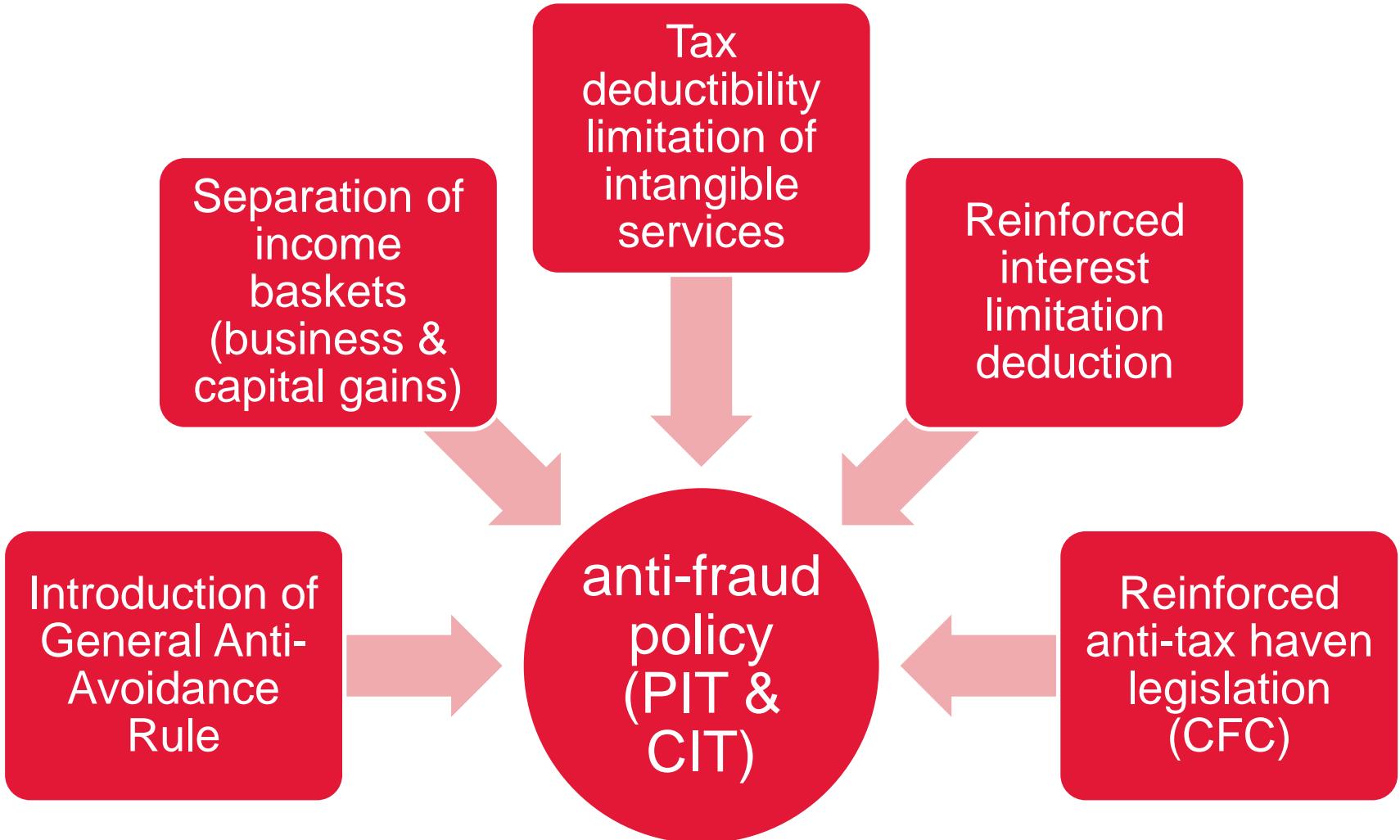
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## La lutte contre l'évasion de l'IR et et de l'IS Fighting with PIT and CIT avoidance

- ⇒ **Strong political commitment to back bitter changes in law**
- ⇒ **Rapid and significant changes in legislation**  
(GAAR, split of capital gains and operational profits, new TP and Thin Cap measures, reinforced CFC) again, amendments introduced over period of 3 years all based on IT, new tax haven policies
- ⇒ **Strong increase of efficiency in tax audit combined with decrease of numer of audits** (better allocation of resources)
- ⇒ **Fostering pro-innovation policies** (R&D, IP BOX)

## La lutte contre l'évasion de l'IR et et de l'IS Fighting with PIT and CIT avoidance



## La lutte contre l'évasion de l'IR et et de l'IS Fighting with PIT and CIT avoidance

Revenues increase based on the latest data

### - 2017 vs. 2018

- PIT  13,5%
- CIT  16,3%
- GDP increase in 2018  5.1%

# Les sources principales des données fiscales (à présent et dans le futur)

## Major sources of tax data (current & future)

2016

- Standard Audit File (JPK\_VAT) for large enterprises
- General Anti-Avoidance Rule
- The Fuel Package

2017

- Reform of National Revenue Administration
- The Transport Package (SENT system)
- Standard Audit File for small and medium-sized enterprises

2018

- STIR System
- Standard Audit File for micro enterprises
- Split Payment Mechanism (voluntary)

2019

- Exit taxation
- Mandatory Disclosure Rules, incl. domestic arrangements
- WHT refund
- Split Payment Mechanism (obligatory)



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## 4. Données massives & analyses

### Big data & analytics

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• • • • Data collected by the Ministry of Finance

# BIG DATA

18 million  
of SAF-Ts  
received  
since  
01/01/2018

1,12 bn PLN  
Increase in  
VAT revenues  
after SAF-T  
based  
controls

1,41 bn PLN  
The value of  
3908 VAT refund  
requests

10 bn  
invoices in  
Central  
Invoices  
Repository

3,3 million  
of SENT  
declarations in  
2018

193 876  
invoices of  
unregistered  
VAT taxpayers

14 million  
of new  
transactions  
everyday

2,2 Trillion PLN  
(507 bn VAT)  
the value of  
invoices in Central  
Invoices  
Repository

20 days  
average time for  
a VAT refund

3 370 776 of  
analysed  
taxpayers  
(Risk Score)

11,3 million  
of bank  
accounts

5,5 million of  
transactions in  
SPM

4,33 million  
of client  
files from  
banks

11 million of  
electronic  
PIT returns  
(2017)

100 bn PLN  
(20 bn VAT)  
The value of  
VAT invoices  
send through  
SPM



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## **5. Exemple spécifique - *Le mécanisme de la fraude carrousel et le système téléinformatique de la Chambre de compensation (STIR)***

