

Split payment mechanism in the economy of small and medium-sized enterprises

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Abstract: The size and stability of VAT revenues is extremely important for conducting financial policy. European countries take various initiatives, due to the overall amount of tax fraud. The purpose of the discussion conducted in the article is to analyze the essence of the split payment mechanism (SPM) as an instrument to combat tax fraud and evaluate it from the point of view of: construction of tax regulations and benefits in connection with its use by business units and from the perspective of the small and medium-sized enterprises. The article uses a critical analysis of legal acts and the method of structured interviews with owners of small and medium enterprises. The conclusion of these considerations is that SPM is negatively assessed by most of the units surveyed and causes practical problems in their functioning. Solutions that the legislator can introduce to make the split payment mechanism more attractive for Polish entrepreneurs were presented. In November 2019, a mandatory split payment for selected goods and services will be introduced, and so far the VAT amendment causes problems with financial fluidity of enterprises. It also turns out that the tax incentives proposed by the legislator are not adequate in relation to the problems encountered when performing split payment operations. The experiences of other European countries in combating tax fraud by introducing SPM were recalled. Further analysis of the effectiveness of this solution should take into account its impact on the functioning and financial fluidity of enterprises.

Key words: split payment, VAT, SME sector, tax gap

1. Introduction

Tax on goods and services is the largest source of income for the Polish budget. The amount and stability of revenue from this tax is essential for conducting responsible financial policy. The VAT system, although based on self-control of taxpayers, has proved to be vulnerable in terms of tax fraud due to, among others, a complex mechanism of settling taxpayers with tax authorities, which significantly reduces its efficiency (Neal, 2007). The topic of the tax gap in the Eu-

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European perspective is also a matter of concern for the European Commission, which pays particular attention to the core of the problem and calls for decisive steps to be taken in order to reduce its scale (European Commission, 2016). In Poland, certain solutions designed to counteract the widening VAT gap began to be introduced starting from 2015. They were supposed not only to stop but also to significantly reduce this negative phenomenon. However, both in Poland and many other European Union countries, the practice of applying a single solution, e.g. reverse charge mechanism, has shown that tax fraudsters continue to resort to other services or goods which are not covered by this mechanism. (Szłęzak-Matusiewicz, 2015). In 2016, an additional obligation to report VAT registers in the standardized Standard Audit File for Tax format was introduced. A package of organized data concerning business transactions is forwarded to the tax administrative body every month in an electronic form, with the data downloaded directly from the financial and accounting systems of the given business unit. From July 1, 2018, a split payment mechanism (further referred to in this paper as SPM) started to be applied in Poland, assuming that the acquirer of goods or services transfers to the seller's ordinary account only the net value of the payment. The equivalent of tax on goods and services goes to the VAT account of the taxpayers, from which they pay the contractor's due tax, and settles with the tax office.

The purpose of the discussion conducted in this paper is to analyze the essence of the split payment mechanism as a means to fight tax fraud and to evaluate it from two points of view:

- the construction of tax regulations and benefits resulting from its application by business entities;
- small and medium-sized enterprises sector.

For the abovementioned purposes of the article, the following hypotheses were adopted:

- the majority of the surveyed entities from the SME sector negatively evaluate the split payment mechanism as an instrument to fight tax fraud;
- split payment mechanism causes real-life problems in the functioning of small and medium enterprises;
- tax incentives proposed by the legislator are not adequate in proportion to the problems encountered when performing split payment operations.

