ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
Υπουργείο Εσωτερικών και Διοικητικής Ανασυγκρότησης

ΕΘΝΙΚΟ ΚΕΝΤΡΟ ΔΗΜΟΣΙΑΣ ΔΙΟΙΚΗΣΗΣ & ΑΥΤΟΔΙΟΙΚΗΣΗΣ

Ειδικά Επιμορφωτικά Προγράμματα σε Θέματα Καταπολέμησης της Διαφθοράς

ΣΥΜΒΑΣΗ ΕΡΓΟΥ ΜΕΤΑΞΥ ΕΚΔΔΑ ΚΑΙ HAUS ΤΗΣ ΦΙΝΛΑΝΔΙΑΣ

ΤΙΤΛΟΣ ΠΡΟΓΡΑΜΜΑΤΟΣ:

«Διασφάλιση της ακεραιότητας του φορολογικού και του τελωνειακού ελέγχου», Επίπεδο ΙΙ και

«Εισήγηση μέτρων για τη διασφάλιση της ακεραιότητας της ελεγκτικής διαδικασίας - Πρακτική άσκηση», Επίπεδο ΙΙΙ.

ΕΚΠΑΙΔΕΥΤΙΚΟ ΥΛΙΚΟ

Κωδικός εκπαιδευτικού υλικού: 579

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ΟΜΑΔΑ ΕΡΓΑΣΙΑΣ

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Δρ Ηλίας Πεχλιβανίδης, Προϊστάμενος Διεύθυνσης Προγραμματισμού Ε.Κ.Δ.Δ.Α.
Δρ Σαββατού Τσολακίδου, Υπεύθυνη Σπουδών και Έρευνας του Ε.Κ.Δ.Δ.Α.

Αθήνα, Μάρτιος 2017

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Εισαγωγή

Στα κείμενα που ακολουθούν, συνοψίζονται τα σημαντικότερα θέματα που αποτελούν αντικείμενο παρουσίασης και συζήτησης του επιμορφωτικού προγράμματος με τίτλο

«Διασφάλιση της Ακεραιότητας του Φορολογικού και του Τελωνειακού Ελέγχου»,

καθώς και του εργαστηρίου (workshop) με τίτλο

«Εισήγηση μέτρων για τη διασφάλιση της ακεραιότητας της ελεγκτικής διαδικασίας - Πρακτική άσκηση».

Ειδικότερα, υπάρχουν τρεις διακριτές ενότητες:

Στην πρώτη ενότητα σταχυολογούνται ορισμένα σημεία από τις διαφάνειες που συνέταξαν οι κ.κ. Alejandro Luelmo και Julio Garcia, Εσωτερικοί Ελεγκτές της Ισπανικής Φορολογικής και Τελωνειακής Διοίκησης (Agencia Tributaria - AEAT), για τους σκοπούς του προγράμματος[1]. Τα θέματα που παρουσιάζονται περιλαμβάνουν τη δομή και τη στελέχωση της AEAT, τη στοχοθεσία και τα αποτελέσματά της, τις ηλεκτρονικές υπηρεσίες που παρέχονται στους πολίτες, την τυπολογία των φορολογικών και τελωνειακών ελέγχων, τους μηχανισμούς ελέγχου που διασφαλίζουν την αποτελεσματικότητα και την ακεραιότητα της δράσης της AEAT και, τέλος, την παρουσίαση της λειτουργίας του Εσωτερικού Ελέγχου. Η ενότητα «κλείνει» με την επισήμανση ορισμένων καλών πρακτικών της AEAT.

Στη δεύτερη ενότητα παρουσιάζονται οι βασικές έννοιες, οι αρχές και τα πρότυπα της διαχείρισης κινδύνου – μίας λειτουργίας η οποία διαδραματίζει σημαντικό ρόλο στη διαφύλαξη της ακεραιότητας εντός των οργανισμών. Παρουσιάζεται, επίσης, το μοντέλο των «τριών γραμμών άμυνας» για την προστασία των οργανισμών από εξωτερικούς και εσωτερικούς κινδύνους. Τέλος, καταγράφονται αναλυτικά όλα τα στοιχεία ενός ολοκληρωμένου συστήματος διασφάλισης της ακεραιότητας ενός δημόσιου οργανισμού.

Την τρίτη ενότητα αποτελεί ο οδηγός αυτοαξιολόγησης της εκπλήρωσης των όρων προστασίας της ακεραιότητας. Ο οδηγός αυτός καταρτίστηκε από το Δια-αμερικανικό Κέντρο Φορολογικών Διοικήσεων και, χάρη στα ερωτηματολόγια που περιέχει, αποτελεί πρακτικό βοήθημα τόσο για την αξιολόγηση της υφιστάμενης κατάστασης σε μια Φορολογική Διοίκηση, όσο και για τη χάραξη στρατηγικής για τη βελτίωσή της.

[1] Το σύνολο των διαφανειών που σχεδιάστηκαν για τους σκοπούς του προγράμματος αποτελεί το Παράρτημα του παρόντος εκπαιδευτικού υλικού.

1. Σύντομη Παρουσίαση της Ισπανικής Φορολογικής & Τελωνειακής Διοίκησης

1.Α Ίδρυση - Αποστολή

Η Ισπανική Φορολογική και Τελωνειακή Διοίκηση (ΙΦΤΔ) ιδρύθηκε την 1/1/1992, ως δημόσιος οργανισμός δημοσίου δικαίου, που υπάγεται στο Υπουργείο Οικονομικών και Δημόσιας Διοίκησης μέσω της Γενικής Γραμματείας Οικονομικών (Θησαυροφυλακίου).
Διέπεται από ειδική νομοθεσία, που της παρέχει ένα ορισμένο επίπεδο αυτονομίας σε θέματα προϋπολογισμού και διαχείρισης ανθρώπινου δυναμικού.
Λειτουργεί με βάση στόχους, οι βασικότεροι από τους οποίους αφορούν στην είσπραξη δημοσίων εσόδων.
Δεν έχει νομοπαρασκευαστικές αρμοδιότητες ούτε αρμοδιότητες κατανομής των δημοσίων εσόδων.
Η βασική αποστολή της είναι να προάγει την οικειοθελή φορολογική συμμόρφωση και να αποτρέπει και να καταπολεμά τη φοροδιαφυγή. Στο πλαίσιο αυτό:

- Παρέχει υπηρεσίες ενημέρωσης και βοήθεια έτσι ώστε το έμμεσο κόστος της συμμόρφωσης των φορολογούμενων προς τις φορολογικές υποχρεώσεις τους να μειώνεται και
- Διερευνά και ελέγχει τη μη συμμόρφωση προς τις φορολογικές απαιτήσεις.