**Specific example - *carousel fraud practice and STIR mechanism***

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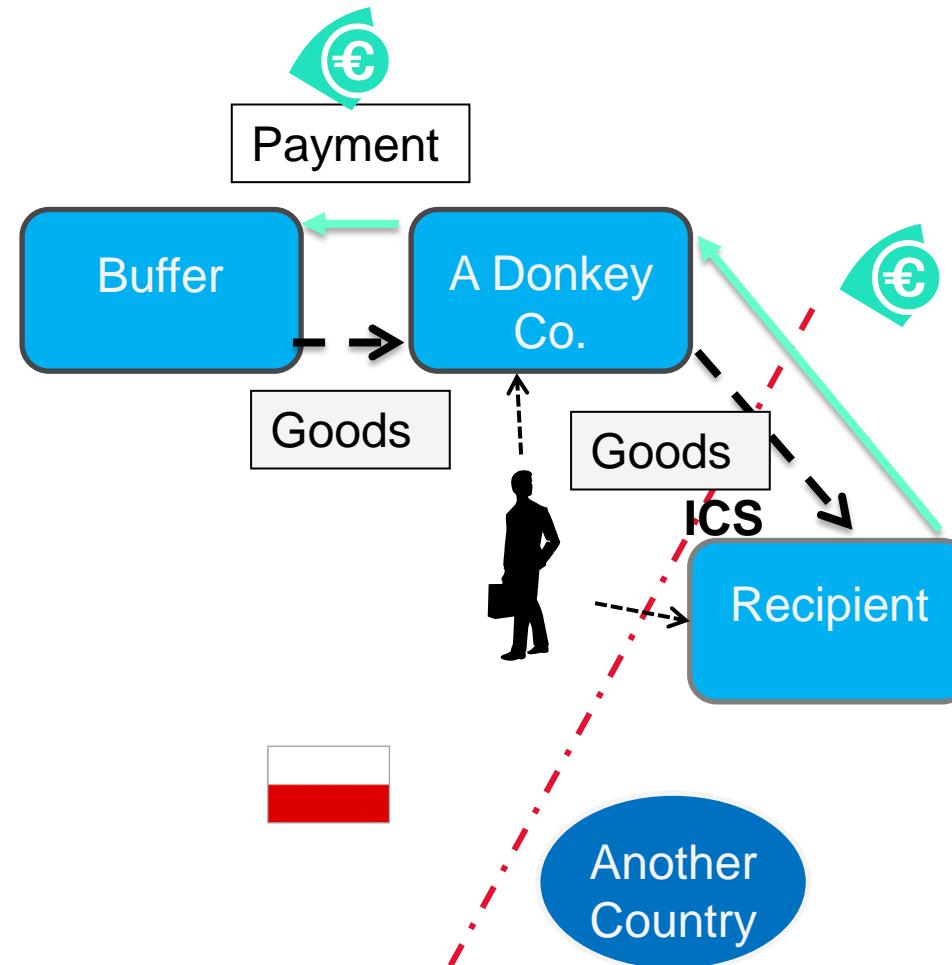
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- Poland has implemented the Standard Audit File for Tax (SAF-T) in 2015
- SAF-T includes all elements as recommended by the OECD
- The main change **introduced in 2016** is the conversion into Standard **Monthly Reporting** File for VAT instead of electronic files used only for audit purposes
- Monthly reporting was introduced gradually:
  - Large businesses 1 July 2016
  - Small&Medium Size businesses 1 January 2017
  - Micro-businesses (less than 10 employees + less than 2 m. EUR turnover) – 1 January 2018