The article consists of a theoretical part, which includes a review of the literature related to the essence of tax fraud and split payment mechanism, and an empirical part, in which the research area is characterized, followed by the results of the research: problems encountered when applying the SPM and their possible implications. To date, no such studies have been carried out. As a conclusion to the considerations, the article summarizes the literature review as well as the most significant research results and offers proposals of actions that the legislator may apply to improve the split payment system

2. VAT fraud — the core of the problem

In Polish law, the concept of the VAT gap has not been defined. The term is only of a scholarly nature; its scope and methodology have been developed by individual tax administrations or international organizations (International Monetary Fund, OECD). According to the Financial Policy Institute of the Ministry of Finance of the Slovak Republic, “the tax gap is

the difference between the tax which is actually paid and the tax that would have been paid if all natural persons and corporate entities had declared their activities and transactions in a proper way, in accordance with the letter of the law and the intention of the employer (the spirit of law)” (Sarnowski and Selera, 2018). The gap consists of losses incurred by the state budget as a result of the development of the grey area and fraudulent practices of VAT refunds in intra-community transactions. The ones who pay the price are the State Treasury and honest employers, who must keep up with enterprises making profits from illegal trading.

Budget analysis based on recent years allows us to conclude that revenues from VAT constitute over 40% of Polish budget (Prokop [ed.], 2018, p. 20). Over the years, revenue from VAT was the following: in 2015—PLN 123 million, in 2016—PLN 127 million, in 2017—PLN 157 million (NIK, 2018). As a rule, VAT, first introduced in 1954 in France, is uncomplicated in its design. Its simplicity and the relatively easy way to distort the mechanism of collecting the tax have led to a rapid increase in VAT fraud in the entire European Union (Prokop [ed.], 2018, p. 21). Poland belongs to a group of member states in which the VAT gap has stayed at a high level in recent years. Within the framework of the Tax Administration Gap Analysis Program and the technical support provided to Poland, the International Monetary Fund has estimated the level of the VAT gap in 2010–2016 using its own RA-GAP methodology. It is based on a top-down analysis of potential VAT revenue using data from national accounts. According to this method, the VAT gap in Poland resulting from not obeying tax regulations increased from 21% of potential incomings to a peak value of 27% in 2013, and then fell to about 21% in 2016 (Kanar and Thackray, 2018). According to the European Commission report, 2012 was a year when the largest amount of the tax gap was recorded in Poland: PLN 43.1 billion, while in 2016 it decreased to PLN 34.9 billion (Sarnowski and Selera, 2018). According to a report from the Directorate General for Taxation and Customs (TAXUD), it was calculated that the VAT gap in 2015 in the entire European Union totalled to EUR 151.5 billion, which corresponds to 12.77% of lost revenues across the EU (Prokop [ed.], 2018, p. 23). The smallest level of tax gap was recorded in Sweden, and the largest in Romania, where the tax gap was 37% of potential revenues (Mitran, 2017).

In December 2016, the Ministry of Finance in Poland introduced a package of sealing solutions in terms of tax compliance. Among others, the package included extension of the reverse charge mechanism by further industries, electronic submission of VAT returns, increasing the sanctions for tax fraud, monthly summaries of intra-community summaries submitted electronically, and termination of quarterly returns (excluding small taxpayers). What is more, the legislator introduced the obligation to submit purchase and sale records electronically, the so-called Standard Audit File for Tax (SAF-T). The transaction records aid the tax authorities in calculating the amount of tax liabilities and automatically compare the value of input tax, based on the deduction for which the buyer of the service or goods is applying, with the relevant declaration on the tax due by the seller (Kanar and Thackray, 2018). Also, the mechanism of the so-called joint and several liability has been added to the legislative changes aimed at preventing tax fraud. According to this mechanism, in the case of supplying goods or services, the buyer is responsible for the seller’s tax arrears in the proportionate tax falling on the suppliers on their behalf (PwC Polska, 2015).

3. Split payment mechanism

3.1. The essence of the split payment and its legal basis

Another tool designed to seal the tax system and increase the efficiency of VAT collection is the split payment mechanism. SPM was introduced with the act amending the act on tax on goods and services and some other acts (Act [Ustawa] of 15 December 2017). It allows buyers to pay the part of payment corresponding to VAT to the sellers special account. When making a business transaction with the purpose of tax extortion, the supplier cannot disappear quickly and withhold for his own benefit the VAT which is due to the tax office. In order to introduce the split payment mechanism, the provisions of Article 108a–108d were added to the Act on goods and services on 1 July 2018. In the light of these provisions, the use of the split payment mechanism is voluntary (Brzozowska, 2018). The VAT account is a special account opened by a bank or a cooperative savings and credit union together with the entrepreneur's business account. Natural persons doing business as sole traders and using checking and saving accounts will not have VAT accounts. The bank or the cooperative savings and credit union provides a VAT sub-account free of charge and no payment card is issued for this account (Bartosiewicz, 2018).

