



WARMIŃSKI
TAX ATTORNEYS



WARMIŃSKI
TAX ATTORNEYS

NEW INSTRUMENTS IN POLISH TAX LAW: STANDARD AUDIT FILE AND ANTI ABUSE CLAUSE





STANDARD AUDIT FILE FOR TAX **[SAF-T]**



[SAF-T] – What's that?

SAF-T (polish: Jednolity Plik Kontrolny, JPK; ukrainian: Єдиний контрольний файл) stands for an xml file in an agreed logical structure and format, which taxpayers are obliged to implement in their accounting systems.

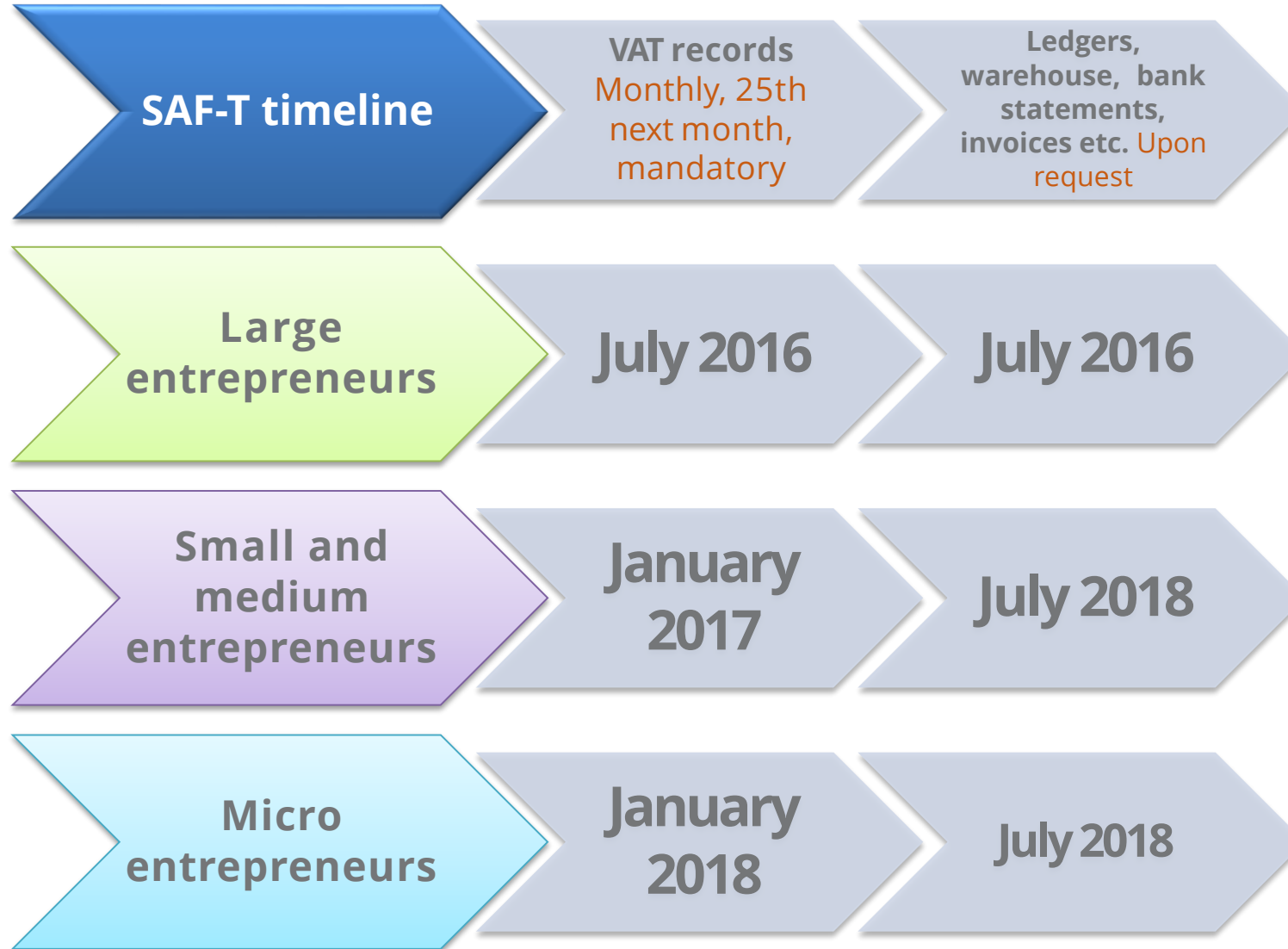
SAF-T includes specific details of:

- VAT records (monthly, mandatory reporting) and
- Tax / accounting ledgers (only if requested).