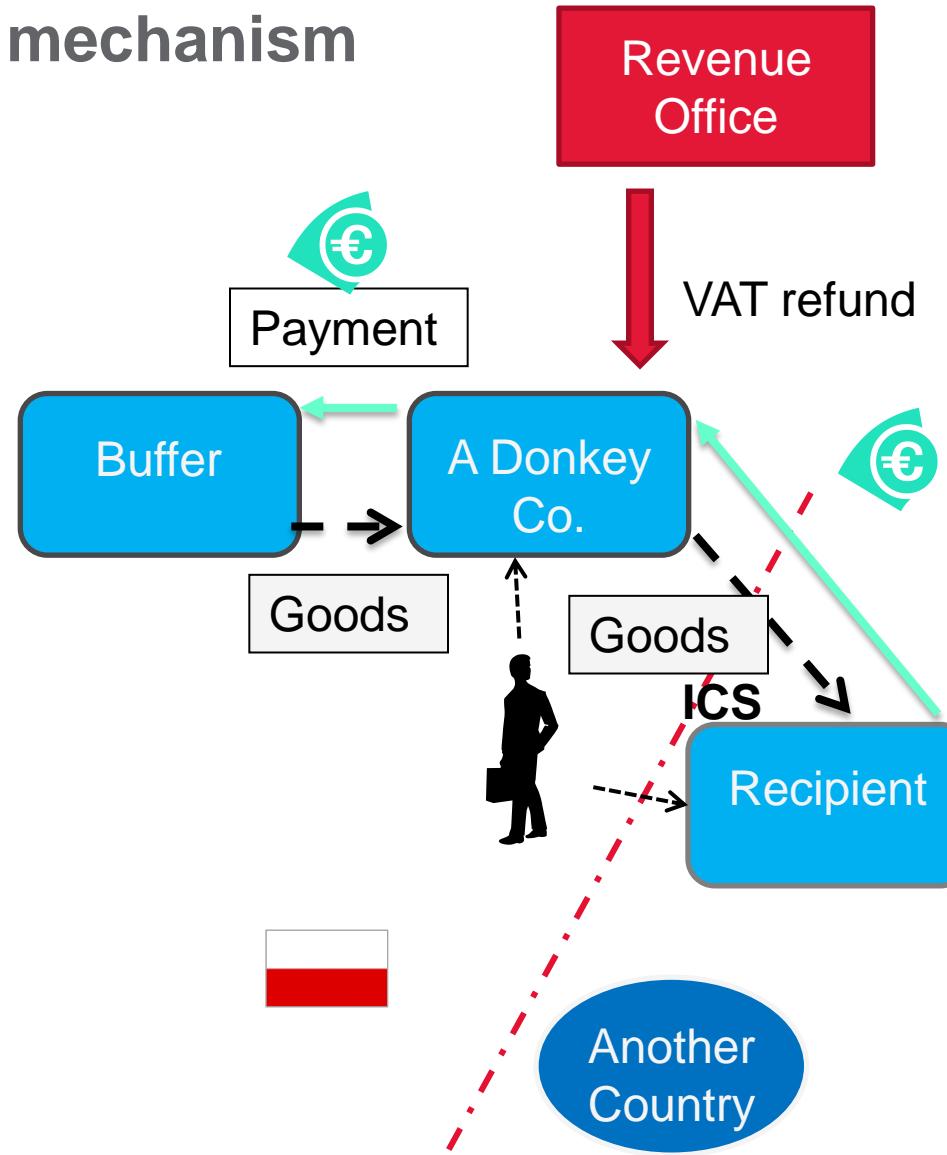
# Le mécanisme de la fraude carrousel

## Carousel fraud mechanism



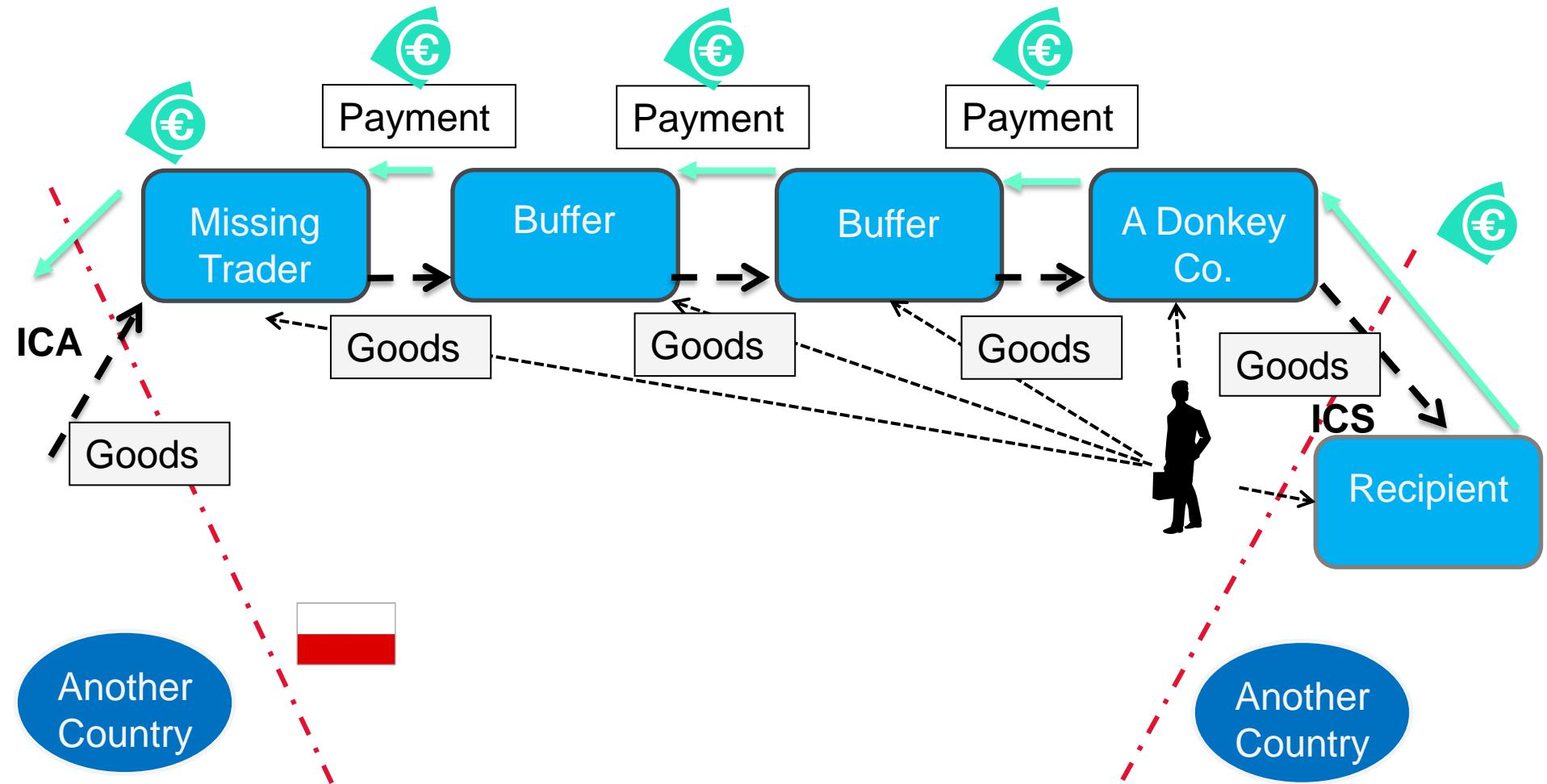