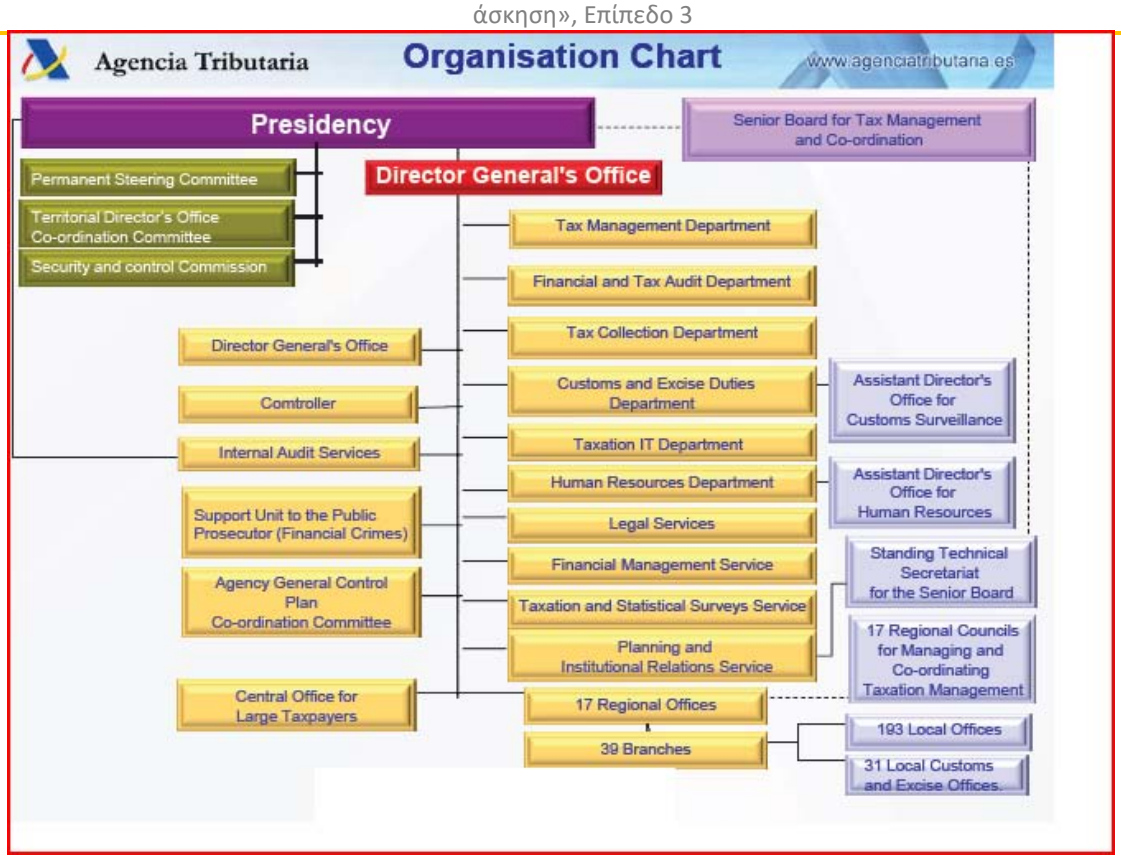
1.Β Σημαντικοί αριθμοί (2014)

Δημόσια έσοδα:	€ 221.707 εκ
Καθαρά δημόσια έσοδα	€ 174.987 εκ
Εγγεγραμμένοι στο Φορολογικό Μητρώο	53.533.687
Επιχειρήσεις, επαγγελματίες	7.791.925
Μεγάλες επιχειρήσεις	33. 146
Υποκείμενοι σε ΕΦΚ	88.129
Δηλώσεις φόρου εισοδήματος Φ.Π.	19.203.136
Δηλώσεις φόρου εισοδήματος Ν.Π.	1.434.775
Δηλώσεις ΦΠΑ	3.398.473
Δηλώσεις ΕΦΚ	8.131.397

1.Γ Οργανόγραμμα

Τα όργανα διοίκησης της ΙΦΤΔ είναι ο Πρόεδρος, το Διοικητικό Συμβούλιο και ο Γενικός Διευθυντής.

Η ΙΦΤΔ έχει 15 οργανικές μονάδες σε κεντρικό επίπεδο, 18 μονάδες σε περιφερειακό επίπεδο και 224 μονάδες σε τοπικό επίπεδο, όπως φαίνεται και από το οργανόγραμμα που ακολουθεί:



1.Δ Ανθρώπινοι πόροι

Η ΙΦΤΔ απασχολεί 25.742 υπαλλήλους (31.12.2014).
Από αυτούς, ποσοστό 12,99% υπηρετεί στην Κεντρική Υπηρεσία και ποσοστό 87,01% στις περιφερειακές και τοπικές υπηρεσίες.
Ως προς τους τομείς απασχόλησης, το προσωπικό κατανέμεται ως εξής:

Διοίκηση φόρων	7.195
Έλεγχος	4.957
Είσπραξη	4.318
Τελωνεία	3.775
Πληροφορική	1.959
Λοιποί τομείς	3.538

Η μέση ηλικία του προσωπικού είναι 50,45 έτη (από 35 έτη που ήταν το 1991).

Επιμόρφωση (2014)

Αριθμός εκπαιδεύσεων (συμμετοχών)	81.439
Ανθρωποώρες επιμόρφωσης	1.088.229
Κόστος επιμόρφωσης	2.594.060 €

1.Ε Στοχοθεσία

Η ετήσια στοχοθεσία περιλαμβάνει δύο βασικά έγγραφα:

- Το επιχειρησιακό σχέδιο
- Το ετήσιο σχέδιο φορολογικών και τελωνειακών ελέγχων.

1.ΣΤ Αποτελέσματα 2014

Είσπραξη

Σύνολο καθαρών εισπραχθέντων εσόδων:	€ 174.987 εκ.
Ποσοστιαία κατανομή εσόδων ανά είδος φόρου	
Φόρος εισοδήματος φυσικών προσώπων:	41,52%
Φόρος εισοδήματος νομικών προσώπων:	10,69%
Φ.Π.Α.:	32,11%
Ε.Φ.Κ.:	10,92%
Δασμοί κλπ.	1,22%
Φόρος εισοδήματος αλλοδαπών:	0,81%
Λοιποί φόροι:	2,73%

Ρυθμίσεις οφειλών

Αριθμός αιτήσεων για ρυθμίσεις οφειλών:	1.703.523
Σύνολο ποσών για τα οποία ζητήθηκε ρύθμιση:	€ 11.764 εκ

1.Ζ Ηλεκτρονικές Υπηρεσίες

Δηλώσεις εισοδήματος Φ.Π. που υποβλήθηκαν ηλεκτρονικά:	13.976.316
Αριθμός επισκέψεων στις ιστοσελίδες της ΙΦΤΔ:	817.634.030
Ποσοστό Ενιαίων Διοικητικών Εγγράφων και εγγράφων διαμετακόμισης που υποβλήθηκε ηλεκτρονικά	100%

1.Η Ηλεκτρονικό Γραφείο

Όλες οι διαδικασίες της Φορολογικής Διοίκησης ολοκληρώνονται ηλεκτρονικά.
Το κοινό μπορεί να:

- λάβει πληροφορίες
- υποβάλλει δηλώσεις
- υποβάλει αιτήματα
- αποκτήσει άμεσα φορολογικά πιστοποιητικά
- δηλώσει τη συγκατάθεσή του
- κάνει πληρωμές
- κάνει συναλλαγές
- υποβάλλει προσφυγές εναντίον αποφάσεων της φορολογικής διοίκησης

- ορίσει ή να ανακαλέσει φορολογικό εκπρόσωπο.

1.Θ Φορολογικός και Τελωνειακός Έλεγχος

Είδη ελέγχου

- Επιλεκτικοί έλεγχοι και δραστηριότητες έρευνας
- Δραστηριότητες επαλήθευσης
- Δράσεις αναγκαστικής είσπραξης
- Ολοκληρωμένες δράσεις

Επιλεκτικοί έλεγχοι και δραστηριότητες έρευνας

Είναι πλήρεις έλεγχοι, που εκτελούνται από ειδικό σώμα ελεγκτών (Financial and Tax Inspection) και από τις τελωνειακές ελεγκτικές αρχές, κατόπιν ανάλυσης κινδύνου.

