

## VAT FRAUD IN POLAND: LEGAL AND FINANCIAL IMPLICATIONS

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### **Abstract**

Value-added tax (VAT) is the most popular type of turnover tax worldwide and, in most countries, the most important source of budget revenue. However, VAT fraud poses the most significant threat to public finances. At its peak (2012–2015), the VAT gap for the EU amounted to approximately EUR 152 billion, or 12.8% of potential budget revenues from this tax (VAT Total Tax Liability – VTTL). In Poland these values amounted to PLN 41 billion and 24.7%, respectively.

The study presents the legal structure of VAT fraud, the financial scale of this phenomenon and the remedial actions that Poland has been taking for over 10 years, including tightening criminal liability for issuing and utilizing false invoices.

Employing doctrinal and statistical methods, the study aims to compare the scale of VAT fraud in Poland with the European Union (EU) average. Research indicates that prior to 2016, legislative loopholes and inefficient tax administration resulted in a VAT fraud level in Poland significantly exceeding the EU average. Conversely, since 2016, enhanced legislation and improved tax authorities have reduced VAT fraud below the EU average, with the digitization of tax settlements playing a crucial role.

**Keywords:** VAT, VAT refund, VAT fraud, VAT gap, carousel scheme/MTIC

### **1. Introduction**

Value-added tax (VAT) is the most popular type of turnover tax worldwide and, in most countries, the most important source of state budget revenue. However, VAT fraud poses a significant threat to public finances. Particular risks arise from the harmonized VAT system within the European Union (EU). As a rule, counter-fraud measures are not taken at the EU level but remain the responsibility of individual Member States (a few exceptions are discussed further). Consequently, legislative amendments aimed at tightening VAT compliance have been introduced

in Poland in parallel with—yet independently from—measures adopted by other EU Member States.

The study presents the legal structure of VAT fraud, the financial scale of this phenomenon, and the remedial actions implemented by Poland over the past decade, including stricter criminal liability for issuing and utilizing false invoices. The aim of this research is to compare the scale of VAT fraud in Poland with the EU average.

The study employs the following methods: doctrinal legal research and statistical analysis. Using this methodology, I investigate the thesis that, prior to 2015, legislative loopholes and inefficient tax administration resulted in VAT fraud in Poland significantly exceeding the EU average. Conversely, since 2016, enhanced legislation and more efficient tax authorities have reduced VAT fraud below the EU average, with the digitization of tax settlements playing a crucial role.

The conceptual framework and methodologies for estimating the tax gap are elaborated inter alia by Gemmell and Hasseldine (2012), Hamilton (2015), Mazur and Plumley (2007), Raczkowski (2015), Toder (2007), and Yotov (2025). Furthermore, the VAT gap methodology is discussed by various scholars in English (e.g., Agha & Haughton, 1996; Artlová et al., 2020; Keen, 2013; Zídková, 2014; Zídková & Pavel, 2016) and in Polish (e.g., Adamczyk & Czyż, 2015; Bitner, 2023).

The mechanisms of VAT fraud, as well as the measures adopted to counter them, are thoroughly documented in academic literature (in English: Ainsworth, 2009; Andrew & Baer, 2023; Aronowitz et al., 1996; Borselli, 2011; De La Feria, 2018, 2020; De La Feria & Schoeman, 2019; Frunza, 2013, 2019; Gajewski, 2024; Griffioen & Hel-van Dijk, 2016; Hel-van Dijk & Griffioen, 2025; Johnson & Magnusson, 2003; Keen & Smith, 2007; Lamensch & Ceci, 2018; Podlipnik, 2012; in Polish: Beldzikowski, 2018, 2023; Brzeziński et al., 2018; Dominik, 2006; Gut, 2011; Małecka-Ziembińska, 2023; Ożóg, 2017; Ożóg & Rudowski, 2020; Pabiański & Śliż, 2007; Sarnowski & Selera, 2025; Tratkiewicz, 2016)<sup>1</sup>. The information from international organizations and national tax administrations is also useful (e.g. EC, 2018). In Poland, the latter takes the form of so-called warning letters (Pol. *listy ostrzegawcze*), intended to protect honest entrepreneurs from becoming entangled in a so-called carousel scheme (which are regularly publicized in the daily press and on the tax administration's website).

The cited studies emphasize the dependence of the scale of VAT fraud on the quality of legislation and the efficiency of the administration. Nevertheless, without negating this regularity, economic studies draw attention to the relationship between the VAT gap and the business cycle (concerning Poland: Dudek et al., 2026; Konopczak, 2022). This factor is objective in nature and, to some extent, separates VAT gap data from the quality of tax legislation and the efficiency of tax authorities.

The statistical data were sourced from the European Commission (EC) and the Polish Ministry of Finance (MF), with further details provided below. Additionally, relevant independent studies and reports from the Supreme Audit

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<sup>1</sup> I also refer to my earlier studies (in Polish): Radzikowski (2011, 2014, 2015a, 2015b, 2016a, 2016b, 2016c, 2016d, 2018a, 2018b, 2018c, 2019a, and 2025).

Office (Pol. *Najwyższa Izba Kontroli – NIK*)—the state audit body—are cited (see details below).

Academic discourse has long underscored the imperative of digitalizing VAT compliance and ensuring the automated transfer of data from businesses to tax administrations, thereby enabling real-time VAT collection (Ainsworth, 2010, 2011; Ainsworth & Madzharova, 2012; Hesami et al., 2024). These observations were endorsed by expert panels (e.g. PwC, 2010). While individual EU Member States initiated the deployment of digital VAT compliance instruments in the early 2010s, a unified EU-wide approach was delayed. The EU formally adopted the VAT in the Digital Age (ViDA) legislative package in 2025, laying the groundwork for a digitized reporting framework with the core measures projected to phase in between 2030 and 2035.

Since substantive criminal law has not been harmonized at the EU level, the provisions governing criminal liability for the issuance and use of false invoices remain specific to each Member State. For a detailed analysis of this issue, I rely on Polish academic literature and case law (e.g., Bartosiewicz, 2005; Duży, 2011, 2013; Górniok, 1997, 2000; Kanarek, 2024; Kardas, 2006, 2007, 2008; Korczyński, 2017; Kozłowski, 1998; Mozgawa, 1999; Oczkowski, 2009; Oczkowski & Zgoliński, 2020; Orłowska, 2004; Pawelec, 2020; Pilarczyk, 2017; Stolarczyk, 2010; Wilk, 2009, 2011; Zgoliński, 2012)<sup>2</sup>. By way of illustration, the criminal and administrative sanctions concerning invoice forgery and VAT fraud across various EU Member States are outlined by Di Nicola et al. (2025).

## 2. Specifics of VAT Fraud

Similarly to other turnover taxes, VAT is inherently embedded in transaction prices. Consequently, the economic burden is shifted onto buyers, who finance the tax until it is recovered through subsequent transactions and, ultimately, borne by the final consumer. While this mechanism, which is applicable to all turnover taxes, renders the tax theoretically neutral for entrepreneurs, VAT uniquely allows businesses to offset the tax burden incurred at earlier stages of the supply chain.

The VAT settlement process involves deducting input tax from output tax on sales. At each stage of business activity, the excess of output tax over input tax is remitted to the state budget. Conversely, when input tax exceeds output tax, the surplus can be carried forward to subsequent settlement periods or claimed as a refund. By permitting these state disbursements rather than solely collecting revenue, the VAT framework inherently creates opportunities for financial exploitation through VAT refund fraud.

Unlike traditional tax evasion or avoidance—where the primary financial incentive is the reduction of tax liabilities to zero—VAT refund fraud presents a

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<sup>2</sup> I also refer to my earlier studies (in Polish): Radzikowski (2016e, 2017, 2019b, 2020, and 2024).

distinct mechanism. Fraudulent actors, relying on falsified documentation, can continuously extract funds from the state budget. In such schemes, the magnitude of the fraud is not restricted by the size of actual tax liabilities. Instead, it depends solely on the intents of perpetrators and the scale of fabricated transactions reflected in falsified paperwork.

The most egregious form of VAT fraud is obtaining a tax refund, which transforms public law claims into private property that can be freely disposed of (irrespective of the underlying tax settlement). Nevertheless, this refund is consequential in nature, as it depends on the individual balance between output and input tax for each VAT payer during a given settlement period. Consequently, even without an actual refund, solely making unauthorized input tax deductions constitutes a fraudulent benefit.