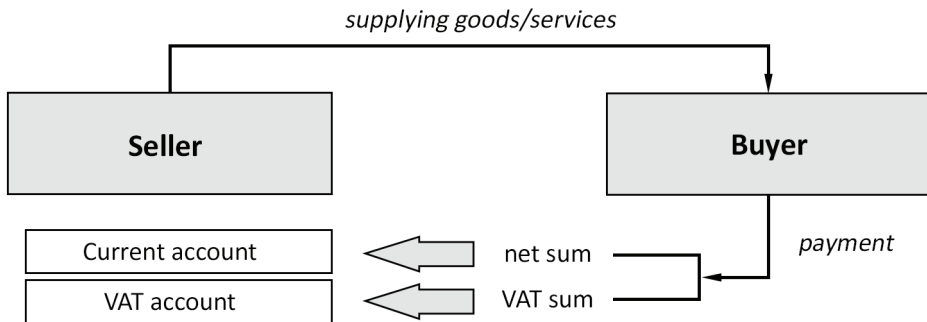


Figure 1. Split payment mechanism

Source: Author's own elaboration.

Split payment mechanism in Poland (Bartosiewicz, 2018):

- is voluntary (except for industries dealing with sensitive goods and services—from November 2019);
- applies only to B2B transactions;
- applies only to transactions where VAT is charged on the invoice;
- applies only to transactions in the Polish currency;
- is used for individual invoices.

The law regulating SPM also introduced minor changes in the Accounting Act. In Annex 1 to the Act, in “Additional information and clarification” in section 1, point 18 has been added, which provides information on funds accumulated on the VAT account (PwC Polska, 2018).

The purpose of the introduction of regulations is to combat tax (such as carousel fraud) by reducing the risk of taxpayers disappearing together with the tax paid but not going to the state budget. Carousel fraud is also a major tax offense in other European Union countries. They cause significant budgetary losses. Enterprises performing carousel fraud do not pay VAT due or extort input VAT return. The intention of split payment mechanism is to protect honest taxpayers and liberate them from the risk of becoming involved in schemes that aim to extort the tax (Bartosiewicz, 2018). Also, SPM is a solution designed to ensure greater tax security, stability in running a business and maintaining competition rules.

3.2. Consequences and benefits of using split payments

According to the Polish Economic Institute, the use of split payment mechanism leads to a significant reduction the cost-effectiveness of carousel fraud and in the next few years will also lead to a complete disappearance of VAT fraud by means of fictitious transactions. It is estimated that within 10 years, the budget will gain about PLN 80 billion (Sarnowski and Selera, 2018). Despite the effects on the Treasury are positive, split payment mechanism has a negative impact on the financial liquidity of enterprises. This is mainly due to the limited ability to use the funds that are on the VAT account. In order to prevent taxpayers’ negative attitude towards split payment mechanism, the legislator suggested a number of incentives to use this solution.