Αριθμός φορολογουμένων που ελέγχθηκαν	29.561
Αριθμός αποφάσεων που εκδόθηκαν	66.988
Βεβαιωθείσες οφειλές (εκ. ευρώ)	4.987
Επισκέψεις σε επιχειρήσεις	11.223
Δράσεις σχετικές με μη δηλωθέντα ενοίκια	7.410
Δράσεις ελέγχου χρήσης μετρητών κ.ά.	1.174
Επισκέψεις σε επιχειρήσεις για τον έλεγχο πληροφοριακών συστημάτων	1.223
Επεξεργασία φακέλων παρακολούθησης και ελέγχου από το Μητρώο Ενδο-κοινοτικών Εμπόρων και το Μητρώο Μηνιαίων Επιστροφών	12.738
Σύνολο δράσεων (ελεγκτικών ενεργειών)	870.781

Κατανομή ελεγκτικών ενεργειών πλήρων ελέγχων:

Εγχώριοι φόροι:	563.602
Φόροι στις εισαγωγές και εξαγωγές:	67.835
Τομέας Τελωνείων και Ειδικών Φόρων:	239.344

Δραστηριότητες επαλήθευσης

Είναι μερικοί έλεγχοι και διασταυρώσεις, που πραγματοποιούνται στο γραφείο.
Αριθμός ελεγκτικών επαληθεύσεων: 9.936.898

Κατανομή ελεγκτικών επαληθεύσεων:

Εγχώριοι φόροι και εισόδημα ειδικού καθεστώτος μικρών επιχειρήσεων:	6.581.808
Μεγάλες επιχειρήσεις:	260.902
Τελωνεία και ΕΦΚ:	3.094.188

Δράσεις αναγκαστικής είσπραξης

Αριθμός δράσεων:	3.624
Έσοδα από μέτρα αναγκαστικής είσπραξης:	€ 13.331 εκ

Ολοκληρωμένες δράσεις

Πρόκειται για δράσεις στη διενέργεια των οποίων εμπλέκονται περισσότεροι από έναν επιχειρησιακοί τομείς.

Αξιοσημείωτα παραδείγματα:
- Δράσεις περιορισμού του κινδύνου είσπραξης στη φάση της επαλήθευσης και της επιστροφής
- Κοινές δράσεις Φορολογίας και Τελωνείων

Αριθμός δράσεων: 16.565

1.Ι Διαχείριση Κινδύνων στην ΙΦΤΔ

Η διαχείριση κινδύνων επιτελείται στην ΙΦΤΔ από:
- την Γενική Επιτροπή Ασφάλειας και Ελέγχου (1997)
- τις Τομεακές Επιτροπές Ασφάλειας και Ελέγχου (1998).

Οι Τομεακές Επιτροπές καλύπτουν τους τομείς:
- της Διαχείρισης των Φόρων
- της Είσπραξης
- των Τελωνείων και ΕΦΚ
- του Φορολογικού Ελέγχου
- της Γενικής Ασφάλειας και της Οικονομικής Διαχείρισης
- των Πληροφοριακών Συστημάτων.

Έργο των Επιτροπών είναι:

- να αναλύουν και να αξιολογούν τους κινδύνους που αντιμετωπίζει ο οργανισμός και να αναπτύσσουν τα αντίστοιχα προληπτικά μέτρα
- να διαμορφώνουν και να διατηρούν κριτήρια ασφάλειας και σχετικές κατευθυντήριες οδηγίες
- να υποβάλλουν προτάσεις για τη βελτίωση και ενίσχυση των συστημάτων ελέγχου και ασφάλειας
- να καταρτίζουν ετήσιο σχέδιο δραστηριοτήτων και απολογισμό
- να ανιχνεύουν και να διερευνούν περιοχές κινδύνου
- να αναλύουν και να αξιολογούν τις αδυναμίες και τις ελλείψεις του ελέγχου
- να λαμβάνουν διορθωτικά ή ελεγκτικά μέτρα, ιδίως μέσω αυτοματοποιημένων δικλείδων των πληροφοριακών συστημάτων και
- να επεξεργάζονται και να εισηγούνται κανόνες και οδηγίες ασφαλείας.

Η προσέγγιση της ΙΦΤΔ για τη διαχείριση των κινδύνων που συνδέονται με την ακεραιότητα, την ηθική και τις αξίες, βασίζεται σε τρεις άξονες: πρόληψη, ανακάλυψη και αντίδραση.
Η *πρόληψη* υπηρετείται από:

- Τον «τόνο» που δίνει η ηγεσία σε θέματα ακεραιότητας
- Το «περιβάλλον ελέγχου», δηλαδή την κουλτούρα που επικρατεί στον οργανισμό σε θέματα πειθαρχίας προς τους κανόνες και τήρησης των αρχών της δεοντολογίας.
- Τον κώδικα δεοντολογίας
- Την ενημέρωση και επιμόρφωση των υπαλλήλων σε θέματα ακεραιότητας.

Για τους σκοπούς της *ανακάλυψης* παραβατικών συμπεριφορών υπάρχουν:

- Δίαυλοι επικοινωνίας για την ασφαλή αναφορά ύποπτων συμπεριφορών
- Προγράμματα εσωτερικού ελέγχου
- Ασφαλή και αξιόπιστα συστήματα ανάλυσης πληροφοριών

Η *αντίδραση* στην ανακάλυψη παραβατικών συμπεριφορών περιλαμβάνει:

- Τη διερεύνηση των υποθέσεων από ειδικευμένες μονάδες και σύμφωνα με θεσπισμένες διαδικασίες
- Την επιβολή αποτελεσματικών και παραδειγματικών διορθωτικών μέτρων.

1.ΙΑ Σύστημα Μηχανισμών Ελέγχου (Internal Control System)

Ως σύστημα μηχανισμών ελέγχου (internal control system) εννοείται το σύνολο των ασφαλιστικών δικλείδων που εγκαθιδρύονται από τη διοίκηση του οργανισμού, διατρέχουν το σύνολο της δομής του, καθώς και όλες τις δραστηριότητες και διαδικασίες αυτού, και προορίζονται να παρέχουν μία λογική διασφάλιση όσον αφορά την επίτευξη των στόχων του. Κύριος σκοπός του συστήματος ενδογενούς ελέγχου είναι να βελτιστοποιεί την ποιότητα των υπηρεσιών που παρέχει ο οργανισμός και να ελαχιστοποιεί

τους συναφείς με τις δραστηριότητές του κινδύνους
Δύο αξιοσημείωτα παραδείγματα μηχανισμών ενδογενούς ελέγχου αποτελούν:

Α. Το Συμβούλιο Προστασίας Φορολογουμένων
Το έργο του Συμβουλίου Προστασίας Φορολογουμένων είναι η διασφάλιση των δικαιωμάτων των φορολογουμένων, μέσω:

- της μελέτης εισηγήσεων
- της υποβολής προτάσεων βελτίωσης
- της παροχής συμβουλευτικών υπηρεσιών
- της υποβολής εισηγήσεων για την τροποποίηση νόμων, διαδικασιών κλπ.
- του χειρισμού παραπόνων και αιτημάτων που σχετίζονται, για παράδειγμα, με καθυστερήσεις, ελλιπή ή λανθασμένη πληροφόρηση, λάθη, συμπεριφορά υπαλλήλων κ.ά.

Η σύνθεση του Συμβουλίου περιλαμβάνει μέλη της ΙΦΤΔ και ίσο αριθμό μελών από τον ιδιωτικό τομέα και την ανώτατη εκπαίδευση.

Β. Το σύστημα αυτόματου ελέγχου της πρόσβασης σε φορολογικά δεδομένα

1.ΙΒ Επιλογή Εφοριακών και Τελωνειακών Ελεγκτών

Οι δημόσιοι υπάλληλοι στην Ισπανία είναι μόνιμοι, έτσι ώστε να διασφαλίζεται η ανεξαρτησία τους.
Απόλυση δημοσίου υπαλλήλου μπορεί να γίνει για λόγους χαμηλής απόδοσης, παράβασης καθήκοντος ή επιτέλεσης ποινικού αδικήματος.
Η επιλογή των δημοσίων υπαλλήλων γίνεται με βάση τις αρχές της ισότητας, της αξιοκρατίας, της ικανότητας και της δημοσιότητας. Στο πλαίσιο αυτό:

- γίνεται δημόσιος διαγωνισμός
- υπάρχει διαφάνεια
- υπάρχει επιτροπή για κάθε κατηγορία εσωτερικής προαγωγής ή εξωτερικής επιλογής
- υπάρχουν δημοσιοποιημένα κριτήρια προαγωγής.