Transactions subject to a 0% VAT rate represent a primary vector for tax fraud. In these arrangements, VAT payers do not charge output tax but deduct input tax, resulting in full refunds from the state budget. This mechanism is standard in international trade where, under the destination principle, tax levied in the exporting country is refunded, and the tax liability is shifted to the importing country. While extra-EU trade is monitored by customs authorities, intra-EU transactions—classified as intra-Community supplies and acquisitions—operate within the common market without physical border controls, making them vulnerable to evasion. Additionally, the harmonized VAT framework applies to the cross-border provision of services to foreign entrepreneurs (referred to as the export and import of services, respectively) and, currently in limited cases, to the domestic Reverse Charge Mechanism (RCM), both of which act as the functional equivalents of a 0% rate.

Neither of the activities under consideration is subject to approval or supervision by administrative bodies, and verifying them on a mass scale is impossible. Consequently, tax assessments are based exclusively on the documentation provided by VAT taxpayers.

### **3. Legal Structure of VAT Fraud**

VAT fraud can be broadly categorized into two main typologies<sup>3</sup>. The first encompasses tax evasion practices similar to those used for other taxes, while the second relies on a VAT-specific mechanism—distinctive to this type of taxation—which involves the deduction of tax from earlier stages of the supply chain. In both cases, specific fraud schemes have emerged, exploiting different elements of the VAT structure within the legal frameworks applicable to specific market segments. Many of these schemes hold purely historical significance and are no longer operational due to legislative amendments.

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<sup>3</sup> The case law of the CJEU establishes that the mere failure to remit correctly declared VAT to the state budget does not constitute fraud, regardless of whether such omission is intentional or unintentional (see Case C-574/15 *Scialdone* and Case C-227/21 *HA.EN.*).

In the first category, the simplest form of fraud involves the seller receiving VAT as part of the tax-inclusive sales price but failing to remit these funds to the state budget. Alternatively, the seller may illegitimately offer taxable goods or services at net values. These schemes exploit the concept of the "missing trader" (MT). Such entities typically operate for a period not exceeding a single settlement period (one month or one quarter), fail to file returns, and neglect to remit any tax to the state budget, despite conducting actual economic activity to some extent. Furthermore, MTs are registered using proxies or straw individuals employed for evasion purposes—referred to colloquially in Polish as *shupy* (which literally translates to "pillars").

In both scenarios, actual commercial transactions occur; however, the sellers omit the sales from their records, fail to declare the output tax, and neglect their tax liabilities. Nevertheless, they may still deduct input tax, potentially resulting in VAT refunds if input credits exceed the output tax. This discrepancy typically arises when supplies are procured within a standard tax regime, yet they are predominantly executed net of tax. MTs acquire goods subject to the domestic RCM or intra-Community acquisitions, as well as imported services. While MTs are required to account for output tax on these transactions, they by definition fail to do so. Consequently, when MTs resell these goods and services on the domestic market, the tax burden is shifted to the subsequent buyer in the supply chain; the generated profit stems from the evaded VAT rather than a legitimate sales margin. In fact, MTs generally underprice honest competitors by selling at a business loss, with the maximum discount being equivalent to the unremitted tax amount.

The second category of fraud is unique to VAT. Because of how the tax is structured, it allows for sophisticated schemes that do not exist with other types of taxes. Essentially, fraudsters deduct and claim refunds for input tax that has never been remitted at earlier stages of the supply chain. These schemes do not require any actual economic transactions; the fraudulent benefit is determined entirely by the tax amount stated on invoices.

In the simplest scheme, an invoice is issued by a fictitious entity, no goods are delivered and no service is provided, and the supposed buyer deducts input tax and applies for a VAT refund. When this scheme is implemented on a larger scale, it becomes relatively easy to detect, as it requires filing a VAT refund application, which should trigger an audit by tax authorities (the higher the amount, the greater the likelihood). However, the long-standing existence of this type of fraud demonstrates that such audits have either not been carried out or have been executed ineffectively, even for very large amounts.

The most serious threat is the large-scale activity of organized crime groups that do not engage in actual economic activity, but merely simulate it and impersonate legitimate VAT payers to exploit the VAT refund procedure (the primary objective being a one-off financial gain: an undue VAT refund). Obtaining a VAT refund requires an excess of input tax over output tax. This excess typically arises from applying a 0% rate or its equivalents.

In extreme cases, it is enough to show such transactions in a tax return based on falsified invoices. Often, however, actual business activity is undertaken to conceal the fraud and to secure financial benefits, i.e., payments for the supplied goods, from contractors entangled in the carousel scheme (see details below).

These scams exploit the concept of Missing Trader Intra-Community Fraud (MTIC), also known as carousel scheme. The carousel scheme circulates in trade between different EU Member States. It is initiated with an unsettled intra-Community acquisition of goods and concluded with an intra-Community supply of goods taxed at a 0% rate. The mechanism involves trading goods through a structure characterized by the following elements:

1. MTs acquire goods via intra-Community acquisitions at net prices, fail to account for output tax on these transactions, and fail to declare and remit the output tax collected from gross sales prices;
2. Brokers (BRs) perform intra-Community supply to Conduit Companies (CCs) located in a different EU Member State, or sale on the domestic market to buyers entangled in the carousel scheme (who are subsequently expected to perform intra-Community supply to CCs);
3. To conceal the structure, a series of Buffer Companies (BCs) are inserted between these two key links, successively invoicing the goods.

MTs, BCs, BRs, and CCs are typically registered using strawmen. While BCs file tax returns and complete all legal formalities, they remit no tax liability to the state budget. This occurs because they operate without a sales margin; consequently, their input and output tax amounts are balanced, resulting in a tax liability of zero.

There are two primary methods of obtaining fraudulent benefits:

1. BRs claim VAT refunds from the state budget, or
2. BRs sell goods to buyers entangled in a carousel scheme at tax-inclusive prices.

In both scenarios, none of the involved entities (BRs, BCs, or MTs) remit tax to the state budget, regardless of whether it constitutes the VAT claimed as a refund or the VAT collected from these buyers. In the latter scenario, the fraudsters' profit effectively functions as unremitted tax rather than a traditional sales margin. In fact, scammers typically resell goods at a business loss, with a maximum discount equal to the tax amount, to consistently undercut honest competitors.

The first scenario operates entirely within a closed fraud network, whereas the second requires the participation of external parties. Consequently, while the former may involve invoicing fictitious supplies and services (specifically, the export and import of services), the latter necessitates the circulation of actual goods; otherwise, buyers entangled in carousel schemes will withhold payment. Nonetheless, any trade in these items lacks economic substance, serving merely to conceal the fraud and to convey values equivalent to the invoiced tax amounts. Furthermore, in the first case, co-conspirators (specifically BCs) claim VAT refunds. In the second case, these claims are filed by buyers who perform intra-Community supplies to CCs (allowing

fraudsters to repurchase the goods at net prices and initiate a new cycle in different EU Member States).

Nevertheless, such buyers risk having their input tax deductions disallowed by tax authorities and being denied the 0% VAT rate. Although protected by the CJEU's good faith jurisprudence, in practical terms, national tax authorities and administrative courts rarely apply this principle<sup>4</sup>. In the Polish context, these institutions deem such buyers to be—or assert that they should be—aware of their involvement in the tax fraud, even if they do not derive any financial benefit from it. Furthermore, the authorities invariably find that these entities fail to exercise due diligence, which inherently requires the verification of counterparties and the terms of transactions<sup>5</sup>.

#### 4. Financial Scale of VAT Fraud

By the mid-2010s, the scale of VAT fraud had escalated to a level that threatened the economic security of numerous EU Member States. In Poland, these illicit schemes initially targeted the liquid fuel sector before gradually proliferating into other market segments.

With Polish GDP constantly growing, inflation-adjusted state budget revenues from VAT have fallen. In 2009, 2012, and 2013, even nominal budget revenues from VAT decreased, while the slight increase in 2011 was due to a rise in the basic tax rate and the fact that it covered a number of goods previously exempted or subject to preferential tax rates. The ratio of state budget revenues from VAT to GDP systematically decreased between 2008 and 2015. In 2007, it exceeded 8%, but in the following years it declined, reaching its lowest level of 6.8% in 2013 and 2015. While gross VAT revenues maintained a stable or slightly increasing trend, dynamic growth in VAT refunds weighed on net budget revenues, as the latter constitute the difference between gross revenues and refunds. In the pre-accession period (prior to April 30, 2004), the share of VAT refunds remained below 35% of gross revenues, whereas after 2013 it exceeded 40%, peaking at 41.5% in 2015.