# Le mécanisme de la fraude carrousel

## Carousel fraud mechanism



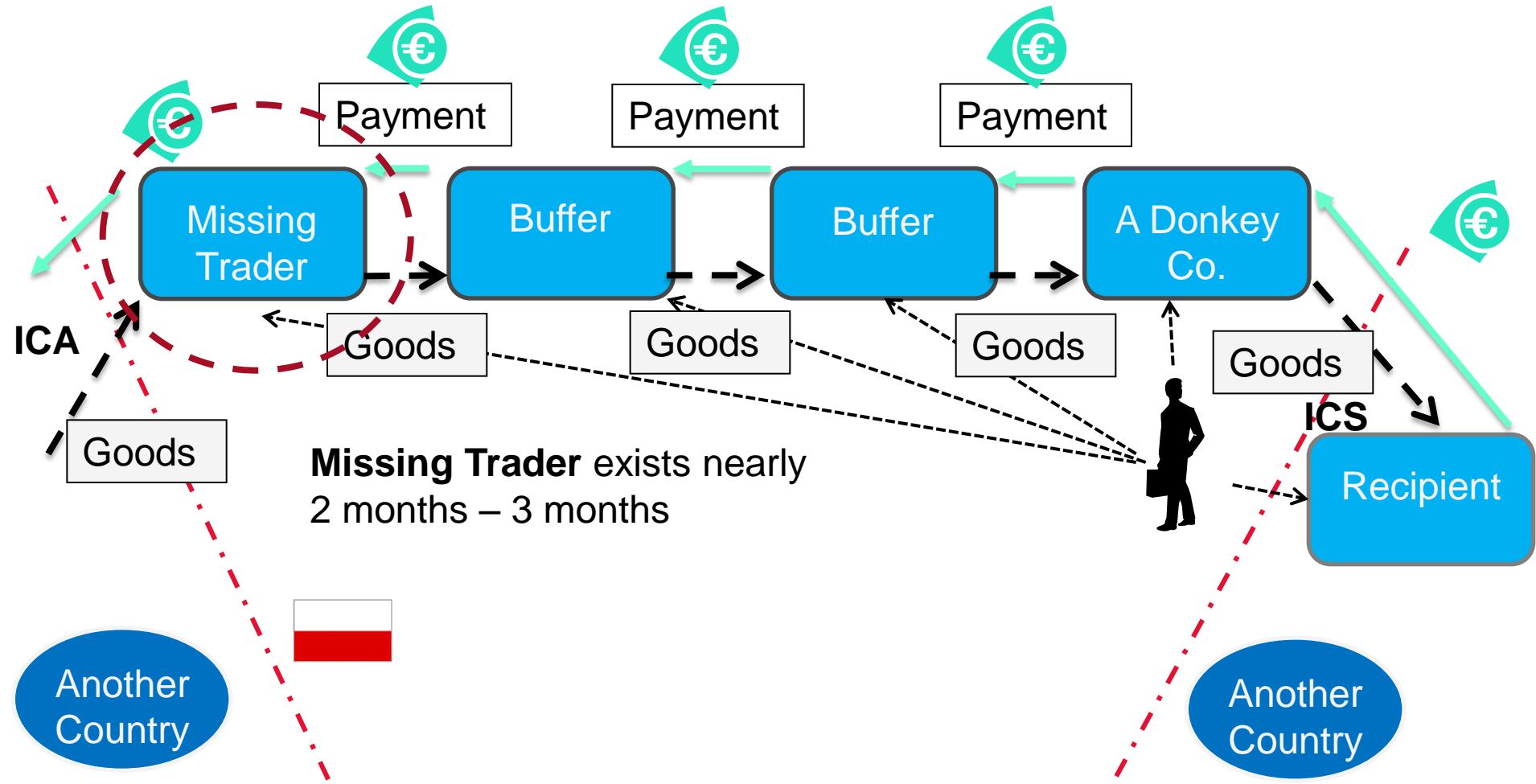
# La fraude carrousel – qu'est-ce que la société l'Âne ne voit pas...