Προϋποθέσεις:

- ηλικία 16-65
- εθνικότητα: ισπανική
- κατοχή πτυχίου
- λειτουργική ικανότητα προς εργασία.

Οι Εφοριακοί και Τελωνειακοί Ελεγκτές επιλέγονται μέσω μίας διαδικασίας δύο σταδίων:
Το πρώτο στάδιο περιλαμβάνει πέντε εξετάσεις:

1. 14 ερωτήσεις που πρέπει να απαντηθούν σε 4 ώρες

2. Επίλυση προβλημάτων Λογιστικής και Μαθηματικών της Οικονομίας (4 ώρες)
3. α. Επίλυση προβλημάτων επαγγελματικής πρακτικής (4 ώρες)
   β. Ξένη γλώσσα (Αγγλικά ή Γαλλικά ή Γερμανικά)
4. Προφορική εξέταση 1 ώρας σε θέματα Διοικητικού Δικαίου, Δημόσιων Οικονομικών και ισπανικού δημοσιονομικού συστήματος
5. Προφορική εξέταση 45 λεπτών σε θέματα Φορολογίας και Τελωνείων.

Το δεύτερο στάδιο απαιτεί την παρακολούθηση προγράμματος κατάρτισης διαρκείας 1 έτους στο Ινστιτούτο Δημοσιονομικών Σπουδών. Μετά την επιτυχή ολοκλήρωση της κατάρτισης, οι (δόκιμοι) υπάλληλοι εντάσσονται στο σώμα των ελεγκτών.

1.ΙΓ Σύγκρουση συμφερόντων

Το ισπανικό Σύνταγμα απαιτεί από τους δημόσιους υπαλλήλους και λειτουργούς να είναι αμερόληπτοι. Προβλέψεις για τη σύγκρουση συμφερόντων αιρετών και μετακλητών υπαλλήλων υπάρχουν σε ειδικό νόμο. Ο δημοσιοϋπαλληλικός κώδικας προβλέπει ασυμβίβαστα και εξαιρέσεις από καθήκοντα, όταν υπάρχει σύγκρουση συμφερόντων. Η τελωνειακή νομοθεσία προβλέπει, επίσης, ασυμβίβαστα και εξαιρέσεις.
Για την πρόληψη της σύγκρουσης συμφερόντων υπάρχουν προληπτικές διαδικασίες:

- Άδεια άσκησης ιδιωτικού έργου
- Άδεια άσκησης δεύτερου δημόσιου έργου
- Εξαίρεση από άσκηση καθηκόντων

Ενώ, σε περίπτωση διαπίστωσης σύγκρουσης συμφερόντων, υπάρχει πειθαρχική και ποινική διαδικασία.
Δραστηριότητες που θεωρούνται συμβατές με την ιδιότητα του υπαλλήλου της ΙΦΤΔ είναι εκείνες που σχετίζονται με διδασκαλία σε ΑΕΙ ή σε δημόσιους φορείς επιμόρφωσης, με παροχή συμβουλευτικών υπηρεσιών και με πραγματογνωμοσύνες, υπό τον όρο της μη ύπαρξης σύγκρουσης συμφέροντος.

1.ΙΔ Εσωτερικός Έλεγχος (Internal Audit)

Η Υπηρεσία Εσωτερικού Ελέγχου της ΙΦΤΔ διενεργεί εσωτερικούς ελέγχους με σκοπό να εξετάσει κατά πόσο:

- ✓ Οι στόχοι των σχεδίων και προγραμμάτων της ΙΦΤΔ επιτυγχάνονται με αποδοτικότητα και με την τήρηση της ισχύουσας νομοθεσίας
- ✓ Οι διαδικασίες που εφαρμόζονται είναι αποτελεσματικές, ποιοτικές και παραγωγικές
- ✓ Οι φορολογούμενοι διευκολύνονται στην εκπλήρωση των υποχρεώσεων τους και τα δικαιώματά τους γίνονται σεβαστά

- ✓ Οι Υπηρεσίες της ΙΦΤΔ συμμορφώνονται προς τους κανόνες, τις διαδικασίες και τα χρονοδιαγράμματα που τους έχουν τεθεί
- ✓ Οι αποφάσεις, οι λειτουργίες και οι πόροι χαρακτηρίζονται από ακρίβεια και αποδοτικότητα
- ✓ Οι υπάλληλοι ενεργούν και φέρονται σύννομα
- ✓ Οι πληροφορίες, τόσο αυτές που βρίσκονται σε φυσικά αρχεία όσο και σε ηλεκτρονικά, και ιδίως οι ευαίσθητες, διασφαλίζονται και
- ✓ Γενικά, οι λειτουργίες των Υπηρεσιών είναι οι κατάλληλες για την επίτευξη της αποστολής τους.

1.ΙΕ Εσωτερικοί έλεγχοι σχετικοί με τα Πληροφοριακά Συστήματα

Έλεγχοι ασφάλειας πληροφοριών

Με τους ελέγχους ασφάλειας πληροφοριών επαληθεύεται:
- η σωστή διαχείριση των κωδικών πρόσβασης,
- ο έλεγχος της πρόσβασης σε δεδομένα,
- η δράση των Υπεύθυνων Ασφάλειας, των ελεγκτών πρόσβασης και των αρμόδιων για την παροχή εξουσιοδότησης
- η σύννομη χορήγηση και χρήση πληροφοριών και στοιχείων σε άλλους δημόσιους φορείς
- η ανάλυση των περιπτώσεων μη εξουσιοδοτημένης πρόσβασης και οι συνακόλουθες πειθαρχικές διαδικασίες
- η πλήρης και ακριβής καταγραφή των ιχνών πρόσβασης σε δεδομένα στο υποσύστημα CONTROLA.

Έλεγχοι Πληροφοριακών Συστημάτων

Οι έλεγχοι πληροφοριακών συστημάτων αφορούν, ιδίως:
- την ανάπτυξη των εφαρμογών
- τη λειτουργία του ΟΠΣ
- την εκπαίδευση του προσωπικού
- την ηλεκτρονική διακυβέρνηση
- την αξιοπιστία των στοιχείων
- τα αντίγραφα ασφαλείας και την ανάκτηση δεδομένων
- το σχέδιο συνέχειας εργασιών (business continuity plan)
- τη διαχείριση και συντήρηση του εξοπλισμού
- τη θέση σε παραγωγική λειτουργία νέων εφαρμογών
- την υποστήριξη των χρηστών
- τη διαχείριση έκτακτων γεγονότων
- τη διαχείριση του δικτύου
- τη φυσική ασφάλεια
- τον έλεγχο των μέσων αποθήκευσης δεδομένων
- την εισαγωγή στοιχείων
- την ποιότητα των δεδομένων
- την ασφάλεια του Μητρώου και των ηλεκτρονικών φακέλων.

1.ΙΣΤ Καλές Πρακτικές της Ισπανικής Φορολογικής και Τελωνειακής Διοίκησης (AEAT)

α. Στην AEAT επιτελείται από το έτος 1997 διαχείριση κινδύνων σε κεντρικό επίπεδο, από:

- την Γενική Επιτροπή Ασφάλειας και Ελέγχου και
- τις Τομεακές Επιτροπές Ασφάλειας και Ελέγχου (που καλύπτουν τους τομείς της Είσπραξης, του Ελέγχου, των Τελωνείων & ΕΦΚ, των ΟΠΣ κ.ά.).