The first one is an accelerated tax refund—within 25 days from submitting the application. Obviously, the refund goes to the VAT account. An accelerated refund is provided at the taxpayer’s request, which is submitted together with the tax declaration, and the application is valid if item 68 in the VAT-7 or VAT-7K declaration is ticked (Prokop [ed.], 2018, p. 124). Therefore, there is no need to submit a separate document. Despite the accelerated date of tax return, the fact of receiving it to the VAT account means a limited possibility of using these funds. The solution may be potentially profitable for entrepreneurs for whom, in a given period, a surplus of input VAT overdue tax is incidental. Such a taxpayer will be able to spend the amount accumulated on the VAT account to pay the VAT liability to the tax office. Nevertheless, a much simpler solution will be to transfer the excess tax amount to be settled to the following period. The result will stay the same, but the entrepreneur will be able to avoid administrative obligations, such as those related to making transfers. The benefits of accelerated VAT returns will not be felt by taxpayers for whom the surplus of input VAT overdue tax does not occur and for whom the largest group of expenses is, among others, purchasing goods and services exempt from VAT. The taxpayer may also submit an application for transferring funds from the VAT sub-account to the current business account. The decision concerning the possibility of transferring funds is discretionary, which means that the head of a given tax office may refuse such an operation. The decision has to be made by the tax authority within 60 days from submitting the application to transfer funds to the current business account. The deadline may be extended by verification of the validity of the return application (Prokop [ed.], 2018, p. 126).

Another “privilege” of taxpayers using the split payment mechanism is eliminating the possibility of applying VAT sanctions against these companies up to the amount corresponding to the amount of tax on the invoice that was paid using this mechanism. A single payment for a good or service in a split payment system is not equivalent to a general VAT exemption. Split payment also protects against the so-called 100% sanction. This sanction does not apply to arrears corresponding to the amount of tax resulting from a specific invoice paid in a split payment system. What does this mean? If entrepreneurs pay a “dummy invoice” using the split payment mechanism, they will avoid an additional 100% sanction. If they did not use this mechanism to pay such an invoice, even if they had paid all the other invoices in the split payment system, then this one invoice will result in an additional obligation—a 100% sanction (Prokop [ed.], 2018, pp. 128–131).

When paying to the VAT account, the taxpayer will not be jointly and severally liable for the contractor’s tax debts. This may be essential for new or uncertain suppliers. The solution cannot be applied to an entrepreneur who was aware that the invoice paid using split payment was issued by a non-existent entity, was an apparent or invalid transaction, or states amounts inconsistent with reality. Therefore, if the purchasers are aware of fraud, they will not avoid joint and several liability.

Another benefit for the entrepreneur following the new VAT regulations is eliminating the application of the sanctioned interest rate. The condition for applying increased interest is that the tax authority identifies arrears as a result of control activities. Split payment is crucial in this respect. If the entrepreneur pays at least 95% of the value of VAT (shown in the declaration for a given settling period as input tax), then, as a rule, in the case of a possible disclosure of tax arrears for that period, increased sanction interest will not apply. However, it may apply if the tax arrears exceed twice the value of the input tax indicated in the submitted declaration and if the taxpayer was aware of committing tax fraud. The tax authority must prove that the taxpayer knew about the unreliability of invoices (Bartosiewicz, 2018, pp. 31–32).

Yet another advantage is the new method of calculating the liability to the tax office, if the liability is paid in full from the VAT account at an earlier date than the deadline for tax payment. The amount which the entrepreneur will be able to deduct from the tax will depend on the moment of paying VAT to the tax office. The sooner the tax is paid, the greater the reduction in tax will be. Unfortunately, benefiting from a small reduction requires more work from taxpayers, who will be obliged to submit a VAT declaration as soon as possible, and therefore—summarize their sales and collect invoices from suppliers, as well as have enough funds on the VAT sub-account to pay the tax to the authority in full.

In order to benefit from the split payment mechanism, a number of conditions must be met. First of all, taxpayers must continue to verify their supplier—among others, check the VAT taxpayers register or the data in the National Court Register. Businesses must remain vigilant and adapt to the changing environment of VAT compliance. To benefit from the privileges, more work on the VAT declaration is required. The advantages of an early settlement of obligations towards the tax office do not match the amount of work the payer has to do. Currently, the payment of PLN 10,000 VAT 10 days earlier will only save PLN 4 (the amount is calculated based on the formula provided in the tax regulations) (Chorzępa-Starosta, 2019). Nevertheless, taxpayers using the split payment mechanism will be able to prove due diligence much more easily.