## Carousel fraud – what Donkey Co. doesn't see ....



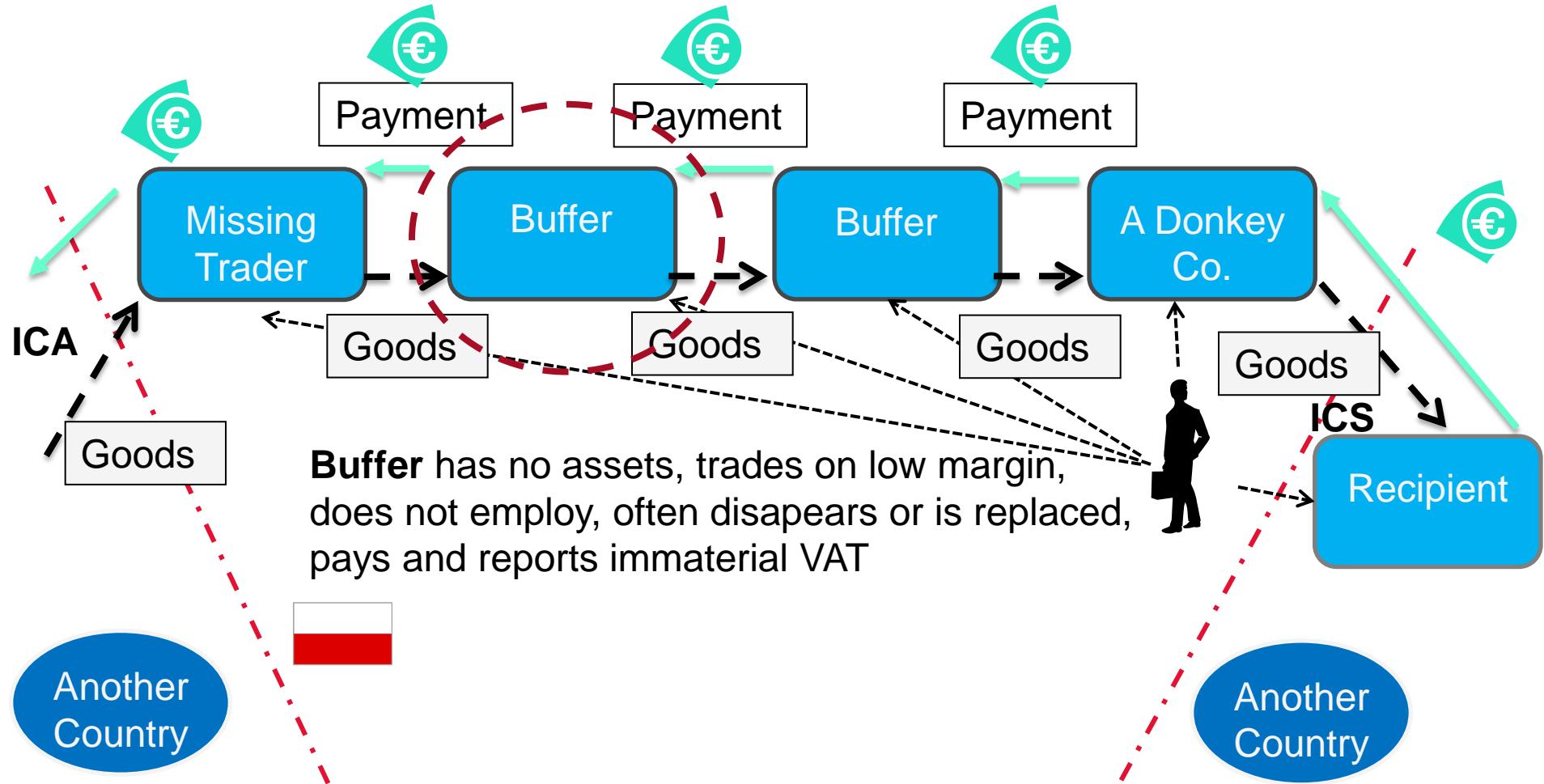
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## Carousel fraud mechanism



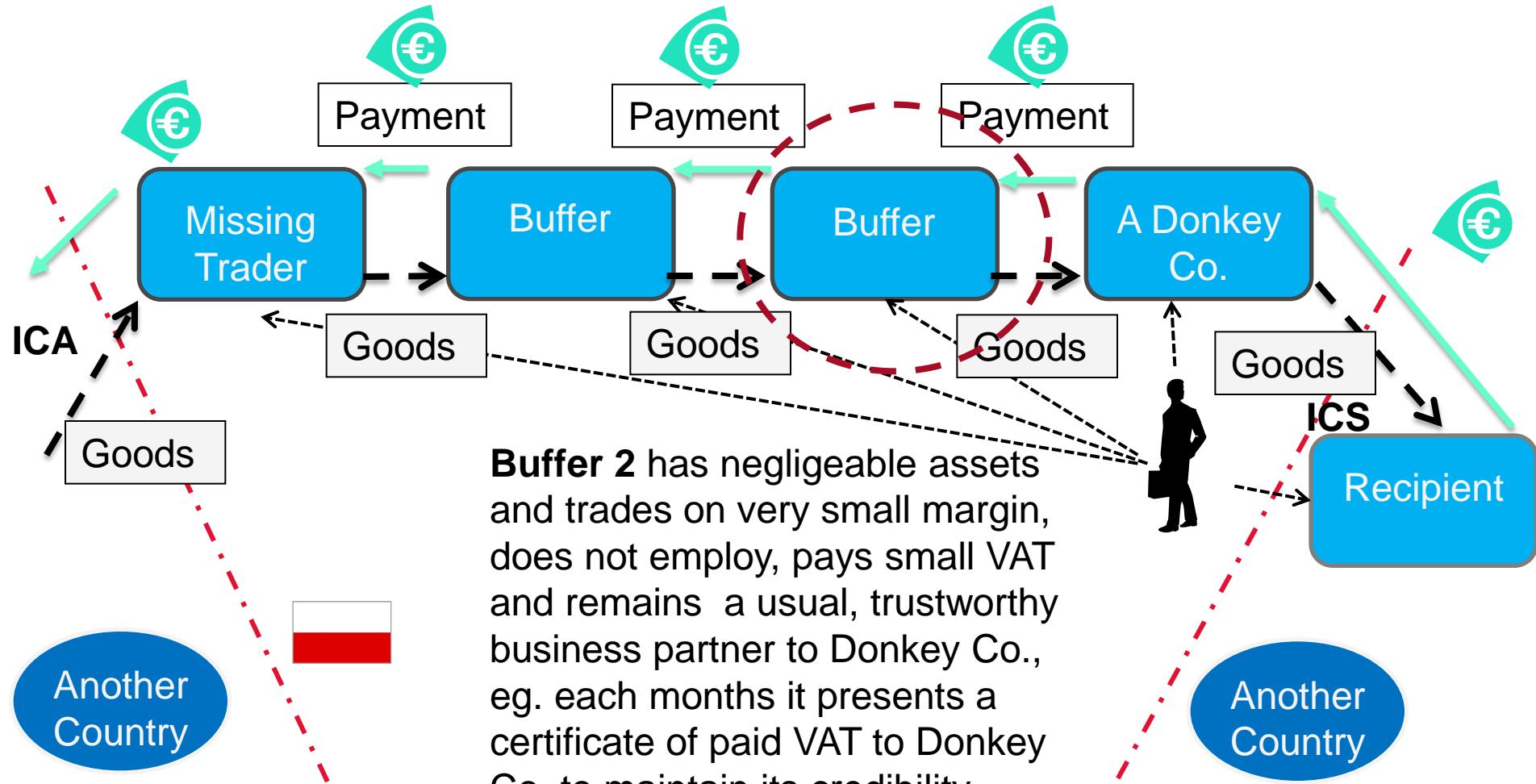
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## Carousel fraud mechanism