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<sup>4</sup> See, e.g., Joint C-354/03, C-355/03 and C-484/03 *Optigen, Fulcrum and Bond House*; Joint C-439/04 and C-440/04 *Axel Kittel and Recolta Recycling*; Joint C-80/11 and C-142/11 *Mahagében and Dávid*; C-409/04 *Teleos*; C-146/05 *Collée*; C-285/09 *R.*; C-430/09 *Euro Tyre Holding*; C-587/10 *VSTR*; C-324/11 *Tóth*; C-273/11 *Mecsek-Gabona*; C-285/11 *Bonik*; C-642/11 *Stroy trans*; C-643/11 *LVK-56*; C-563/11 *Forwards V*; C-78/12 *Evita-K*; C-444/12 *Hardimpex*, C-33/13 *Jagiello*; C-18/13 *Maks Pen*; C-492/13 *Traum*; and C-277/14 *Stehcemp*.

<sup>5</sup> See, e.g., judgments of the Supreme Administrative Court [Pol. *Naczelny Sąd Administracyjny* – NSA] delivered on: March 24, 2009, ref. no I FSK 63/08; June 22, 2010, ref. no I FSK 584/09; April 15, 2011, ref. no I FSK 821/10; February 21, 2012, ref. no I FSK 616/11; January 23, 2013, ref. no I FSK 1595/11; January 14, 2014, ref. no I FSK 116/13; April 8, 2015, ref. no I FSK 593/14; October 5, 2017, ref. no I FSK 201/16; April 20, 2018, ref. no I FSK 1247/16; and March 7, 2019, ref. no I FSK 540/17.

Data on state budget revenues from VAT are presented in Table 1.

Table 1. VAT gross revenues, VAT refunds and VAT net revenues in relation to GDP of Poland for the years 2007–2015

| Year | VAT gross revenues (M PLN) | VAT refunds (M PLN) | VAT net revenues (M PLN) | Ratio of VAT revenues to GDP |
|------|----------------------------|---------------------|--------------------------|------------------------------|
| 2007 | 145 250                    | 48 900              | 96 350                   | 8.25%                        |
| 2008 | 158 670                    | 56 887              | 101 783                  | 7.9%                         |
| 2009 | 154 448                    | 54 993              | 99 455                   | 7.2%                         |
| 2010 | 165 400                    | 57 520              | 107 880                  | 7.5%                         |
| 2011 | 189 961                    | 69 129              | 120 832                  | 7.7%                         |
| 2012 | 195 329                    | 75 328              | 120 001                  | 7.4%                         |
| 2013 | 192 566                    | 79 154              | 113 412                  | 6.8%                         |
| 2014 | 210 522                    | 86 260              | 124 262                  | 7.2%                         |
| 2015 | 210 684                    | 87 563              | 123 121                  | 6.8%                         |

Source: MF, [https://www.mazowieckie.kas.gov.pl/c/document\\_library/get\\_file?uuid=a7a2910c-bd4a-4ea7-a644-33c397117d72&groupId=3554560](https://www.mazowieckie.kas.gov.pl/c/document_library/get_file?uuid=a7a2910c-bd4a-4ea7-a644-33c397117d72&groupId=3554560) (access February 22, 2024).

Statistics and economics develop the concept of the VAT gap, which is essentially the difference between potential and actual state budget revenues from this tax. There is no uniform and universally accepted method for calculating the VAT gap. Estimates of the VAT gap in the EU, including Poland, are developed on behalf of the EC using the top-down method. These estimates were initially prepared by Reckon (2009) for the years 2000–2006 and subsequently updated and expanded in a series of reports by the Centre for Social and Economic Research (CASE) (see Table 2). These estimates are subject to continuous retroactive adjustments due to updates in historical GDP data and Eurostat's revisions to national accounts.

The MF also estimates the VAT gap using a top-down approach. However, it relies on more aggregated data than the EC, which accelerates the calculation process but results in a larger margin of error<sup>6</sup>. While the MF estimates reflect the general trends of the EC estimates, they consistently report lower values.

Initial estimates indicated that the VAT gap peaked in 2015; however, subsequent data revisions shifted this peak to the 2012–2013 period. Notwithstanding these adjustments, in 2015, the aggregate VAT gap across the EU amounted to approximately EUR 152 billion, representing 12.8% of the VAT Total Tax Liability (VTTL). In the case of Poland, the corresponding figures were PLN 41 billion and 24.7%, respectively, reflecting a broader trend wherein Poland

<sup>6</sup> The MF methodology is described by Mazur et al. (2019) and by Konopczak (2020).

consistently recorded a significantly higher VAT gap than the EU average throughout the 2009–2015 period. In 2015, the VAT gap increased to almost 2.5% of Polish GDP, contrasted with initial projections of approximately 3%.

Furthermore, the VAT gap in Poland expanded at a faster rate than the gaps recorded in other tax categories. While the VAT gap's proportion of the total tax gap aligned with the contribution of VAT to total tax receipts up until 2010, a distinct divergence emerged after 2011. Thereafter, the former metric remained approximately 10 percentage points higher than the latter, accounting for over 55% of the overall tax gap compared to a 45% weight within total tax collections (Kotlińska 2018).

Data on the VAT gap for the years 2009–2015 are presented in Table 2.

Table 2. The VAT Gap: A Comparative Analysis for Poland and the EU (2009–2015)

| Year        | VAT gap in Poland |             |              | EU VAT gap     |             |              |
|-------------|-------------------|-------------|--------------|----------------|-------------|--------------|
|             | PLN<br>billion    | % GDP       | % VTTL       | EUR<br>billion | % GDP       | % VTTL       |
| <b>2009</b> | 31.5              | 2.3%        | 23.3%        | 165.0          | 1.4%        | <b>16.5%</b> |
| <b>2010</b> | 28.5              | 2.0%        | 20.6%        | 160.0          | 1.3%        | <b>15.5%</b> |
| <b>2011</b> | 32.3              | 2.1%        | 20.8%        | 163.0          | 1.3%        | <b>16.0%</b> |
| <b>2012</b> | 43.1              | 2.6%        | 26.6%        | 159.0          | 1.2%        | <b>15.0%</b> |
| <b>2013</b> | 42.0              | 2.6%        | 27.1%        | 162.0          | 1.2%        | <b>14.5%</b> |
| <b>2014</b> | 39.7              | 2.3%        | 24.4%        | 159.5          | 1.1%        | <b>14.1%</b> |
| <b>2015</b> | <b>41.2</b>       | <b>2.4%</b> | <b>24.7%</b> | <b>151.5</b>   | <b>1.0%</b> | <b>12.8%</b> |

Sources:

EC & CASE (2009); EC & CASE (2013); EC & CASE (2014); EC & CASE (2015);  
EC & CASE (2016); EC & CASE (2017).

Notes:

1. Depending on the case, the report for year N relates to data from year N–1 or N–2.
2. VAT gap indicators, expressed as a percentage of GDP, represent the author's own calculations based on a comparison of the numerator (the VAT gap amount) and the denominator (the GDP value according to the Eurostat database).

## **5. Measures Implemented by Polish Authorities: The Process of VAT Tightening (Pol. *uszczelnianie VAT*)**

### **5.1. Prior to 2016**

Prior to 2016, Polish authorities failed to implement measures that proved effective in combating VAT fraud. Furthermore, several legislative amendments inadvertently facilitated such fraud. This primarily concerned the implementation of quarterly settlements (introduced on January 1, 2009) and the domestic RCM (gradually rolled out from April 1, 2011), thereby creating loopholes for fraudulent activities. Specifically, quarterly settlements extended the period during which fraudsters could operate without the risk of tax audits to four months, whereas the domestic RCM resulted in a practical 0% tax rate. Consequently, the fabrication of intra-Community transactions was rendered unnecessary. Although RCM suppresses carousel fraud within its target market segment by eliminating the buyer's input VAT deduction, it nevertheless displaces fraudulent activities to other areas (the so-called domino effect).

The efficacy of joint and several liability (JSL), imposed on purchasers for sellers' outstanding tax liabilities as of October 1, 2013, remained highly questionable. Because the exemption of purchasers depended on a relatively low guarantee deposit submitted by sellers (initially set at PLN 200,000), the mechanism was easily circumvented by non-compliant entities. Paradoxically, this distortion created incentives for illicit transactions and undermined fair competition.