SAF-T is also introduced in:
Austria,
France,
Luxembourg,
Portugal,
Czech Republic (VAT)



[SAF-T] - who is obliged





[SAF-T] Qualification

Large enterprises

At least 1 of the following 2 conditions is met:

1. more than 250 employees or
2. annual turnover exceeding EUR 50 mln and annual balance sheet exceeding EUR 43 mln.

Medium-sized enterprises

Cumulative conditions:

1. fewer than 250 employees and
2. turnover below EUR 50 mln or balance sheet below EUR 43 mln.

Small enterprises

Cumulative conditions:

1. fewer than 50 employees and
2. turnover below EUR 10 mln or balance sheet below EUR 10 mln.

Micro enterprises

Cumulative conditions:

1. fewer than 10 employees and
2. turnover below EUR 2 mln or balance sheet below EUR 2 mln



[SAF-T] Foreign entities

- Foreign, VAT registered in Poland entities are covered by Polish SAF-T.
- In order to qualify as Large, SME or micro entrepreneur one should take under consideration its worldwide business activity (including income, employees, assets).





[SAF-T] Data contents

In general: almost all tax data should be available for tax authorities for fast and easy audit!

The following data shall be included in SAF-T:

1. Ledgers
2. Bank statements
3. Warehouse data
4. VAT evidence (sales and some purchasing data)
5. Invoices
6. Receipts





[SAF-T] Sanctions

- Enterprises which, for no good reason, refuse or fail to present tax ledgers or accounting evidence underlying those ledgers in the SAF-T format within a specified time frame will be liable to a fine of PLN 2,800.
- Anyone who attempts to thwart or impede the tax authorities' procedures, including especially failure to present tax ledgers, or accounting evidence underlying those ledgers, in the SAF-T format will be liable to a fine from PLN 617 up to PLN 17,769,600.





[SAF-T] why this is a big thing?

- ❖ 9,3 bilions EUR in unpaid taxes in Poland only
- ❖ Entrepreneurs under continuous scrutiny
- ❖ Limited time for corrections
- ❖ Increased risk of tax control

- ❖ Ca. 8-9 months of implementation as opposed to few years
- ❖ Challenges to tax advisory industry
- ❖ Complex implemenation projects with large entities
- ❖ Troubleshooting and bug hunting

- ❖ SAF-T under constant development
- ❖ Implementation requiring funds
- ❖ Tax functions connected with IT know-how





[SAF-T] where do we go from here?

SENT

- IT based system tracking physical turnover of goods

On-line receipts

- IT system that will constantly monitor any sales on the fiscal register also allowing consumers to track back their purchases

Limitations of cash payments

- Reducing the limits for cash payments up to 15 000 PLN thousand
- Lack of tax costs if in default



[GAAR] General Anti Abuse Clause



- Aimed at any economically not backed transactions
- Excludes artificial (however legally sound) transactions
- Covers tax benefits exceeding 100 000 PLN per year



[GAAR] General Anti Abuse Clause

- Could be addressed by a securing opinion issued at a fee of 20 000 PLN
- GAAR suspends applications of individual applications Issued.
- Could be applied to benefits resulting from past activities





[GAAR] General Anti Abuse Clause

- Would GAAR hamper any Offshore structures?
- Is it possible to go around the GAAR?





Dziękujemy za uwagę

ŁUKASZ WARMIŃSKI/ TAX ADVISOR/ATTORNEY-AT-LAW
WARSZAWA, TRĘBACKA 3/54