3.3. Obligatory split payment

In July 2019, the Sejm (Polish Parliament) accepted a draft act on the mechanism of split payment. From 1 November 2019, the obligatory split payment in selected goods and services comes into force. SPM will be applied to 150 product and service groups defined in accordance with the Polish Classification of Products and Services (2008), such as construction services, electronics, coal, steel products, trade in parts for cars and motorcycles, precious metals and non-ferrous metals (PwC Polska, 2019). The obligation to apply the split payment will only apply to transactions of PLN 15,000 or more. For transactions below 15,000 general rules will apply—without the need for split payment (Maj, 2019). Entrepreneurs will be obliged to put on the invoices the record: “split payment mechanism”. Noticing the problem of the decreasing liquidity of Polish enterprises, the legislator also proposes in the amendment to the Act that the entrepreneur could spend funds from the VAT account to pay income tax, excise tax and ZUS (Social Insurance Institution) contributions (Węgielska, 2019).

4. Split payment mechanism in the economy of small and medium-sized enterprises—survey conducted in Subcarpathian and Lesser Poland Voivodeships

The survey was conducted in July 2019 among small and medium enterprises from the Subcarpathian and Lesser Poland Voivodeships. The questionnaire was sent to a total of 60 enterprises from various industries in both voivodeships, and 35 entities (owners or persons responsible for finance and accounting of the business, e.g. the main accountant) replied. The research group was selected at random in order to increase the reliability of the study and achieve a complete picture of the problem being investigated. The survey does include natural persons conducting business who do not have a business account. Entrepreneurs with only a personal current account are not able to receive a split payment, and cannot pay their liabilities through split payment. For this reason, the responses of 5 natural persons running a business but not having a business account were not taken into account. Therefore, in order to verify research hypotheses, the answers of 30 entities that pay or receive payments in the split payment system are presented. Table 1 presents information on the surveyed entities and their size.

Table 1. Information about enterprises

Size of enterprise	Number of enterprises
Micro	7
Small	10
Medium	13

Source: Author's own elaboration based on conducted research.

In the survey questionnaire, respondents were asked the questions included in Table 2.

Table 2. Split payment mechanism in the economy of small and medium-sized enterprises

Questions	Do you settle payments in the split payment system?		Do other contractors pay you using the split payment mechanism?	
	Yes	No	Yes	No
Possible answers				
Number of responses	15	15	19	11

Source: Author’s own elaboration based on conducted research.

Half of the surveyed business entities declared that they pay their liabilities in the split payment system, while 19 enterprises receive transfers from their contractors in the split payment system. The respondents were also asked for their opinion on the functioning of the split payment mechanism in the area of their business activities. The entrepreneurs’ answers are presented in Figure 2.