Η σύνθεση των Επιτροπών συνδυάζει ανώτατα στελέχη της Κεντρικής Υπηρεσίας, των Περιφερειακών Υπηρεσιών και του Εσωτερικού Ελέγχου. Το αποτέλεσμα της αξιολόγησης κινδύνων η οποία επιτελείται από τις Επιτροπές καταγράφεται σε μητρώα και χάρτες κινδύνων, που οδηγούν στην ανάπτυξη σχεδίων αντιμετώπισης των κινδύνων.

β. Με σκοπό τη διασφάλιση των δικαιωμάτων των φορολογουμένων, λειτουργεί στην AEAT το Συμβούλιο Προστασίας Φορολογουμένων, έργο του οποίου είναι η παροχή συμβουλευτικών υπηρεσιών, η υποβολή προτάσεων βελτίωσης και ο χειρισμός παραπόνων και αιτημάτων που σχετίζονται, π.χ., με καθυστερήσεις, ελλιπή ή λανθασμένη πληροφόρηση, λάθη κ.ά. Η σύνθεση του Συμβουλίου περιλαμβάνει μέλη της AEAT και ίσο αριθμό μελών από τον ιδιωτικό τομέα και την ανώτατη εκπαίδευση.

γ. Ακολουθώντας τις σχετικές συστάσεις του ΟΟΣΑ, η AEAT προέβη στη σύσταση του Forum Μεγάλων Επιχειρήσεων (2009). Ο σκοπός του είναι η ανάπτυξη σχέσεων συνεργασίας μεταξύ της AEAT και των επιχειρήσεων, με βάση τις αρχές της διαφάνειας και της αμοιβαίας εμπιστοσύνης και μέσω της ανταλλαγής πληροφοριών και απόψεων γύρω από τα προβλήματα που υπάρχουν. Στο forum συμμετέχουν είκοσι επτά (27) επιχειρήσεις από διάφορους τομείς. Συνεδριάζει τακτικά δύο φορές το χρόνο και στο πλαίσιό του λειτουργούν ομάδες εργασίας για ειδικότερα θέματα. Σε παρόμοιο πνεύμα, και με αντίστοιχο έργο, συστήθηκε το Forum Επαγγελματικών Φορέων (2011), στο οποίο συμμετέχουν δέκα (10) σύλλογοι φοροτεχνικών, λογιστών κλπ.

δ. Η επιλογή των φορολογικών και τελωνειακών ελεγκτών, οι οποίοι συνιστούν ιδιαίτερο σώμα, γίνεται σε δύο φάσεις. Η πρώτη φάση περιλαμβάνει πέντε εξετάσεις, γραπτές (συνολικής διάρκειας 16 ωρών) και προφορικές (συνολικής διάρκειας 1,7 ωρών). Κατά τη δεύτερη φάση ο υποψήφιος πρέπει να παρακολουθήσει επιτυχώς ένα εκπαιδευτικό πρόγραμμα διαρκείας 12 μηνών, κατά τη διάρκεια του οποίου θεωρείται ως δόκιμος υπάλληλος.

ε. Βασικό στοιχείο της στρατηγικής της AEAT είναι η διευκόλυνση και η παροχή βοήθειας προς τους πολίτες για την εκπλήρωση των φορολογικών τους υποχρεώσεων. Στο πλαίσιο αυτό, έχει αναπτυχθεί το «ηλεκτρονικό γραφείο», δηλαδή έχει δοθεί η δυνατότητα στους πολίτες να πραγματοποιούν όλες τις συναλλαγές τους (συμπεριλαμβανομένων των πληρωμών) από απόσταση. Επιπλέον, όλες οι υπηρεσίες παρέχουν πληροφόρηση και βοήθεια, ιδίως μέσω τηλεφώνου.

στ. Η AEAT κάνει ευρεία χρήση δεικτών, ιδίως σχεσιακών, για την παρακολούθηση της απόδοσης των υπηρεσιών και των υπαλλήλων. Οι δείκτες υπολογίζονται αυτόματα, με βάση τα στοιχεία των πληροφοριακών συστημάτων, και τροφοδοτούν ειδικό πίνακα (“table board”), στον οποίο έχει πρόσβαση η ανώτατη διοίκηση και ο εσωτερικός έλεγχος. Οι ίδιοι δείκτες χρησιμοποιούνται για

την αναγνώριση κινδύνων, καθώς και ως ενδείξεις συμπεριφορών που πρέπει να διερευνηθούν περαιτέρω.

2. Διαχείριση Κινδύνων & Διασφάλιση της Ακεραιότητας

2.Α Σκοπός και Σημασία της Διαχείρισης Κινδύνων

Ως *διαχείριση κινδύνων* εννοείται το σύνολο των κανόνων και διαδικασιών που εφαρμόζονται σε έναν οργανισμό έτσι ώστε να κατευθύνουν τη δράση του σε σχέση με τους κινδύνους που αντιμετωπίζει. Είναι η διεργασία μέσω της οποίας ο οργανισμός προσεγγίζει μεθοδικά τους κινδύνους που συνδέονται με τις δραστηριότητές του, τους αξιολογεί και εφαρμόζει την κατάλληλη πολιτική για την αντιμετώπισή τους.

Σε έναν οργανισμό του δημόσιου τομέα, η διαχείριση κινδύνων αποσκοπεί στην **αύξηση της αποτελεσματικότητας και αποδοτικότητάς** του, με ταυτόχρονη **διασφάλιση των συμφερόντων του κράτους και της κοινωνίας**. Αποσκοπεί, επίσης, στην **ορθολογικότερη κατανομή και αποδοτικότερη χρήση των διαθέσιμων πόρων**, μέσω της ιεράρχησης προτεραιοτήτων και της εστίασης σε τομείς και συναλλαγές υψηλής επικινδυνότητας.

Η διαχείριση κινδύνων αποτελεί ουσιώδες **στοιχείο της στρατηγικής** μιας δημόσιας υπηρεσίας. Ενισχύει την κατανόηση των παραγόντων που μπορεί να επηρεάσουν, θετικά ή αρνητικά, το έργο της και **βελτιώνει την ποιότητα της στοχοθεσίας**. Αυξάνει την πιθανότητα επιτυχίας και βοηθά τη διοίκηση στη λήψη των κατάλληλων αποφάσεων, έτσι ώστε όχι μόνο να επιτυγχάνονται οι στόχοι, αλλά και να **αποφεύγονται πιθανές κρίσεις**.

Ένα από τα σημαντικότερα οφέλη της διαχείρισης κινδύνων είναι αυτό που αφορά στη λογοδοσία: η αποτελεσματική διαχείριση του κινδύνου **αυξάνει τη λογοδοσία** στη λήψη αποφάσεων και παρέχει μία ευκρινή διαδρομή ελέγχου. Επιπλέον, δεδομένου ότι είναι ενσωματωμένη σε όλες τις λειτουργίες μίας υπηρεσίας, η διαχείριση κινδύνων **ενισχύει την υπευθυνότητα και τον επαγγελματισμό του συνόλου του ανθρώπινου δυναμικού** της.

Για τη Φορολογική Διοίκηση η διαχείριση κινδύνων συνιστά βήμα εκσυγχρονισμού, τόσο ως προς τον τρόπο με τον οποίο αντιλαμβάνεται το ρόλο της, όσο και ως προς τον τρόπο με τον οποίο ενεργεί. Συνιστά, δηλαδή, αφενός μεν αλλαγή της «κουλτούρας» της Φορολογικής Διοίκησης, αφετέρου δε αλλαγή της πρακτικής/δράσης της Φορολογικής Διοίκησης, η οποία απομακρύνεται από παραδοσιακές, μειωμένης αποτελεσματικότητας και αποδοτικότητας μεθόδους και υιοθετεί νέες πρακτικές/δράσεις, αλλά και νέους τρόπους αντιμετώπισης των προβλημάτων.