### **5.1. Since 2016**

Since 2016, numerous amendments to the tax law have been introduced, proving effective in combating VAT fraud. These legislative changes were accompanied by an extensive information campaign conducted by the tax administration. The most significant measures, presented in chronological order, include:

1. The introduction of the Standard Audit File for Tax (SAF-T; Pol. *Jednolity Plik Kontrolny – JPK*) and the obligation to maintain accounting books and to file VAT returns in electronic form only (gradually as of July 1, 2016);
2. The implementation of the so-called fuel package designed to enhance VAT compliance within the liquid fuels market (effective as of August 1, 2016)<sup>7</sup>;
3. The reduction of the cash payment threshold in B2B transactions to PLN 15,000 (effective as of January 1, 2017);
4. The restriction of quarterly VAT settlements (limiting their availability exclusively to so-called small VAT taxpayers) combined with simplified procedures for deregistering non-compliant VAT entities (effective as of January 1, 2017)<sup>8</sup>;

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<sup>7</sup> However, it proved to be partially incompatible with EU law (CJEU, Case C-855/19 G.).

<sup>8</sup> However, these amendments were accompanied by a further extension of RCM and purchasers' JSL—measures that failed to effectively combat VAT fraud.

5. The implementation of the so-called SENT package, which supplemented the aforementioned fuel package (effective as of April 18, 2017);
6. The introduction of the ICT System of the Clearing House (Pol. *System Teleinformatyczny Izby Rozliczeniowej – STIR*) (effective as of January 13, 2018);
7. The implementation of provisions enabling the refusal of registration or the removal of entities from the VAT register upon suspicion of utilizing the banking system for VAT fraud, alongside the public disclosure of such data via the so-called blacklist of VAT taxpayers (effective as of January 13, 2018);
8. The introduction of the voluntary Split Payment Mechanism (SPM) (effective as of July 1, 2018);
9. The publication of the VAT register and taxpayers' bank accounts (the so-called white list of VAT taxpayers) (effective as of September 1, 2019), combined with the exclusion of expenditures from tax-deductible costs for income tax purposes and holding purchasers subject to JSL for sellers' tax arrears in the event of payments bypassing bank accounts indicated on the white list (effective as of January 1, 2020);
10. The introduction of the mandatory SPM applicable to goods and services listed in Annex 15 to the VAT Act for payments exceeding PLN 15,000, in place of the domestic RCM (effective as of November 1, 2019);
11. The introduction of online cash registers (gradually as of January 1, 2020);
12. The restriction on issuing invoices for consumer sales originally documented with cash register receipts (effective as of January 1, 2020);
13. The replacement of VAT returns with extended JPK\_VAT information, which is submitted only electronically (effective as of October 1, 2020);
14. The implementation of the so called e-commerce package designed to enhance VAT compliance on online consumer sales (effective as of July 1, 2021)<sup>9</sup>;
15. The implementation of electronic TAX FREE documentation (effective as of January 1, 2022);
16. The imposition of an obligation on banks and other financial institutions to report cross-border payments (effective as of January 1, 2024)<sup>10</sup>;
17. The implementation of so-called structured invoices (Pol. *faktury ustrukturyzowane*) under supervision of the tax administration (Pol. *Krajowy System e-Faktur – KSeF*): voluntary since January 1, 2022, and mandatory since February 1, 2026 (gradually).

Supplementing the aforementioned amendments, numerous legislative changes have been implemented to combat tax non-compliance and aggressive tax

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<sup>9</sup> The transposition of a series of EU directives that operationalize the Digital Single Market (DSM) Strategy for Europe.

<sup>10</sup> The transposition of the EU CESOP directive.

planning. These notably include the statutory codification of the abuse of law principle in VAT, effective since July 15, 2016, alongside the reintroduction of the additional tax liability—the so-called VAT penalty (Pol. *sankcja VAT*)—on January 1, 2017<sup>11</sup>. Nonetheless, these measures may inadvertently burden legitimate businesses possessing tangible economic resources, while remaining predominantly ineffective against large-scale organized economic crime.

Organizational restructuring within the MF also played a critical role. This led to the establishment of an integrated and digitized fiscal administration, the National Revenue Administration (Pol. *Krajowa Administracja Skarbowa – KAS*). Effective March 1, 2017, this new entity consolidated previously disparate departments: tax collection, customs administration, and fiscal control.

In addition, criminal penalties governing the issuance and utilization of false invoices have been significantly strengthened, as elaborated in the subsequent section.

## **6. Criminal Liability for Issuing and Utilizing False Invoices**

Criminal sanctions should be conceptualized as a subsidiary method of VAT tightening, primarily serving a preventive function. Recent legislative developments and judicial practices have markedly tightened criminal liability for issuing and utilizing false invoices. However, this punitive trend fails to directly affect the organizers and primary beneficiaries of VAT fraud, who typically operate from jurisdictions beyond the reach of the Polish judicial system. Consequently, its impact is limited to entities entangled in a carousel scheme and intermediary proxies—the so-called strawmen—thereby compelling greater prudence among legitimate market participants.

A specific feature of Polish criminal law is the systematic separation of fiscal penal law (Pol. *prawo karne skarbowe*), which criminalizes and penalizes tax crimes, including tax evasion. Although it falls within the broadly defined field of criminal law, fiscal penal law differs from mainstream criminal law (Pol. *powszechne prawo karne*) in terms of the basis of liability, the types and severity of penalties, and the procedural framework. It is regulated by the independent Fiscal Penal Code and, as a general rule, the standard Penal Code does not apply, save for specific, explicitly named provisions of a subsidiary nature. Furthermore, fiscal penal law is generally more lenient than general criminal law and aligns more closely with a regime of administrative sanctions.

The status of fiscal penal law and the features that distinguish it from both general criminal law and the system of administrative sanctions are the subject of lively discussion in Polish legal literature (see also Radzikowski, 2024, for a detailed discussion).

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<sup>11</sup> It had been abolished as of December 1, 2008.

Fiscal penal law complements standard tax proceedings and applies to ordinary taxpayers for errors in tax settlements or tax evasion. However, it is unable to cope with organized economic crime involving large-scale VAT fraud. Only criminal proceedings offer a chance for successfully combating VAT fraud. On the one hand, the specific nature of VAT settlement, and on the other, the characteristics of organized economic crime, render VAT fraud closer to property or financial fraud—subject to general criminal law provisions—than to tax evasion, which is governed by fiscal penal law. VAT fraud entails the misappropriation of public funds under the guise of tax settlement. Consequently, this practice not only harms the state budget but also affects entities entangled in carousel schemes, whose input tax deductions or applications of the 0% rate are challenged by tax authorities.

Against this background, judicial practice has gradually permitted the application of general criminal law provisions to VAT fraud and invoice forgery, without, however, definitively departing from the traditional application of fiscal penal law<sup>12</sup>.

Since March 1, 2017, invoice-related offenses have been explicitly codified in the Penal Code. Falsifying invoices is punishable by up to 25 years in prison, a penalty on par with that of murder. Serving primarily a deterrent function, this severe sanction has yet to be imposed in judicial practice, and its future application remains all but certain to never occur.

The amendment in question confirms that the Penal Code applies only partially, restricting its scope strictly to invoice forgery, as opposed to VAT fraud. Moreover, it does not preclude the application of the Fiscal Penal Code to invoice forgery, following the tightening of its respective provisions on 1 January 2017. Consequently, distinguishing between the Penal Code and the Fiscal Penal Code with respect to both invoice forgery and VAT fraud presents considerable difficulties and remains the subject of doctrinal disputes (as outlined in my previous publications: Radzikowski, 2016e, 2017, 2019b, and 2020).

The most important postulate posed in the discussion outlined above seems to be the distinction between organized economic crime, which engages in large-scale VAT fraud, and typical tax evasion. In the former case, general criminal law should be applied, while in the latter case, fiscal penal law should prevail—or this branch of law could even be abolished and replaced with a system of administrative sanctions (Radzikowski, 2024).

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<sup>12</sup> See, e.g., judgments of the Supreme Court [Pol. *Sąd Najwyższy* – SN] delivered on: October 3, 2001, ref. no. V KKN 249/01; September 30, 2003, ref. nos. I KZP 16/03 and I KZP 22/03; December 1, 2003, ref. no. III KKN 184/01; January 20, 2004, ref. no. IV KK 183/03; November 23, 2006, ref. no. IV KK 321/06; March 9, 2007, ref. no. II KK 259/06; July 12, 2007, ref. no. IV KK 171/07; August 12, 2008, ref. no. V KK 76/08; March 21, 2009, ref. no. V KK 108/08; October 22, 2009, ref. no. IV KK 433/08; August 10, 2011, ref. no. III KK 45/11; January 24, 2013, ref. no. I KZP 19/12; July 10, 2013, ref. no. II KK 20/13; February 25, 2014, ref. no. IV KK 426/13; August 6, 2014, ref. no. V KK 124/14; March 5, 2015, ref. no. III KK 407/14; and March 31, 2015, ref. no. I KZP 28/14.