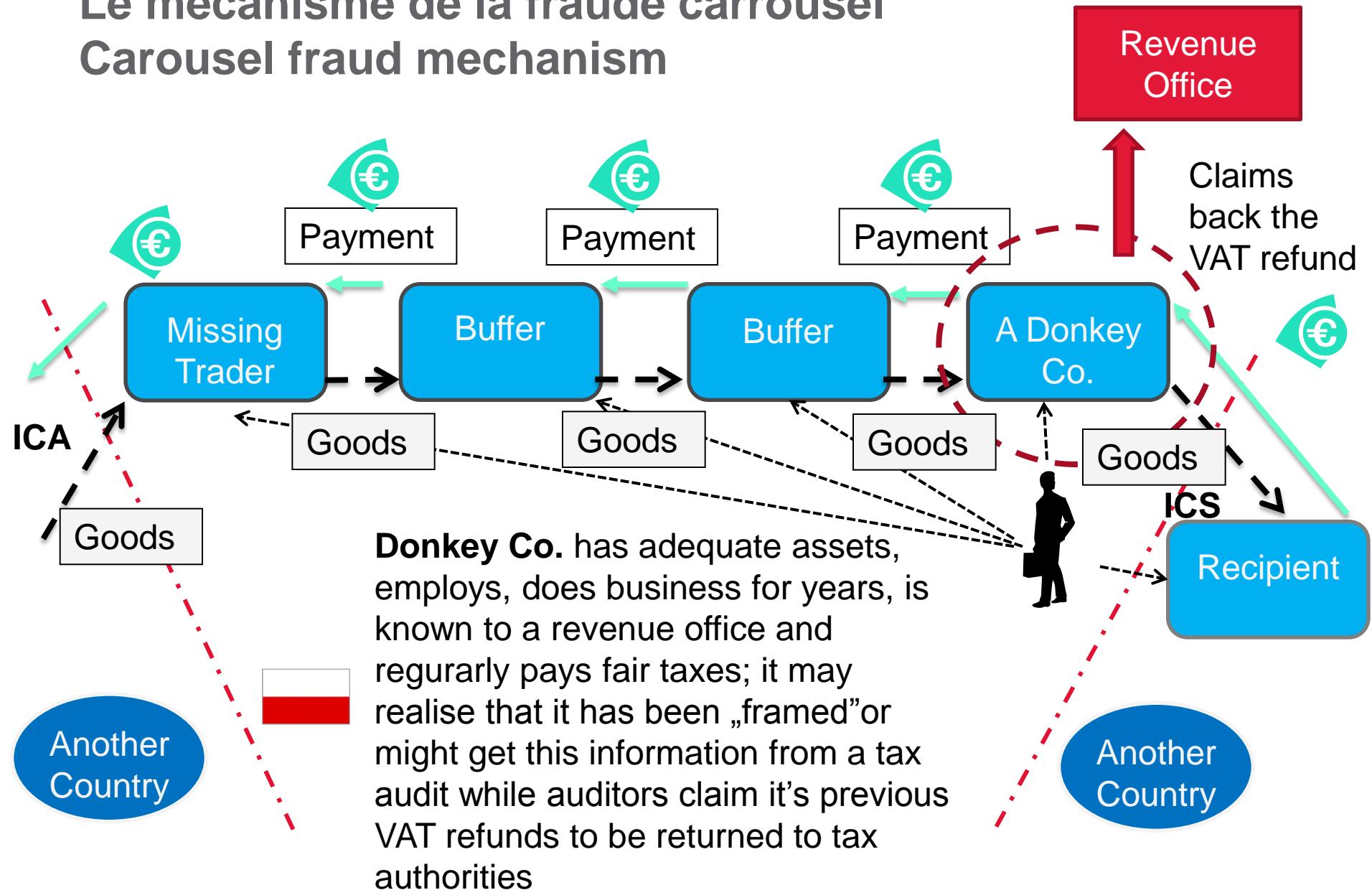
# Le mécanisme de la fraude carrousel

## Carousel fraud mechanism



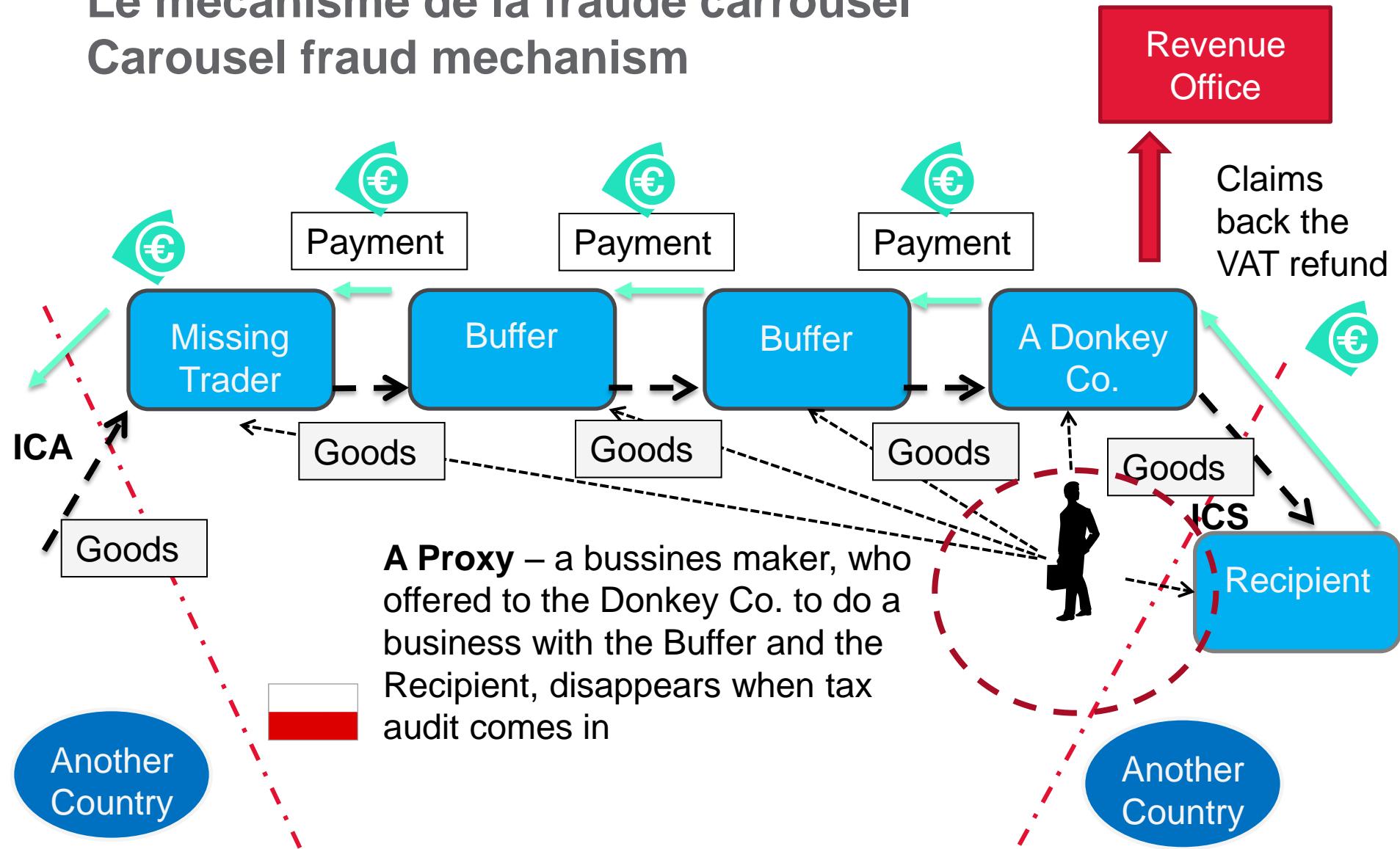
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## Carousel fraud mechanism