2.Β Όροι και Ορισμοί

Οι έννοιες που χρησιμοποιούνται κατά τη διαχείριση κινδύνων ορίζονται στα πρότυπα:

- ISO 31000/2009, Risk Management – Principles and guidelines και
- ΕΛΟΤ EN ISO 9000/2001, Συστήματα Διαχείρισης της Ποιότητας - Θεμελιώδεις Αρχές και Λεξιλόγιο.

Ως συνηθέστερα χρησιμοποιούμενοι και σημαντικότεροι όροι σημειώνονται οι εξής:

Διαδικασία (procedure)
Αυστηρά προκαθορισμένη αλληλουχία ενεργειών, με συγκεκριμένα σημεία αφετηρίας, εκτέλεσης και ολοκλήρωσης, η οποία πρέπει να ακολουθείται ώστε να επιτελεστεί ορθά μία εργασία.

Διεργασία (process)
Σειρά αλληλοεξαρτώμενων και συνδεδεμένων διαδικασιών ή δραστηριοτήτων οι οποίες, σε κάθε στάδιο, χρησιμοποιούν πόρους (χρόνο του ανθρώπινου δυναμικού, ενέργεια, μηχανές, χρήμα) για να μετατρέψουν εισροές (πληροφορίες, υλικά κλπ.) σε εκροές.

Κίνδυνος (risk)
Η πιθανότητα ή απειλή να επέλθει ζημία, απώλεια, συμπεριλαμβανομένης της απώλειας ευκαιρίας, ή, γενικά, κάποιο αρνητικό για τους στόχους του οργανισμού ενδεχόμενο.

Διάθεση Ανάληψης Κινδύνων (risk appetite)
Τα επίπεδα κινδύνου τα οποία ένας οργανισμός είναι διατεθειμένος να αποδεχτεί.

Σύστημα Μηχανισμών Ελέγχου (internal control system)
Το σύνολο των αρχών, διαδικασιών, καθηκόντων, κανόνων συμπεριφοράς και άλλων στοιχείων που τίθενται σε εφαρμογή εντός του οργανισμού με σκοπό την εύλογη διασφάλιση της αποτελεσματικότητας και αποδοτικότητας των λειτουργιών του, έτσι ώστε να ανταποκρίνεται κατάλληλα στην επίτευξη των αντικειμενικών σκοπών του.

Διαχείριση Κινδύνων (risk management)
Διαχείριση κινδύνων είναι μία διαδικασία αναγνώρισης, αξιολόγησης, διαχείρισης και ελέγχου ενδεχόμενων αντίξοων γεγονότων ή καταστάσεων, η οποία πραγματοποιείται με σκοπό την παροχή επαρκούς διαβεβαίωσης (εύλογης διασφάλισης) σχετικά με την επίτευξη των αντικειμενικών σκοπών του οργανισμού.

Πλαίσιο διαχείρισης κινδύνων (risk management framework)
Το σύνολο των στοιχείων που παρέχουν τα θεμέλια και τις οργανωτικές ρυθμίσεις για το σχεδιασμό, την εφαρμογή, την παρακολούθηση, την αναθεώρηση και τη συνεχή βελτίωση της διαχείρισης κινδύνων σε όλον τον οργανισμό.

Ιδιοκτήτης του κινδύνου (risk owner)
Το φυσικό ή νομικό πρόσωπο που έχει την ευθύνη και την εξουσία να διαχειρίζεται τον κίνδυνο.

Εντοπισμός του κινδύνου (risk identification)
Η διαδικασία για την εξεύρεση, την αναγνώριση και την περιγραφή του κινδύνου.

Πηγή κινδύνου (risk source)
Στοιχείο το οποίο, μόνο του ή συνδυαστικά, έχει την εγγενή δυνατότητα να δημιουργεί κίνδυνο. Μία πηγή κινδύνου μπορεί να είναι υλική ή άυλη.

Συνέπεια (consequence)
Το αποτέλεσμα ενός γεγονότος που επηρεάζει τους στόχους και έχει επιπτώσεις, θετικές ή αρνητικές, ποσοτικές ή ποιοτικές, για τους στόχους του οργανισμού.

Ανάλυση κινδύνου (risk analysis)
Η διαδικασία για να κατανοηθεί η φύση του κινδύνου και να καθοριστεί το επίπεδό του.

Αξιολόγηση των κινδύνων (risk assessment)
Η αξιολόγηση των κινδύνων εκφράζει το συνδυασμό της πιθανότητας ή της συχνότητας εμφάνισης μίας καθορισμένης επικίνδυνης κατάστασης και του μεγέθους των συνεπειών αυτού του συμβάντος.

Έλεγχος (control)
Είναι τα μέτρα που λαμβάνονται ώστε να περιοριστεί ο κίνδυνος και περιλαμβάνει οποιαδήποτε διαδικασία, πολιτική, σχεδιασμό, πρακτική ή άλλες παρόμοιες ενέργειες.

Εγγενής κίνδυνος (inherent risk)
Είναι ο κίνδυνος που ενυπάρχει σε μία δραστηριότητα λόγω της φύσης της και πριν τη λήψη μέτρων ελέγχου.

Υπολειμματικός κίνδυνος (residual risk)
Είναι εκείνος ο οποίος παραμένει μετά τη λήψη μέτρων από τη Διοίκηση, συμπεριλαμβανομένου του Συστήματος Μηχανισμών Ελέγχου.

2.Γ Αρχές λειτουργίας

Για να είναι αποτελεσματική, η διαχείριση κινδύνων θα πρέπει να επιτελείται με βάση τις κάτωθι αρχές:

Να είναι εναρμονισμένη με τη γενικότερη στρατηγική, δηλαδή, ο σκοπός και οι στόχοι της να υπηρετούν τους γενικότερους στόχους της Διοίκησης και η στρατηγική της αντιμετώπισης των κινδύνων να διαμορφώνεται με βάση τη γενικότερη στρατηγική.

Να είναι ενσωματωμένη στις διεργασίες και διαδικασίες. Η διαχείριση κινδύνων δεν συνιστά αυτοτελή δραστηριότητα, διακριτή από τις λειτουργίες του οργανισμού, αλλά αντίθετα αποτελεί μέρος κάθε διεργασίας που επιτελείται και κάθε διαδικασίας που εφαρμόζεται σε αυτόν.

Να αποτελεί αναπόσπαστο μέρος της λήψης αποφάσεων. Ανεξαρτήτως του επιπέδου της (στρατηγική, τακτική ή επιχειρησιακή), κάθε απόφαση εδράζεται σε επαρκέστερη βάση όταν για τη διαμόρφωσή της συνεκτιμώνται οι πιθανοί κίνδυνοι και οι επιπτώσεις τους, ως και οι ενδεδειγμένες οδοί για τη διαχείρισή τους.

Να είναι συστηματική, μεθοδική και έγκαιρη. Η διαχείριση κινδύνων δεν πρέπει να πραγματοποιείται κατά ευκαιριακό τρόπο, ούτε να αποτελεί παρεμπίπτουσα δραστηριότητα που εκτελείται διαισθητικά. Αντίθετα, πρέπει να είναι διεργασία διαρκής, η οποία βασίζεται σε κανόνες, κάνει ευρεία χρήση δεδομένων και στατιστικών στοιχείων και έχει προληπτικό προσανατολισμό, παρέχοντας εγκαίρως τις κατευθύνσεις και λύσεις που είναι αναγκαίες στη διοίκηση.