## 7. Financial Impact of VAT Tightening

In the view of the MF, VAT tightening has significantly impeded, if not entirely prevented, large-scale VAT fraud<sup>13</sup>. This success is supported by statistical evidence.

Data concerning the VAT gap from 2016 to 2025 are detailed in Table 3.

Table 3. VAT gap: comparative for Poland and the EU for 2016–2025

| Year        | VAT gap in Poland          |             |                            | EU VAT gap               |                          |                          |
|-------------|----------------------------|-------------|----------------------------|--------------------------|--------------------------|--------------------------|
|             | PLN billion                | % GDP       | % VTTL                     | EUR billion              | % GDP                    | % VTTL                   |
| <b>2016</b> | 32.9                       | 1.8%        | 20.0%                      | 140.0                    | 1.0%                     | <b>12.1%</b>             |
| <b>2017</b> | 22.5                       | 1.1%        | 13.7%                      | 125.5                    | 0.9%                     | <b>10.6%</b>             |
| <b>2018</b> | 18.7                       | 0.9%        | 10.7%                      | 117.1                    | 0.8%                     | <b>9.6%</b>              |
| <b>2019</b> | 21.1                       | 0.9%        | 11.1%                      | 123.0                    | 0.8%                     | <b>9.9%</b>              |
| <b>2020</b> | 18.5                       | 0.8%        | 9.3%                       | 99.0                     | 0.7%                     | <b>8.4%</b>              |
| <b>2021</b> | 6.8                        | 0.3%        | 3.1%                       | 74.0                     | 0.5%                     | <b>5.0%</b>              |
| <b>2022</b> | 16.6                       | 0.5%        | 7.3%                       | 100.8                    | 0.6%                     | <b>7.9%</b>              |
| <b>2023</b> | 47.0                       | 1.4%        | 16.0%                      | 128.0                    | 0.8%                     | <b>9.5%</b>              |
| <b>2024</b> | 35.5                       | 0.6%        | 10.9%                      | 124.0                    | 0.7%                     | <b>8.9%</b>              |
| <b>2025</b> | <b>21.2 (MF estimates)</b> | <b>0.6%</b> | <b>4.9% (MF estimates)</b> | <b>not yet available</b> | <b>not yet available</b> | <b>not yet available</b> |

Sources:

EC & CASE (2018); EC & CASE (2019); EC & CASE (2020); E & CASE (2021); EC & CASE (2022); EC & CASE (2023); EC & CASE & Oxford Economics & Syntesia (2024); EC & Syntesia & CASE (2025).

Notes:

1. Depending on the case, the report for year N relates to data from year N–1 or N–2.

<sup>13</sup> Cf. speech in the Polish Parliament on March 15, 2019 by the Undersecretary of State at the MF: [https://www.sejm.gov.pl/Sejm8.nsf/wypowiedz.xsp?posiedzenie=78&dzien=3&wyp=150&symbol=INFO\\_WYP](https://www.sejm.gov.pl/Sejm8.nsf/wypowiedz.xsp?posiedzenie=78&dzien=3&wyp=150&symbol=INFO_WYP)

2. VAT gap indicators, expressed as a percentage of GDP, represent the author's own calculations based on a comparison of the numerator (the VAT gap amount) and the denominator (the GDP value according to the Eurostat database).
3. Since EC data for 2025 are not yet available, MF estimates are presented instead. However, these figures are consistently lower than those of the EC (see details above).

Statistical data for the 2016–2021 period appear highly favorable for both Poland and the EU. The VAT gap steadily decreased in Poland, falling below the EU average. While it stood at 20.0% of VTTL in Poland in 2016, it declined consistently to 3.1% of VTTL by 2021. The EU average also decreased significantly, particularly in 2021, falling to 5% of the VTTL. Concurrently, the share of VAT refunds in Poland's gross budget revenues from this tax declined sharply to approximately 35% (Informacja, 2019).

Nevertheless, the VAT gap experienced a sharp and unexpected increase in 2022–2023, reaching 16% of the VTTL in Poland and averaging 9.5% across the EU. Since 2024, the VAT gap has resumed a downward trend, although reliable data for 2025 remain unavailable.

## **8. Conclusions**

VAT fraud is inherent to the very nature of VAT settlements and is therefore extremely difficult to eliminate. This phenomenon exploits a fundamental structural feature of the tax—namely, the right to deduct input tax, which in principle cannot be restricted. Although such fraud has been present since the introduction of the tax (specifically in Poland since 1993), by the mid-2010s, its scale exceeded even the most pessimistic forecasts. This escalation was mainly due to the specific nature of settlements under the EU-harmonized VAT system and excessive reliance on taxpayers' integrity.

Both in Poland and across the EU, the VAT gap expanded and remained at an elevated level until 2015; however, from 2016 onwards, it began to decrease systematically, with the exception of a sharp and unanticipated increase during the 2022–2023 period. Poland proved to be more vulnerable to VAT fraud than the EU average. The VAT gap grew faster, reaching larger proportions; however, VAT tightening proved more efficient and the VAT gap decreased more rapidly in the late-2010s than the EU average. The same pattern is observed in the case of the increase in the VAT gap in 2022–2023 and its subsequent decline since 2024: in Poland it has grown and it has fallen faster than the EU average.

Beaing in mind that the VAT gap depends on both the business cycle (namely, during periods of economic growth, the VAT gap decreases, while during recessions, it increases) and the quality of tax legislation alongside the efficiency of

tax administration, Poland's steady economic growth rate has consistently exceeded the EU average. This indicates that Poland's economy is stable, and that variations in the VAT gap are primarily driven by the quality of tax legislation and the efficiency of tax administration. Although these administrative and legislative factors performed below the EU average until 2015, they have significantly surpassed it since 2016.

Poland has emerged as one of the leaders in the digital transformation of VAT reporting, implementing instruments envisaged in the EU's ViDA package well ahead of schedule. However, empirical data suggest that further digitalization of VAT compliance does not yield proportional improvements in VAT collection but has reached a point of diminishing returns.

Providing an unequivocal interpretation of the latest data presents a major challenge. None of the conventional factors affecting the VAT gap—namely, the business cycle, legislative quality, and the efficiency of the tax administration—account for the sharp surge observed in 2022–2023, which outstripped the EU average. Conversely, the significant decline that began in 2024, also exceeding the EU average, remains similarly unexplained. This period was characterized by relative legislative stability. Furthermore, the economic contraction associated with the COVID-19 pandemic proved substantially milder in Poland than the EU average. In light of these two factors, conventional macroeconomic models predicted no significant fluctuations in the VAT gap; however, empirical data reveal a fundamentally different. Consequently, there is a mounting risk that fraudulent actors have developed novel mechanisms that have yet to be accurately detected.