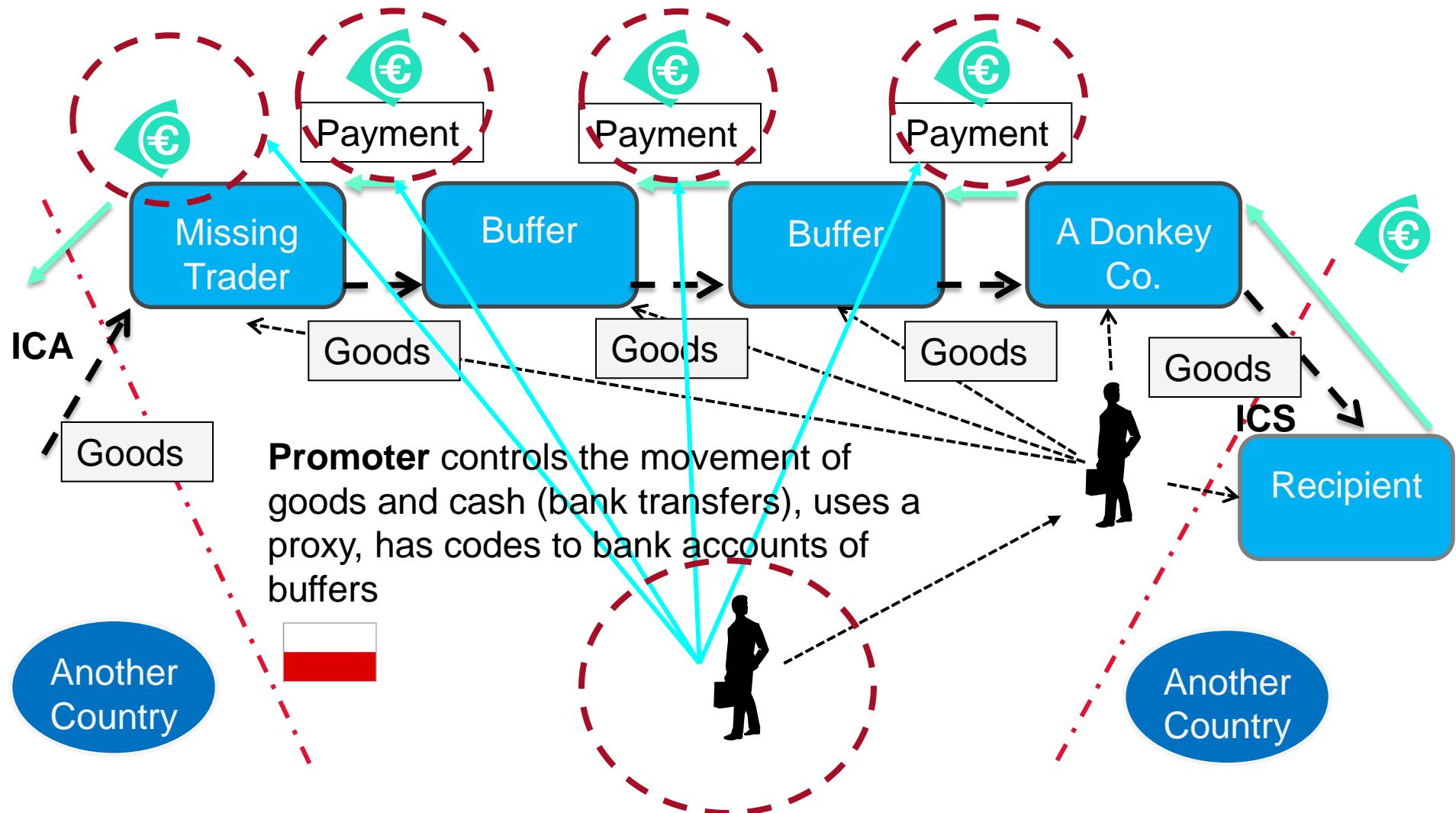
# Le mécanisme de la fraude carrousel

## Carousel fraud mechanism

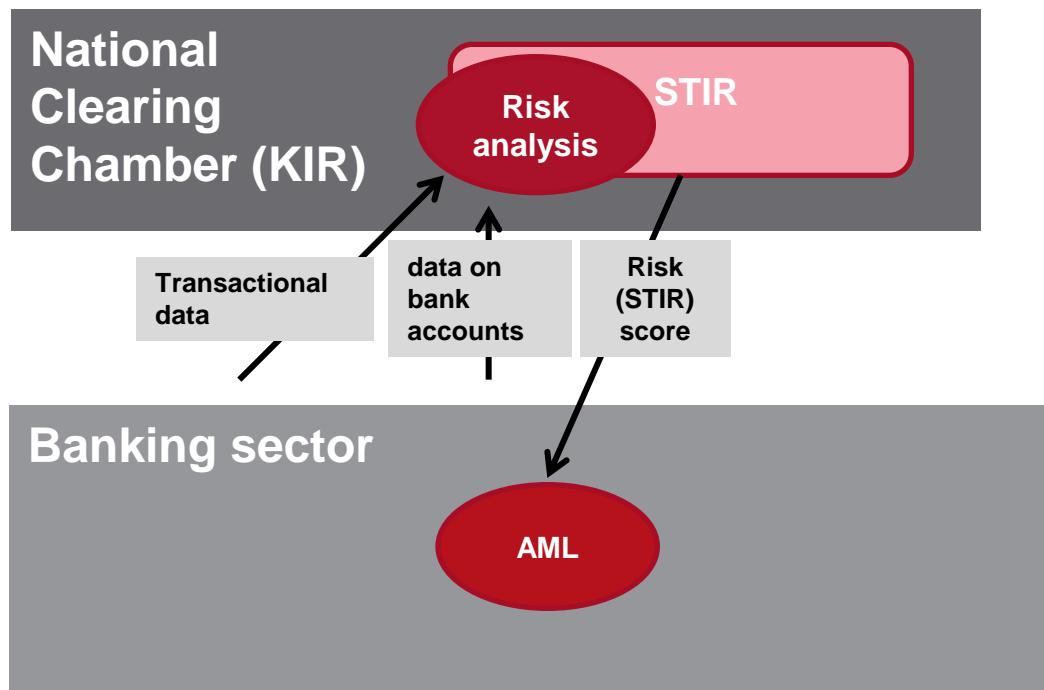


# Le mécanisme de la fraude carrousel

## Carousel fraud mechanism



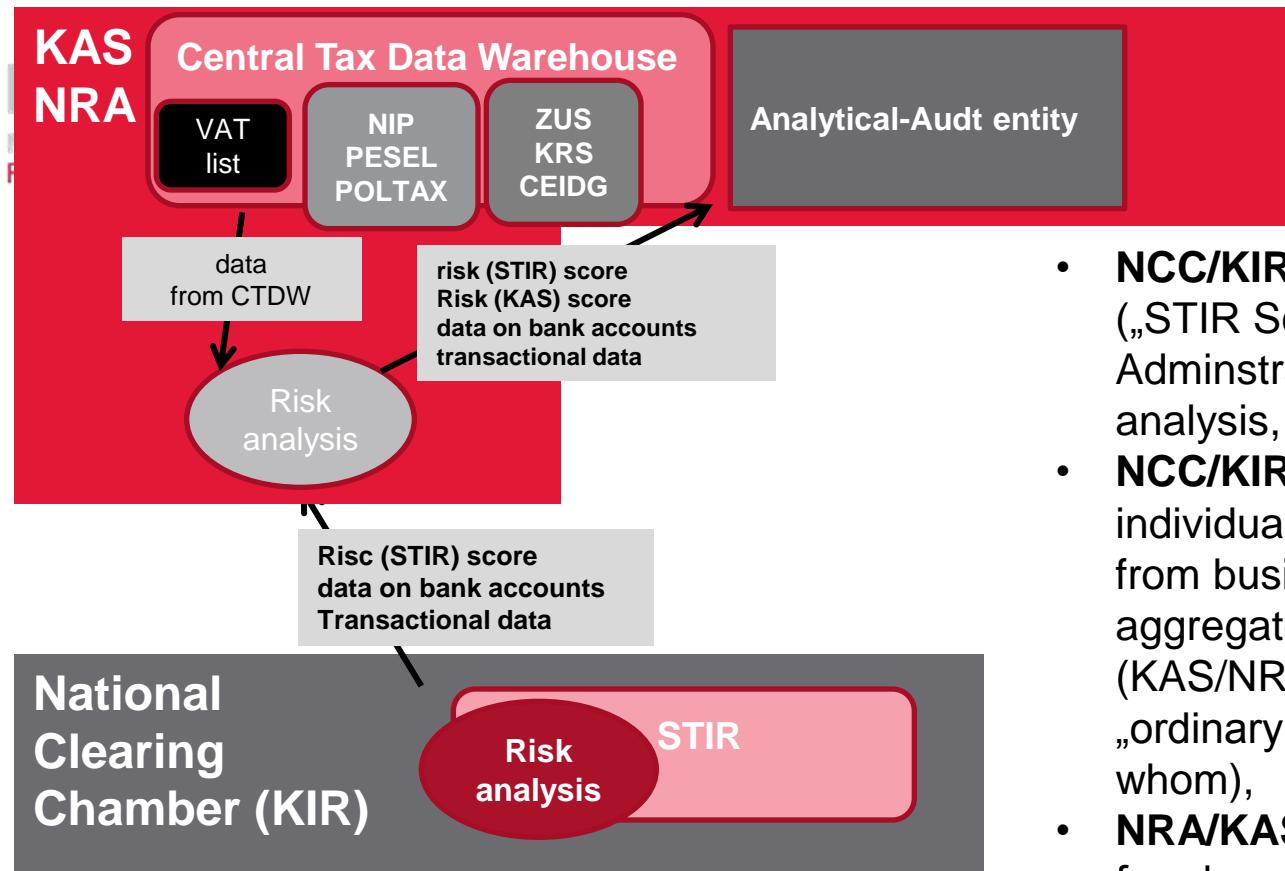
# STIR



- **Banks** supply data to NCC/KIR (client's file + daily transactional statement), each day by afternoon,
- **NCC/KIR** analyzes the risk of transfers from VAT perspective based on AML experience,
- **NCC/KIR** uses publicly available data such as company register (**KRS**) and business register (**CEiDG**),
- **NCC/KIR** calculates a risc score of VAT fraud, which is transferred to banks to protect the sector from tax/VAT frauds (a sectoral analysis),