Είναι δυναμική και ευέλικτη, προσαρμοζόμενη στο διαρκώς μεταβαλλόμενο περιβάλλον, εσωτερικό και εξωτερικό, έτσι ώστε να επιτυγχάνει το σκοπό της.

Συμβάλλει στη διαρκή βελτίωση, διότι τροφοδοτεί διαρκώς τους υπευθύνους σχεδιασμού και εκτέλεσης των λειτουργιών με πληροφορίες σχετικά με την αποτελεσματικότητα και την αποδοτικότητά τους. Επιπλέον, η διαχείριση κινδύνων ακολουθεί και η ίδια την αρχή της διαρκούς βελτίωσης, εξετάζοντας τακτικά τις επιδόσεις της, ανασκοπώντας τις μεθόδους της και αναθεωρώντας την πολιτική και τις διαδικασίες της.

2.Δ Πρότυπα Διαχείρισης Κινδύνων

Τα υποδείγματα διαχείρισης κινδύνων που χρησιμοποιούνται συνηθέστερα είναι:

- το πρότυπο ISO 31000/2009 Risk Management – Principles and guidelines και
- το μοντέλο COSO - Enterprise Risk Management (ERM).

Τα δύο μοντέλα είναι μάλλον συμπληρωματικά παρά ανταγωνιστικά, καθώς το μεν πρότυπο ISO 31000/2009 προτείνει τη μεθοδολογία που θα πρέπει να ακολουθηθεί, το δε COSO-ERM υποδεικνύει τα επίπεδα της διαχείρισης και τους τομείς στους οποίους θα πρέπει να εστιάσει ο οργανισμός.

ISO 31000/2009

Σύμφωνα με το διεθνές πρότυπο ISO 31000/2009, η διαχείριση κινδύνων περιλαμβάνει:

- ✓ Καθορισμό του εσωτερικού και εξωτερικού πλαισίου, δηλαδή του εσωτερικού και εξωτερικού περιβάλλοντος που καθορίζουν τις συνθήκες υπό τις οποίες λειτουργεί ένας οργανισμός

- ✓ Αξιολόγηση των κινδύνων, η οποία συνίσταται σε:
    - αναγνώριση των κινδύνων
    - εκτίμηση της πιθανότητας να υλοποιηθούν
    - εκτίμηση της σοβαρότητας των συνεπειών

  και οδηγεί στην κατάρτιση του *Μητρώου* και του *Χάρτη Κινδύνων*
- ✓ Καθορισμό της στρατηγικής για την αντιμετώπιση των κινδύνων, η οποία μπορεί να συνδυάζει:
    - αποδοχή του κινδύνου
    - αποφυγή του κινδύνου, δηλ. αποχή από τις δραστηριότητες εκείνες που δημιουργούν τον κίνδυνο,
    - απομάκρυνση της πηγής κινδύνου,
    - μείωση της πιθανότητας να επέλθει το αρνητικό ενδεχόμενο,
    - περιορισμό των συνεπειών, σε περίπτωση εμφάνισης του κινδύνου στην πράξη,
    - διαμοιρασμό του κινδύνου (ώστε να μοιραστούν και οι επιπτώσεις σε περίπτωση έλευσής του).

COSO-ERM

Το μοντέλο COSO[2] – Enterprise Risk Management φωτίζει τρεις πλευρές της διαχείρισης κινδύνων:
Α. Τους στόχους της διαχείρισης κινδύνων, που αφορούν στη διασφάλιση: της στρατηγικής, των λειτουργιών, των αναφορών και της συμμόρφωσης (προς το κανονιστικό πλαίσιο).
Β. Τα επίπεδα τα οποία πρέπει να καλύπτει η διαχείριση κινδύνων: οργανισμού, τομέα, μονάδας και αποκεντρωμένης ομάδας.
Γ. Τις διαδικασίες/ενέργειες που περιλαμβάνει η διαχείριση κινδύνων: το εσωτερικό περιβάλλον, τη στοχοθεσία, την αναγνώριση δραστηριοτήτων υψηλού κινδύνου, την αξιολόγηση κινδύνου, την αντιμετώπιση του κινδύνου, τις δραστηριότητες ελέγχου, την πληροφόρηση & επικοινωνία και τη διαρκή παρακολούθηση.

[2] Committee of Sponsoring Organizations of the Treadway Commission.

2.Ε Σύστημα Μηχανισμών Ελέγχου

Η αντιμετώπιση των κινδύνων προϋποθέτει τη λειτουργία του *Συστήματος Μηχανισμών Ελέγχου* (Internal Control System), δηλαδή του συνόλου των μηχανισμών και δραστηριοτήτων μέσω των οποίων η διοίκηση επιτυγχάνει τη διάγνωση των κινδύνων, την αποτροπή τους και τον περιορισμό των αρνητικών επιπτώσεών τους, έτσι ώστε να διασφαλίζει σε εύλογο βαθμό την επίτευξη των στόχων της.

Το Σύστημα Μηχανισμών Ελέγχου έχει τέσσερις δομικές όψεις:
Α. Το περιβάλλον ελέγχου
Β. Οι δραστηριότητες ελέγχου
Γ. Η πληροφόρηση και επικοινωνία
Δ. Οι δραστηριότητες διαρκούς παρακολούθησης.
Από αυτές, το περιβάλλον ελέγχου και οι δραστηριότητες ελέγχου είναι ιδιαίτερα κρίσιμες και αποτελούν τη βάση της λειτουργίας κάθε υγιούς οργανισμού.

Το περιβάλλον ελέγχου

Το περιβάλλον ελέγχου (control environment) είναι το σύνολο των αρχών, προτύπων και διαδικασιών που εκφράζουν τη *βούληση* της Διοίκησης αναφορικά με τον έλεγχο. Διαμορφώνεται από:
τις *ηθικές αξίες* που επικρατούν στον οργανισμό και εκφράζονται μέσα από:

- τον κώδικα συμπεριφοράς
- τον «τόνο στην κορυφή»

- την πειθαρχική διαδικασία
- τη διαδικασία χειρισμού σύγκρουσης συμφερόντων

αλλά και από την *οργάνωση,* που περιλαμβάνει:

- σαφή οργανωτική δομή - μηχανισμούς συνεργασίας και συντονισμού
- σαφή δομή λήψης αποφάσεων
- σαφώς καθορισμένες γραμμές αναφοράς
- περιγραφή των θέσεων εργασίας
- πολιτική και διαδικασίες διαχείρισης προσωπικού
- εποπτεία
- «καθαριότητα» και τάξη σε κάθε επίπεδο μέσα στον οργανισμό.

Οι δραστηριότητες ελέγχου

Οι *δραστηριότητες ελέγχου* περιλαμβάνουν ένα ευρύ φάσμα ενεργειών, οι οποίες εκτελούνται σε διάφορα επίπεδα και σε διάφορα στάδια των εργασιών και έχουν ως σκοπό τον περιορισμό των κινδύνων. Μπορεί να είναι προληπτικές ή κατασταλτικές. Μπορεί, επίσης, να είναι αυτοματοποιημένες (ενσωματωμένες στα πληροφοριακά συστήματα) ή να απαιτούν ανθρώπινη παρέμβαση.