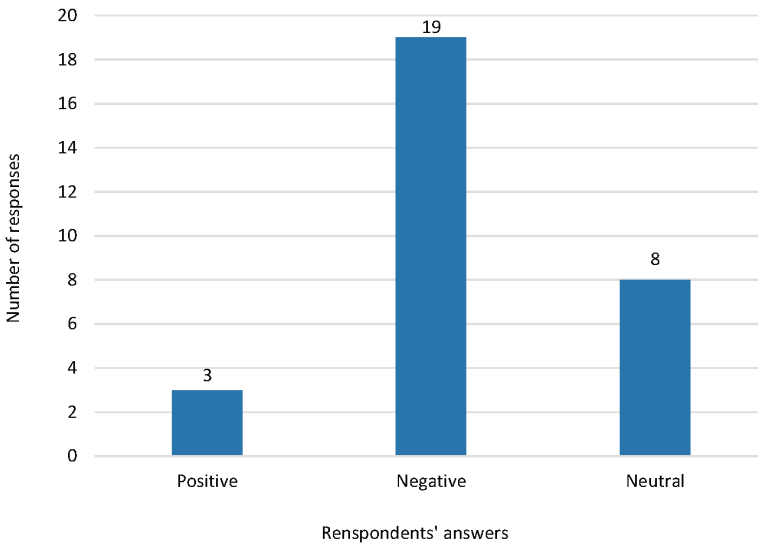
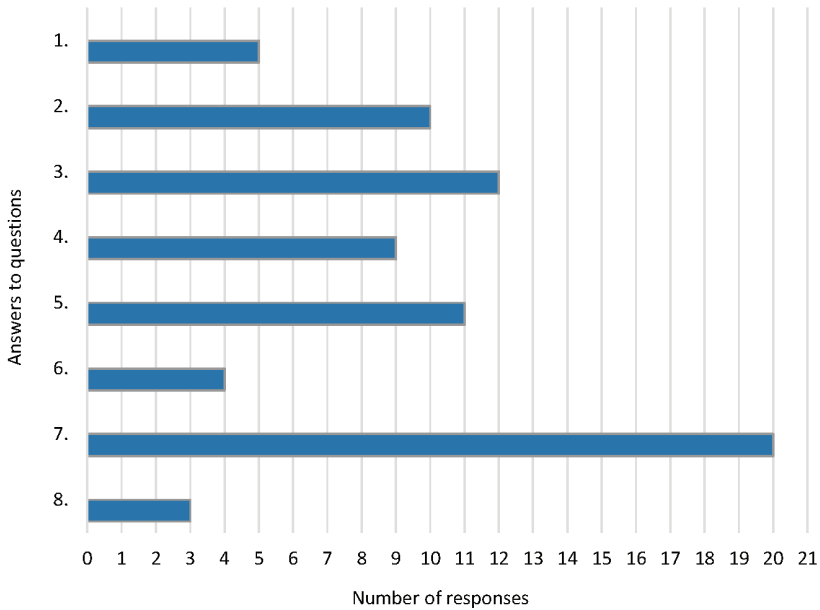


Figure 2. Opinions of the surveyed units on the split payment mechanism

Source: Author’s own elaboration based on conducted research.

19 out of 30 enterprises surveyed assessed the split payment model negatively, 8 entities had a neutral attitude towards the changes, and 3 enterprises assessed the change positively. The result of the survey thus confirms the hypothesis that the majority of entities surveyed in the SME sector negatively assess the split payment mechanism as a tool to fight tax fraud. In the EY report from August 2018, the respondents’ answers were similar, but the survey was

conducted before the VAT amendment. Over two thirds of respondents¹ were also negative about the changes (EY, 2018). As it has been mentioned earlier, the application of split payment results in many benefits after meeting a number of conditions, reduces tax fraud and gives competitive leverage to honest entrepreneurs. Still, SPM causes problems for entrepreneurs, which are presented in Figure 3. Business owners could indicate several difficulties related to split payment, if they encountered any of them.



Explanations for the chart (answers):

1. Adaptation of the IT and accounting system
2. Disturbance of the mechanism in the case of a number of operations, e.g. factoring, compensation, invoice corrections, bailiff seizures
3. No possible option of collective payment for several invoices
4. Concern of making a wrong transfer
5. Increased workload for making and booking transfers
6. Hardly readable bank statement
7. Limitation of available financed financing (disturbance of fluidity)
8. No problems were encountered

Figure 3. Problems encountered in applying the split payment mechanism.

Source: Author's own elaboration based on conducted research.

The first problem that was indicated most often when using split payments is the restricted use of the funds. The tax amount shown on the invoice is paid to the VAT account and cannot be used to settle any current liabilities other than VAT. The entrepreneur cannot allocate the money for investment or other expenses (e.g. paying off a loan) related to the company's operations.

¹ The research was conducted in June and July 2018 among 150 people who have an influence on the company's finances/ accounting.