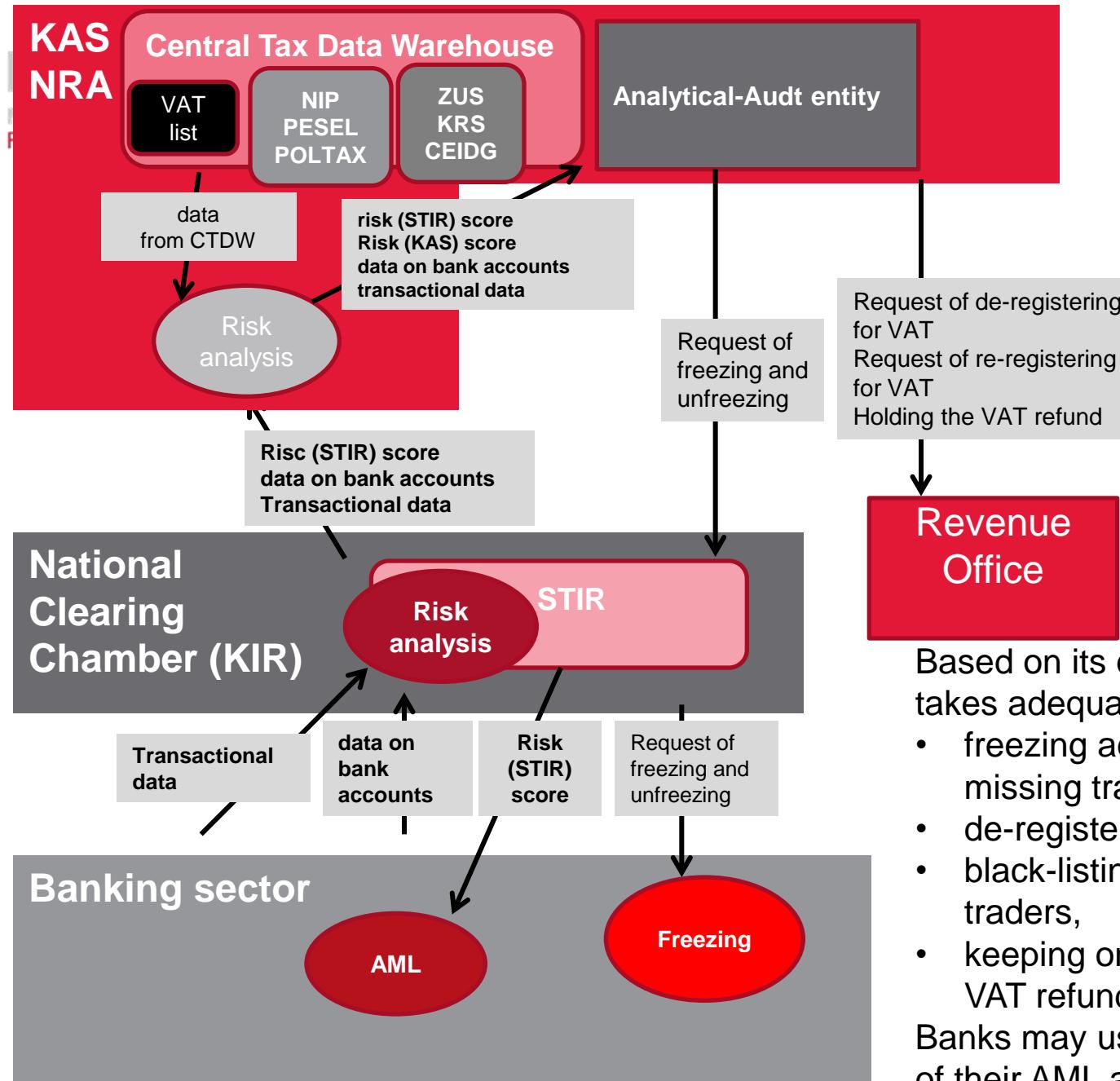
# Administration nationale des contributions

## KAS



- **NCC/KIR** provides its VAT score („STIR Score”) to National Revenue Adminstration (NRA/KAS) for further analysis,
- **NCC/KIR** stops (as a „filter”) data on individuals (such as their purchases from businesses), which goes aggregated and without personal data (KAS/NRA does not know what „ordinary people” are buing and from whom),
- **NRA/KAS** makes its own risk/VAT fraud analysis („KAS Score”); this analysis takes into account much wider spectrum of data such as SAF-T/SRF-VAT, the data from tax databases such as POLTAX, Social Security, VAT black list, the data supplied from banks (client’s file and daily transaction statements) and the STIR Score provided by the NCC/KIR

# Mesures appropriées Adequate Measures

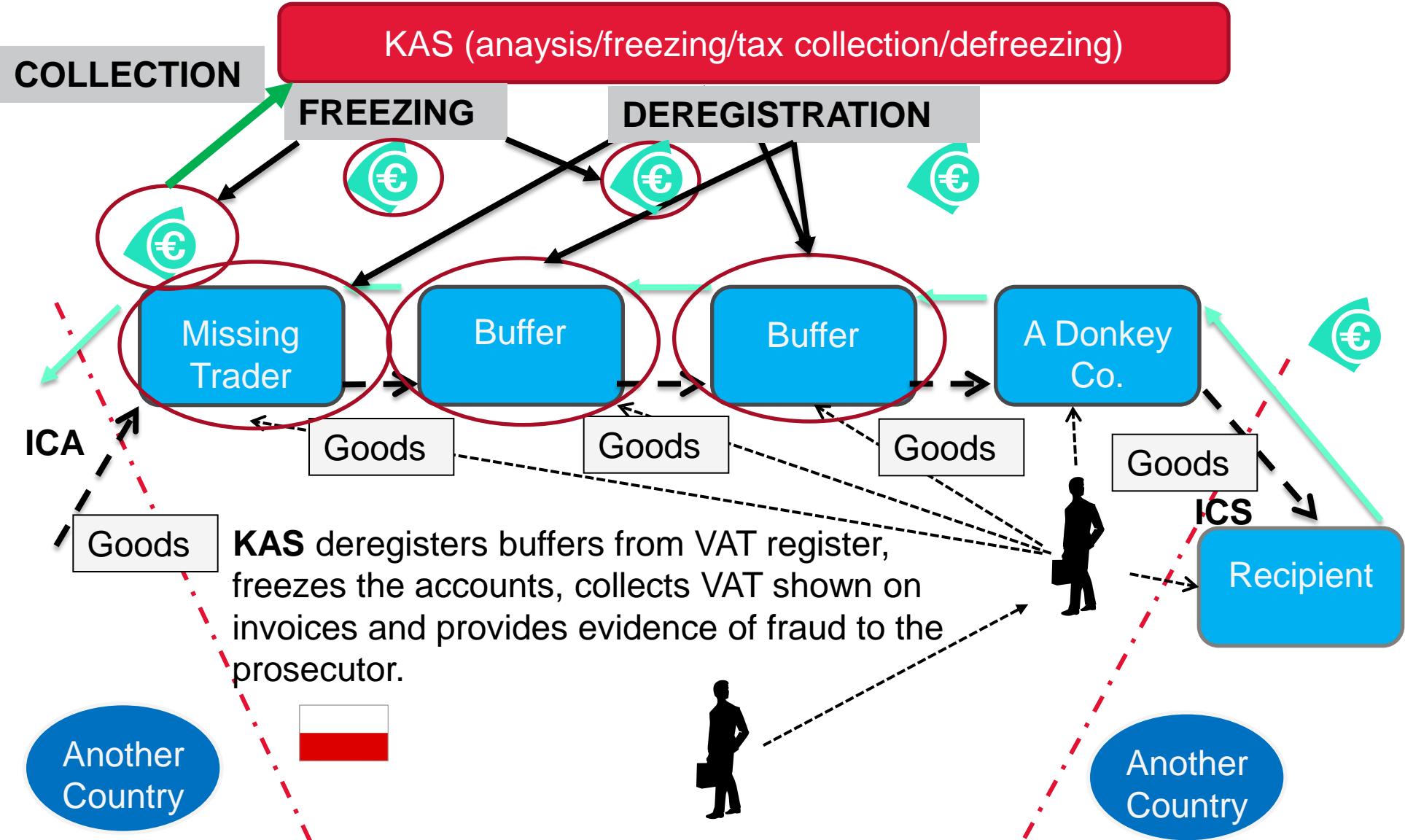


Based on its own analysis NRA/KAS takes adequate measures such as:

- freezing accounts of buffers and missing traders,
- de-registering from VAT register,
- black-listing buffers and missing traders,
- keeping on hold or refusing the VAT refund.

Banks may use STIR score as a part of their AML analysis and take actions as they see fit.

# Mesures appropriées - Adequate measures



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