## REFERENCES

- Adamczyk, A. & Czyż, M. (2015). Determinanty luki podatkowej w VAT w krajach Unii Europejskiej. *Zeszyty Naukowe Uniwersytetu Szczecińskiego*, 864. *Finanse, Rynki Finansowe, Ubezpieczenia*, 76 (1). 125–134. <http://dx.doi.org/10.18276/frfu.2015.76/1-11>
- Agha A. & Haughton, J. (1996). Designing VAT System: Some Efficiency Considerations. *The Review of Economics and Statistics*, 78 (2). 303–308. <https://www.jstor.org/stable/2109932>
- Ainsworth, R. (2009). The Morphing of MTIC Fraud: VAT Fraud Infects Tradable CO2 Permits. Boston Univ. School of Law Working Paper No. 09–35, <http://dx.doi.org/10.2139/ssrn.1443279>
- Ainsworth, R. (2010). VAT Gap – Technological Solutions. Boston Univ. School of Law Working Paper No. 10–28. [https://scholarship.law.bu.edu/faculty\\_scholarship/1470](https://scholarship.law.bu.edu/faculty_scholarship/1470)

- Ainsworth, R. (2011). Technology Solves MTIC – VLN, RTvat, D-VAT Certification. Boston Univ. School of Law Working Paper No. 11–07. <http://dx.doi.org/10.2139/ssrn.1761341>
- Ainsworth, R. & Madzharova, B. (2012). Real-Time Collection of the Value-Added Tax: Some Business and Legal Implications. Boston Univ. School of Law, Law and Economics Research Paper No. 12–51. <http://dx.doi.org/10.2139/ssrn.2166316>
- Andrew, C. & Baer, K. (2023). How to Combat Value-Added Tax Refund Fraud. IMF How to Note 2023/001, International Monetary Fund. <https://www.imf.org/-/media/files/publications/howtonotes/2023/english/htnea2023001.pdf>
- Aronowitz, A. & Laagland, D. & Paulides, G. (1996). Value Added Tax Fraud in the European Union, Kugler Publications.
- Artlová, M. & Pavel, J. & Tepperová, J. & Zídková, H. (2020). What are Effective Measures against Vat Evasion? Evidence from the Czech Republic. *Ekonomický časopis*, 68 (2). 147–167. <https://www.sav.sk/journals/uploads/0325111802%2020%20Zidkova%20+%20SR.pdf>
- Bartosiewicz, A. (2005). Wyludzenie zwrotu VAT. Glosa do postanowienia SN z 1.03.2004 r. (V KK 248/03). *Glosa*, 4. 98–106.
- Beldzikowski, M. (2018). *Uszczelnianie systemu VAT – próba oceny skuteczności podjętego wysiłku legislacyjnego i organizacyjnego*. Kwartalnik Prawa Podatkowego, 3. 111–148. <https://doi.org/10.18778/1509-877X.2018.03.06>
- Beldzikowski, M. (2023). Proces uszczelniania podatku VAT w Polsce. Poltekst.
- Bitner, M. (2023). Dochody z podatku od towarów i usług oraz luka w VAT – znaczenie dla polskiego systemu fiskalnego. *Doradztwo Podatkowe – Biuletyn Instytutu Studiów Podatkowych*, 325 (9). 40–50. DOI:10.5604/01.3001.0053.9048
- Borselli, F. (2011). Organised VAT Fraud: Features, Magnitude, Policy Perspectives, Banca d'Italia Occasional Papers No 106. [https://www.bancaditalia.it/pubblicazioni/qef/2011-0106/QEF\\_106.pdf](https://www.bancaditalia.it/pubblicazioni/qef/2011-0106/QEF_106.pdf);
- Brzeziński, B. & Lasiński-Sulecki, K. & Morawski, W. (Eds.) (2018). *Poprawa efektywności systemu podatkowego. Nowe narzędzia prawne w VAT i akcyzie*. Wolters Kluwer.
- De La Feria, R. (2018). Tax Fraud and the Rule of Law. Oxford University Centre for Business Taxation. Working Papers, WP 18/02. <https://oxfordtax.sbs.ox.ac.uk/files/wp18-02pdf>
- De La Feria, R. (2020). Tax Fraud and Selective Law Enforcement. *Journal of Law and Society*, 47 (2), 240–270, <https://doi.org/10.1111/jols.12221>
- De La Feria, R. & Schoeman, A. (2019). Addressing VAT Fraud in Developing Countries: The Tax Policy-Administration Symbiosis. *Intertax*, 47 (11). 950–996, <https://eprints.whiterose.ac.uk/id/eprint/149052/>

- Di Nicola, A. & Flor, R. & Baratto, G. & Bariero, G. & Perlone, G. & Panattoni, B. (2025), EU CYBER VAT – Final Report. Università degli Studi di Trento. [https://cssc.unitn.it/wp-content/uploads/2025/08/D3.2\\_EU-CYBER-VAT\\_Final-Report.pdf](https://cssc.unitn.it/wp-content/uploads/2025/08/D3.2_EU-CYBER-VAT_Final-Report.pdf)
- Dominik, D. (2006). VAT-owska karuzela. *Prawo i Podatki Unii Europejskiej*, 10. 30–46
- Dudek, S. & Kotecki, L. & Walczyk, K. (2026). *Luka VAT w Polsce 2000–25: przyczyny, działania, efekty*, Instytut Finansów Publicznych, [https://www.ifp.org.pl/wp-content/uploads/2026/03/Luka\\_VAT\\_w\\_Polsce\\_final.pdf](https://www.ifp.org.pl/wp-content/uploads/2026/03/Luka_VAT_w_Polsce_final.pdf)
- Duży, J. (2011). Przedmiot ochrony oszukańczych uszczupień podatkowych. *Prokuratura i Prawo*, 12. 130–144. <https://www.gov.pl/web/prokuratura-krajowa/rok-2011>
- Duży, J. (2013). Zorganizowana przestępczość podatkowa w Polsce. Zwalczanie przestępnego nadużycia mechanizmów podatków VAT i akcyzowego. Wolters Kluwer.
- EC (2018). The concept of Tax Gaps (Report III). [https://taxation-customs.ec.europa.eu/system/files/2018-12/tax\\_gaps\\_report\\_mtic\\_fraud\\_gap\\_estimation\\_methodologies.pdf](https://taxation-customs.ec.europa.eu/system/files/2018-12/tax_gaps_report_mtic_fraud_gap_estimation_methodologies.pdf)
- EC & CASE (2009). Study to Quantify and Analyse the VAT Gap in the EU–25 Member States. Report 2009. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & CASE (2013). Study to Quantify and Analyse the VAT Gap in the EU–27 Member States. Report 2013. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & CASE (2014). 2012 Update Report to the Study to Quantify and Analyse the VAT Gap in the EU–27 Member States. Report 2014. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & CASE (2015). Study to Quantify and Analyse the VAT Gap in the EU Member States: 2015 Report. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & CASE (2016). Study and Reports on the VAT Gap in the EU–28 Member States: Report 2016. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & CASE (2017). Study and Reports on the VAT Gap in the EU–28 Member States: Report 2017. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)

- EC & CASE (2018). Study and Reports on the VAT Gap in the EU–28 Member States: Report 2018. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & CASE (2019). Study and Reports on the VAT Gap in the EU–28 Member States: Report 2019. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & CASE (2020). Study and Reports on the VAT Gap in the EU–28 Member States: 2020 Final Report. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & CASE (2021). Study and Reports on the VAT Gap in the EU–28 Member States: 2021 Final Report. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & CASE (2022). VAT Gap in the EU: Report 2022. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & CASE (2023). VAT Gap in the EU – Report 2023. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & CASE & Oxford Economics & Syntesia (2024), VAT gap in the EU – 2024 Report. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- EC & Syntesia & CASE (2025). VAT gap in Europe – Report 2025. [https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap\\_en?prefLang=pl#reports-2009---2025](https://taxation-customs.ec.europa.eu/taxation/vat/fight-against-vat-fraud/vat-gap_en?prefLang=pl#reports-2009---2025)
- Frunza, M.–C. (2013), Aftermatch of the VAT fraud on the carbon emission market. *Journal of Financial Crime*, 20 (2). 222–236. <https://doi.org/10.1108/13590791311322382>
- Frunza, M.–C. (2019). Value Added Tax Fraud. Routledge.
- Gajewski, D. (Ed.) (2024). *VAT Gap in Poland: Policy Problem and Policy response*. Peter Lang.
- Gemmell, N. & Hasseldine, J. (2012). The Tax Gap: A Methodological Review. In Stock, T. (Ed.) *Advances in Taxation*. Emerald Publishing.
- Górniok, O. (1997). Uszczuplenie podatku VAT a zagarnięcie mienia społecznego. *Prokuratura i Prawo*, 2. 17–23. <https://www.gov.pl/web/prokuratura-krajowa/rok-1997>
- Górniok, O. (2000). *Jeszcze o nadużyciach procedury podatku VAT*, *Prokuratura i Prawo*, 6. 17–22. <https://www.gov.pl/web/prokuratura-krajowa/rok-2000>
- Griffioen, M. & Hel-van Dijk van der, L. (2016). Tackling VAT-Fraud in Europe: A Complicated International Puzzle, *Intertax*, 44 (4). 290–297. <https://doi.org/10.54648/taxi2016021>