Funds from this account may be transferred to the current account of the business, but only following the consent of the head of the tax office who has 60 days from submitting the relevant application to make a decision. Although payment in this system is voluntary, the decision is made by the purchaser of the service or goods, while the seller gets a split payment transfer regardless of whether he wants to use the system or not. Thus, it can be stated that the use of this mechanism is only seemingly voluntary. Restricting the funds results in a decrease of financial liquidity. Split payment deprives the entrepreneur of a certain part of the funds, and if a VAT payer applies a 23% rate, it constitutes more than one fifth of the value to settle their obligations. The use of split payment limits for three months the possibility to take a credit with the tax amount for small business entities settling accounts on a quarterly basis.

The split payment mechanism is only applicable to individual invoices, which means an increase in the number of transfers made. This problem was indicated by 12 surveyed enterprises. The result is an increase in the costs of handling obligations due to the fact that each transfer in the split payment system must be sent separately instead of sending them in the package of transfers as before. The legislator should think about the possibility of incoming and outgoing collective transfers, which would reduce the costs and time spent making payments and encourage the use of mechanism.

In order to apply the split payment model, certain modifications should also be made to the way of booking operations related to the crediting and debiting of the VAT account. It is recommended to create an account in the accounting books of a given company, which would be used for making transfers using the split payment mechanism, and which would record VAT operations. Also, greater expenditure on accounting services is to be expected. This results from the need to monitor incoming transfers to the VAT account and from possible corrections in case of incorrectly made transactions. Split payment transfers on a bank statement are reflected in two banking operations: posting the gross amount on the current account and transferring the tax amount to the VAT account. For this reason, the bank statement may be unclear which makes identification difficult.

If the entrepreneur makes a mistake by entering the wrong VAT amount in the transfer, the bank is not obliged to correct this amount. Therefore, in the event of a mistake in the amount of the transfer, it will be carried out in accordance with the data indicated in the transfer order. However, the transfer will not be carried out by the bank if it turns out that the entrepreneur does not have a VAT sub-account. In this case, the funds will be returned to the account of the person making the transfer.

The result of this study consists in the confirmation of the hypothesis that SPM causes practical problems in the functioning of small and medium-sized enterprises. According to research conducted among entrepreneurs in the SME sector in November 2018 by the economic information office BIG InfoMonitor, split payment mechanism, together with the uniform control file, is currently the most oppressive legal and tax regulation. As much as 58% of small and medium enterprises have not decided to use this solution (Otto, 2018). The biggest drawback of the new solution is a decrease in financial liquidity by limiting the possibility of using the funds on the VAT sub-account freely. It also turns out that the tax-related incentives proposed by the legislator are not proportionate to the problems encountered when performing split payment operations (Guziejewska and Zajęzkowski, 2018, p. 142).

5. Conclusion

The VAT gap indicates effectiveness of VAT enforcement and compliance with its obligations. It provides approximate data on the amount of losses resulting from tax fraud, avoidance and tax evasion, bankruptcies, insolvency or mistakes in calculation (Tratkiewicz, 2016). The problem of tax fraud affects honest taxpayers who operate in the sectors afflicted with the largest scale of tax fraud. The grey area has a negative impact on market prices and reduces the credibility of entities operating in a given industry. In 2018, in order to fight tax fraud, the Ministry of Finance introduced a split payment system to the Polish economy. Based on previous analyses, SPM has great potential in terms of reducing the VAT gap (Deloitte, 2017). Unfortunately, it causes many problems for small and medium enterprises, and the surveyed entities from the Subcarpathian and Lesser Poland Voivodeships assess tax changes negatively. The system requires a number of improvements that would encourage its use. First of all, real-life inconveniences should be removed, such as the need to create separate transfers for each invoice. Many companies pay several hundred or thousands of invoices a day, using transfer packages. Therefore, such possibility needs to be offered to companies using split payment and to enable them to make collective transfers. This would save companies time and banking costs. Small enterprises make payments manually instead of using integrated systems, which are simply expensive. This significantly increases the waiting time. The problem lies in carrying out payments by small business owners themselves, as, unfortunately, the awareness of the importance of split payments is low and mistakes often occur. SPM should also be extended to settlements in foreign currencies and to pay VAT and customs duties on imported goods from the tax account. The current regulations also do not allow for free transfers of funds accumulated in VAT accounts, which are in different banks. If this inconvenience was removed, the financial liquidity of entrepreneurs would be improved. Another necessary improvement is also the combination of financial and accounting systems with a central taxpayer database and a central invoice database (Tratkiewicz, 2017). When starting to make a transfer, the system would automatically indicate whether the seller is a VAT payer and whether the invoice is actually in the database. Current regulations for those taxpayers who use the split payment mechanism assume 25 days for a tax refund to the VAT account. In order to encourage the use of SPM, the legislator should definitely shorten this period. To sum up the considerations presented in this paper, in order for the mechanism to be more encouraging for enterprises, they should be able to make collective transfers and settlement in foreign currencies in the split payment system, pay VAT and customs duties from the VAT sub-account, and freely transfer the funds accumulated on the VAT accounts in various banks. It is necessary to shorten time of the tax refund to the VAT account as much as possible and to combine financial and accounting systems with a central taxpayer and invoice base. These tools will improve the financial liquidity of enterprises, reduce the time of carrying out transfers, and thus encourage the use of SPM. This will bring mutual benefits for the state budget as well as for business entities.

The split payment mechanism has been applied in various ways and has achieved different results in European countries (Mitran, 2017). It is worth mentioning the experiences of Bulgaria, which in 2003 introduced a split payment as a tool to combat tax fraud, and then after

3 years began to withdraw from this reform. Taxpayer privileges in connection with the use of the mechanism instead of encouraging use have facilitated the development of fraud. Then again, positive budgetary effects of introducing split payments occurred in Italy (Tratkiewicz, 2017). Further analysis concerning the effectiveness of the split payment solution in Poland should first of all take into account its impact on the condition and financial liquidity of enterprises.

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Mechanizm podzielonej płatności w praktyce gospodarczej małych i średnich przedsiębiorstw

Abstrakt: Wielkość i stabilność wpływów z podatku VAT jest niezwykle istotna dla prowadzenia polityki finansowej. Państwa europejskie podejmują różne inicjatywy, by zmniejszyć skalę nadużyć podatkowych. Celem rozważań prowadzonych w artykule jest analiza istoty mechanizmu *split payment* jako instrumentu do zwalczania oszustw podatkowych oraz jego ocena z punktu widzenia: konstrukcji przepisów podatkowych i korzyści w związku z jego stosowaniem przez jednostki gospodarcze oraz z perspektywy sektora małych i średnich przedsiębiorstw. W opracowaniu posłużono się analizą aktów prawnych oraz zastosowano metodę ustrukturyzowanych wywiadów z właścicielami małych i średnich przedsiębiorstw. Wnioskiem niniejszych rozważań jest to, że mechanizm podzielonej płatności (MPP) jest oceniany negatywnie przez większość badanych podmiotów oraz sprawia

praktyczne problemy w ich funkcjonowaniu. Przedstawiono rozwiązania, jakie może wprowadzić ustawodawca, by MPP był dla polskich przedsiębiorców bardziej atrakcyjny. W listopadzie 2019 roku zostanie wprowadzona obowiązkowa podzielona płatność dla wybranych towarów i usług, a dotychczas nowelizacja VAT powoduje problemy z płynnością finansową przedsiębiorstw. Okazuje się również, że zaproponowane przez ustawodawcę zachęty podatkowe nie są adekwatne w stosunku do problemów napotkanych przy dokonywaniu operacji *split payment*. W rozważaniach przywołano doświadczenia innych państw europejskich w zwalczaniu oszustw podatkowych poprzez wprowadzenie MPP. Przy dalszych analizach nad efektywnością rozwiązania powinno się uwzględnić jego wpływ na funkcjonowanie i płynność finansową przedsiębiorstw.

Słowa kluczowe: podzielona płatność, podatek VAT, sektor MŚP, luka podatkowa