- Gut, P. (2011). Oszustwa w transakcjach wewnątrzwspólnotowych w podatku VAT jako zagrożenie dla stabilności dochodów budżetowych państw członkowskich Unii Europejskiej, *Prace Naukowe Uniwersytetu Ekonomicznego we Wrocławiu*, 167. 65–76.
- Hamilton, S. (2015). Regulatory compliance, case selection and coverage – calculating compliance gaps. *e-Journal of Tax Research*, 13 (2). 616–673. [https://www.researchgate.net/publication/311269628\\_Regulatory\\_compliance\\_case\\_selection\\_and\\_coverage-calculating\\_compliance\\_gaps](https://www.researchgate.net/publication/311269628_Regulatory_compliance_case_selection_and_coverage-calculating_compliance_gaps)
- Hel-van Dijk van der, L & Griffioen, M. (2025) Intra-Community VAT Fraud: Is It Reallyt a 50 billion Euro problem? *Intenational VAT Monitor*, 36 (1). 9–20. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5210844](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5210844)
- Hesami, S. & Jenkins, H. & Jenkins, G. (2024). Digital Transformation of Tax Administration and Compliance: A Systematic Literature Review on E-Invoicing and Prefilled Returns. *Digital Government Reseach and Practice*, 5 (3). 1–20. <https://dl.acm.org/doi/10.1145/3643687>
- Informacja o wynikach kontroli NIK. (2019). Nadzór Ministra Finansów nad poborem podatku od towarów i usług, KBF.430.002.2019. <https://www.nik.gov.pl/plik/id,21004,vp,23636.pdf>
- Johanson, L. & D. Magnusson, D. (2003). VAT fraud as a *business concept* – a threat to state and industry. In Adamski, A. (Ed.). *Przestępczość gospodarcza z perspektywy Polski i Unii Europejskiej*. Wydawnictwo Dom Organizatora.
- Kanarek, J. (2024). O wzajemnych relacjach między przestępstwami skarbowymi a przestępstwami powszechnymi. *Prokuratura i Prawo*, 1. 5–31. <https://www.gov.pl/web/prokuratura-krajowa/rok-2025>
- Kardas, P. (2006). Prawnkarne aspekty uchylania się od wykonania zobowiązania podatkowego w podatku VAT – oszustwo skarbowe czy oszustwo klasyczne?, *Prokuratura i Prawo*, 5. 28–48. <https://www.gov.pl/web/prokuratura-krajowa/rok-2006>
- Kardas, P. (2007). Karnoprawne aspekty posłużenia się fakturą nierzetelną. *Prokuratura i Prawo*, 2. 5–27. <https://www.gov.pl/web/prokuratura-krajowa/rok-2007>
- Kardas, P. (2008). O wzajemnych relacjach między przepisem art. 76 §1 k.k.s. a przepisem art. 286 §1 k.k., *Prokuratura i Prawo*, 12. 5–31. <https://www.gov.pl/web/prokuratura-krajowa/rok-2008>
- Keen, M. (2013). The Anatomy of the VAT. *National Tax Journal*, 66 (2). 423–446. <https://www.journals.uchicago.edu/doi/epdf/10.17310/ntj.2013.2.06>
- Keen, M. & Smith, S. (2007), VAT Fraud and Evasion: What Do We Know, and What Can be Done? International Monetary Fund, IMF Working Paper. <https://www.imf.org/external/pubs/ft/wp/2007/wp0731.pdf>
- Konopczak, K. (2020). Kwantyfikacja zmian luki VAT: podejście ekonometryczne. *Gospodarka Narodowa. The Polish Journal of Economics*, 302 (2). 25–42. DOI: 10.33119/GN/120624

- Konopczak, K. (2022). Zmiany luki VAT w Polsce: rola czynników koniunkturalnych i strukturalnych. *Gospodarka Narodowa. The Polish Journal of Economics*, 309 (1). 44–65. DOI: 10.33119/GN/145539
- Korczyński, D. (2017). Funkcja fiskalna prawa karnego skarbowego, In Korczyński, D. & Józwiak, P. & Herbowski, P. (Eds.). *Węzłowe zagadnienia prawa karnego skarbowego*, Wydawnictwo C. H. Beck.
- Kotlińska, J. (2018). Podatek od towarów i usług i jego ściągalność w Polsce. *Ekonomista*, 5. 595–617. <https://ekonomista.pte.pl/pdf-155540-82357?filename=Podatek%20od%20towarow%20i.pdf>
- Kozłowski, Z. (1998). Zagarnięcie mienia społecznego a uszczuplenie podatku VAT. *Prokuratura i Prawo*, 3. 115–120. <https://www.gov.pl/web/prokuratura-krajowa/rok-1998>
- Lamensch, M. & Ceci, E. (2018). VAT fraud. Economic impact, challenges and policy issues. European Parliament's Special Committee on Financial Crimes, Tax Evasion and Tax Avoidance (TAX3), <https://www.europarl.europa.eu/supporting-analyses/>
- Małecka-Ziemińska, E. (Ed.) (2023). *Oszustwa związane z VAT w dobie pandemii i cyfryzacji gospodarki*. Wydawnictwo UEP. <https://wydawnictwo.ue.poznan.pl/books/978-83-8211-181-1/978-83-8211-181-1.pdf>
- Mazur, M. & Plumley, A. (2007). Understanding the Tax Gap. *National Tax Journal*, 60 (3). 569–576. DOI: 10.17310/ntj.2007.3.14
- Mazur, T. & Bach, D. & Józwiak, A. & Czechowicz, I. & Bieńkowska, J. (2019). Raport na temat wielkości luki podatkowej w Polsce w latach 2004–2017. MF Opracowania i Analizy. No 3–219. Ministerstwo Finansów. <https://www.gov.pl/web/finanse/no-3-2019>
- Mozgawa, M. (1999). Prawnokarne aspekty naruszenia podatku VAT. *Prokuratura i Prawo*, 6. 7–17. <https://www.gov.pl/web/prokuratura-krajowa/rok-1999>
- Oczkowski, T. (2009). Problematyka karnoprawnej oceny wyłudzenia podatku VAT. *Prokuratura i Prawo*, 7–8. 82–101. <https://www.gov.pl/web/prokuratura-krajowa/rok-2009>
- Oczkowski, T & Zgoliński, I. (2020). Kluczowe aspekty ścigania sprawców oszustw podatkowych. *Roczniki Nauk Prawnych*, 30 (2). 77–92. <https://doi.org/10.18290/rnp20302-6>
- Orłowska, A. (2004). Fałsz intelektualny a faktura VAT. *Prokuratura i Prawo*, 9. 61–70. <https://www.gov.pl/web/prokuratura-krajowa/rok-2004>
- Ożóg, I. (Ed.) (2017). *Przestępstwa karuzelowe i inne oszustwa w VAT*. Wolters Kluwer
- Ożóg, I. & Rudowski, J. (Eds.) (2020). *Karuzele i inne oszustwa podatkowe. metody przeciwdziałania unikaniu opodatkowania*. Wolters Kluwer
- Pabiański, T. & Śliż, W. (2007). Zorganizowane działania przestępcze wykorzystujące mechanizmy konstrukcyjne podatku VAT, *Przegląd Podatkowy*, 1 (part 1) & 3 (part 2). 18–27 & 13–23

- Pawelec, Sz. (Ed.) (2020) *Karuzele VAT. Wybrane regulacje prawa karnego materialnego i procesowego*. Wolters Kluwer
- Pilarczyk, Ł. (2017). O wzajemnych relacjach pomiędzy tzw. oszustwem podatkowym z art. 56 i 76 k.k.s. a przestępstwem oszustwa z art. 286 k.k. *Ius Novum*, 3, 48–71. <https://iusnovum.lazarski.pl/iusnovum/pl/issue/view/69>
- Podlipnik, J. (2012). Missing trader intra-community and carousel vat frauds – ECJ and ECtHR case law. *Croatian Yearbook of European Law & Policy*. 61–75. <https://www.cyelp.com/index.php/cyelp/issue/view/8>
- PwC (2010). Study on the feasibility of alternative methods for improving and simplifying the collection of VAT through the means of modern technologies and/or financial intermediaries. [https://taxation-customs.ec.europa.eu/system/files/2016-09/vat-study\\_summ\\_en.pdf](https://taxation-customs.ec.europa.eu/system/files/2016-09/vat-study_summ_en.pdf)
- Raczkowski, K. (2015). Measuring the tax gap in the European economy. *Journal of Economics and Management*, 21 (3). 58–72. <https://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-108405b3-cdb6-41cb-953f-ceab29c9bb40>
- Radzikowski, K. (2011). Oszustwo i nadużycie a odliczenie podatku naliczonego VAT – orzecznictwo wobec różnic pomiędzy przepisami wspólnotowymi i krajowymi. *Przegląd Podatkowy*, 3 (part 1) & 4 (part 2). 11–19 & 9–15.
- Radzikowski, K. (2014). Glosa do wyroku TSUE z dnia 13 lutego 2014 r., C–18/13 Maks Pen EOOD. *Zeszyty Naukowe Sądownictwa Administracyjnego*, 57 (6). 158–164.
- Radzikowski, K. (2015a). Glosa do wyroku Naczelnego Sądu Administracyjnego z dnia 10 kwietnia 2013 r., I FSK 359/12. *Orzecznictwo Sądów Polskich*, 7–8. 1093–1102.
- Radzikowski, K. (2015b). Glosa do wyroku Naczelnego Sądu Administracyjnego z dnia 22 maja 2013 r., I FSK 902/12. *Orzecznictwo Sądów Polskich*, 11. 1532–1543.
- Radzikowski, K. (2016a). Glosa do wyroku Naczelnego Sądu Administracyjnego z dnia 30 maja 2014 r., I FSK 1396/13. *Orzecznictwo Sądów Polskich*, 1. 138–150.
- Radzikowski, K. (2016b). Glosa do wyroku Naczelnego Sądu Administracyjnego z dnia 23 czerwca 2015 r., I FSK 809/14. *Orzecznictwo Sądów Polskich*, 10. 1331–1347.
- Radzikowski, K. (2016c). Glosa do wyroku Trybunału Sprawiedliwości Unii Europejskiej z dnia 22.10.2015 r. C–277/14 Steheccomp. *Przegląd Orzecznictwa Podatkowego*, 146 (4). 314–322.
- Radzikowski, K. (2016d). Obrót towarowy pomiędzy państwami członkowskimi UE a unikanie i uchylanie się od opodatkowania oraz wyłudzenia VAT, In Gajewski, D. (Ed.) *Międzynarodowe unikanie opodatkowania. Wybrane zagadnienia*, Wydawnictwo C. H. Beck.
- Radzikowski, K. (2016e). Oszustwa i nadużycia wykorzystujące konstrukcję podatku od towarów i usług z perspektywy prawa karnego i prawa karnego

- skarbowego w świetle aktualnej linii orzeczniczej sądów karnych – dylemat stosowania art. 56 i 76 k.k.s. albo art. 271 i 286 k.k. *Doradztwo Podatkowe – Biuletyn Instytutu Studiów Podatkowych*, 233 (1). 5–9.
- Radzikowski, K. (2017). Nowelizacja kodeksu karnego i kodeksu karnego skarbowego w zakresie tzw. przestępstw fakturowych. *Przegląd Podatkowy*, 311 (3). 34–46.
- Radzikowski, K. (2018a). Podatek naliczony a prawo do jego odliczenia w świetle instytucji obowiązku podatkowego (model podatku od towarów i usług w kontekście oszustw karuzelowych), In Konferencja 25-lecie podatku od towarów i usług – doświadczenia i przyszłość, 26 września 2017 r. Wydawnictwo Sejmowe.
- Radzikowski, K. (2018b). Mechanizm odwrotnego obciążenia – sanacja czy destrukcja podatku od towarów i usług? *Doradztwo Podatkowe – Biuletyn Instytutu Studiów Podatkowych*, 261 (5). 8–12.
- Radzikowski, K. (2018c). Czy zmiany legislacyjne z lat 2016–18 uszczelniające podatek od towarów i usług okażą się skuteczne? In Glumińska-Pawlic, J. (Ed.) *Uszczelnianie systemu podatkowego – sukces czy porażka?* Wydawnictwo Uniwersytetu Śląskiego.
- Radzikowski, K. (2019a). Odliczenie z faktur wadliwie dokumentujących podatek naliczony VAT w miejsce odwrotnego obciążenia – glosa do wyroku Trybunału Sprawiedliwości z 26.04.2017 r., C-564/15 Farkas, i do postanowienia Trybunału Sprawiedliwości z 23.11.2017 r., C-314/17, Geocycle Bulgaria. *Glosa*, 179 (2). 83–101.
- Radzikowski, K. (2019b). Czy zastrzone sankcje karne za wystawianie lub posługiwanie się fałszywymi fakturami uderzają w oszustów wyłudzających VAT? *Doradztwo Podatkowe – Biuletyn Instytutu Studiów Podatkowych*, 275 (7). 16–19. DOI:10.5604/01.3001.0013.3021 16
- Radzikowski, K. (2020). Prawo karne w służbie uszczelnieniu systemu podatkowego: czy zastrzone sankcje za tzw. przestępstwa fakturowe uderzają w wyłudzenia VAT? In Gajewski, D. (Ed.). *Uszczelnianie systemu podatkowego w Polsce*, Wolters Kluwer.
- Radzikowski, K. (2024). Niepewna przyszłość prawa karnego skarbowego (na rozdrożu między powszechnym prawem karnym a sankcją administracyjną). *Kwartalnik Prawa Podatkowego*, 4. 121–154. <https://doi.org/10.18778/1509-877X.2024.04.06>
- Radzikowski, K. (2025). O dobrej wierze (częściowo) krytycznie. Teoretycznoprawne uwagi na temat normatywnej konstrukcji i fiskalnej efektywności podatku od towarów i usług (VAT). *Acta Universitatis Wratislaviensis*, 4341. *Przegląd Prawa i Administracji*, 140. 917–937. <https://doi.org/10.19195/0137-1134.140.67>
- Reckon (2009). Study to quantify and analyse the VAT gap in the EU–25 Member States. [https://taxation-customs.ec.europa.eu/document/download/7c145555-6ef4-485d-8917-d867162ec7f8\\_en](https://taxation-customs.ec.europa.eu/document/download/7c145555-6ef4-485d-8917-d867162ec7f8_en)

- Sarnowski, J. & Selera, P. (2025). Ograniczenie luki VAT w Polsce w latach 2016–2022. Wydawnictwo Naukowe Akademii Nauk Stosowanych Angelusa Silesiusa.  
[https://www.dbc.wroc.pl/Content/135136/selera\\_sarnowski\\_ograniczenie\\_luki.pdf](https://www.dbc.wroc.pl/Content/135136/selera_sarnowski_ograniczenie_luki.pdf)
- Stolarczyk, I. (2010). Odpowiedzialność za nierzetelne wystawienie faktury VAT. *Prokuratura i Prawo*, 9. 97–116. <https://www.gov.pl/web/prokuratura-krajowa/rok-2010>
- Toder, E. (2007). What Is the tax gap? *Tax Notes*. October 22. <https://www.urban.org/sites/default/files/publication/46126/1001112-What-is-the-Tax-Gap-PDF>
- Tratkiewicz, T. (2016). Luka w VAT – sposoby przeciwdziałania w Polsce i Unii Europejskiej. *Studia Ekonomiczne. Zeszyty Naukowe Uniwersytetu Ekonomicznego w Katowicach*, 294. 185–196.
- Yotov, Y. (2025). The Concept of Tax Gap: Essence, Definition, Types, Components, Methods, International Practices and Challenges in its Measurement. *Economic Thought Journal*, 70 (4), 535–566. <https://doi.org/10.56497/etj2570407>
- Wilk, L. (2009). Kryminalne aspekty przestępczości podatkowej. *Archiwum Kryminologii*, 31. 209–221. <https://doi.org/10.7420/AK2009I>
- Wilk, L. (2011). O naturze przestępczości podatkowej i metodach jej przeciwdziałania, In Teoretyczne i praktyczne problemy współczesnego prawa karnego. Księga jubileuszowa dedykowana Profesorowi Tadeuszowi Bojarskiemu, Michalska-Warias, A. & Nowikowski, I. & Piórkowska-Flieger, J. (Eds.). Wydawnictwo UMCS.
- Zídková, H. (2014). Determinants of VAT Gap in EU. *Prague Economic Papers*, 23 (4). 514–530. DOI:10.18267/j.pap.496
- Zídková, H. & Pavel, J. (2016). What Causes the VAT Gap? *Ekonomický časopis*, 64 (2). 811–826. [https://www.researchgate.net/publication/316937447\\_What\\_causes\\_the\\_VAT\\_gap](https://www.researchgate.net/publication/316937447_What_causes_the_VAT_gap)
- Zgoliński, I. (2012). Wystawienie lub posługiwanie się nierzetelnym dokumentem podatkowym, *Prokuratura i Prawo*, 3. 156–168. <https://www.gov.pl/web/prokuratura-krajowa/rok-2012>