Οι δραστηριότητες ελέγχου πρέπει να καλύπτουν, ιδίως:

- *Τη συμμόρφωση με το κανονιστικό πλαίσιο*
- *Την αξιοπιστία των οικονομικών και λοιπών αναφορών και στοιχείων*
- *Τη διασφάλιση των περιουσιακών στοιχείων του οργανισμού*
- *Τη διασφάλιση των πληροφοριών και των Πληροφοριακών Συστημάτων*
- *Την αποτροπή, ανίχνευση και διόρθωση σφαλμάτων, απάτης και παραβάσεων*
- *Τις προμήθειες και τις δαπάνες εν γένει*
- *Τη διαχείριση του προσωπικού*
- *Τη διαχείριση της απόδοσης*
- *Τη λογοδοσία*
- *Την εσωτερική και εξωτερική επικοινωνία.*

Συνήθη παραδείγματα ελεγκτικών ενεργειών αποτελούν οι εγκρίσεις, οι θεωρήσεις, οι επαληθεύσεις, οι συμφωνίες λογαριασμών, οι διασταυρώσεις, ο διαχωρισμός καθηκόντων (π.χ. μεταξύ έγκρισης δαπάνης και πληρωμής) κλπ..

2.ΣΤ Οι τρεις γραμμές άμυνας

Για να είναι ολοκληρωμένη και αποτελεσματική η αντιμετώπιση των κινδύνων ενός οργανισμού, πρέπει να ακολουθείται το σχήμα των «τριών γραμμών άμυνας»[3].

Την **πρώτη γραμμή άμυνας** αποτελούν: α) ο διοικητικός έλεγχος, δηλαδή ο έλεγχος - εποπτεία που ασκούν οι Προϊστάμενοι των Επιχειρησιακών Μονάδων και β) τα μέτρα που λαμβάνονται για τον περιορισμό των κινδύνων σε επιχειρησιακό επίπεδο (π.χ. δικλείδες ασφαλείας που έχουν ενσωματωθεί στις επιχειρησιακές διαδικασίες, σχέδια αντιμετώπισης κρίσεων κλπ.).

Τη **δεύτερη γραμμή άμυνας** συνιστούν: α) η θέσπιση κανόνων, η καθοδήγηση, ο συντονισμός, η εποπτεία και, γενικά, οι δραστηριότητες που επιτελούνται σε επίπεδο Κεντρικής Υπηρεσίας, καθώς και σε επίπεδο Περιφέρειας, και έχουν ως σκοπό, μεταξύ άλλων, τον περιορισμό των κινδύνων και β) ορισμένες δραστηριότητες ελέγχου, όπως είναι ο οικονομικός έλεγχος, ο έλεγχος απόδοσης και ο έλεγχος συμμόρφωσης, που έχουν ως σκοπό τη διασφάλιση της αποδοτικότητας και της ορθότητας εκτέλεσης συγκεκριμένων λειτουργιών.

Την **τρίτη γραμμή άμυνας** αποτελεί ο Εσωτερικός Έλεγχος, ο οποίος παρέχει στην ανώτατη Διοίκηση τη διαβεβαίωση (εύλογη διασφάλιση) για την αποτελεσματικότητα της διαχείρισης κινδύνων, υπηρετώντας ένα ευρύ φάσμα σκοπών, όπως είναι η αποτελεσματικότητα και αποδοτικότητα των επιχειρησιακών λειτουργιών, η διαφύλαξη της περιουσίας και της φήμης του οργανισμού, η αξιοπιστία των οικονομικών αναφορών κλπ..

Οι σχέσεις μεταξύ των εννοιών «Διαχείριση κινδύνων», «Σύστημα Μηχανισμών Ελέγχου» και «Εσωτερικός Έλεγχος» απεικονίζονται σχηματικά στον πίνακα που ακολουθεί. Επιπλέον, τονίζεται η διάκριση μεταξύ «Συστήματος Μηχανισμών Ελέγχου» και «Εσωτερικού Ελέγχου».

[3] *The Three Lines of Defense in Effective Risk Management and Control*, The Institute of Internal Auditors, Florida, USA, 2013.

ΔΙΑΧΕΙΡΙΣΗ ΚΙΝΔΥΝΟΥ		
ΚΑΘΟΡΙΣΜΟΣ ΠΛΑΙΣΙΟΥ	**ΑΞΙΟΛΟΓΗΣΗ ΚΙΝΔΥΝΩΝ**	**ΑΝΤΙΜΕΤΩΠΙΣΗ ΚΙΝΔΥΝΩΝ**
	Αναγνώριση κινδύνων	**ΣΥΣΤΗΜΑ ΜΗΧΑΝΙΣΜΩΝ ΕΛΕΓΧΟΥ**
	Εκτίμηση πιθανότητας	**ΔΡΑΣΕΙΣ ΑΝΤΙΜΕΤΩΠΙΣΗΣ ΚΙΝΔΥΝΩΝ**
	Εκτίμηση σοβαρότητας	**ΕΣΩΤΕΡΙΚΟΣ ΕΛΕΓΧΟΣ**

ΔΙΑΚΡΙΣΗ ΕΝΝΟΙΩΝ	
ΣΥΣΤΗΜΑ ΜΗΧΑΝΙΣΜΩΝ ΕΛΕΓΧΟΥ (INTERNAL CONTROL SYSTEM)	**ΕΣΩΤΕΡΙΚΟΣ ΕΛΕΓΧΟΣ (INTERNAL AUDIT)**
Σύνολο αρχών, διαδικασιών, καθηκόντων, κανόνων συμπεριφοράς κλπ. που εφαρμόζονται σε έναν οργανισμό με σκοπό την εύλογη διασφάλιση της επίτευξης των σκοπών του.	Η λειτουργία που αποσκοπεί στην αξιολόγηση της επάρκειας του Συστήματος Μηχανισμών Ελέγχου.

2.Ζ Σύστημα διασφάλισης της ακεραιότητας

Ένα ολοκληρωμένο σύστημα διασφάλισης της ακεραιότητας περιλαμβάνει πλήθος κανόνων, διαδικασιών και μηχανισμών, που μπορούν να ομαδοποιηθούν κάτω από τρεις ενότητες:

- Προσανατολισμός
- Μηχανισμοί ελέγχου
- Πολιτική διοίκησης/διαχείρισης

Προσανατολισμός

Με τον όρο *«προσανατολισμός»* εννοούνται οι βασικές *αρχές και αξίες* που δεσμεύουν έναν οργανισμό απέναντι στην ακεραιότητα, καθώς και οι *κανόνες, οι συνθήκες* και οι *λειτουργίες* μέσω των οποίων οι αρχές αυτές εκφράζονται στην πράξη. Στο πλαίσιο αυτό, ο προσανατολισμός περιλαμβάνει:

*Την έμπρακτη **δέσμευση της διοίκησης** απέναντι στην ακεραιότητα*, η οποία θα πρέπει:

- Να εμπεριέχεται στη δήλωση της αποστολής του οργανισμού, στους στρατηγικούς στόχους και σε άλλα θεμελιώδη κείμενα.
- Να επαναβεβαιώνεται συχνά στην επικοινωνία της διοίκησης με τους υπαλλήλους, η οποία, ιδίως σε θέματα ακεραιότητας, θα πρέπει να είναι αμφίδρομη και χωρίς εμπόδια.
- Να οδηγεί στην παρακίνηση (έμπνευση) του προσωπικού προς την κατεύθυνση της ακεραιότητας.
- Να συνεπάγεται την υιοθέτηση καλών πρακτικών που προάγουν την ακεραιότητα.
- Να θεωρεί δεδομένη την αξιολόγηση και τη λογοδοσία σε κάθε επίπεδο .

*Τη λειτουργία με βάση το **κατάλληλο νομικό πλαίσιο:***

- Νομικό πλαίσιο που διασφαλίζει την αυτονομία της φορολογικής διοίκησης στη διαχείριση των πόρων της και την ανεξαρτησία της στο χειρισμό των υποθέσεών της.
- Φορολογική νομοθεσία που είναι σαφής, κωδικοποιημένη, εύκολα προσβάσιμη, σταθερή και εφαρμόσιμη.
- Ύπαρξη κανόνων για τις υποχρεώσεις και τα δικαιώματα των υπαλλήλων, καθώς και κώδικα δεοντολογίας.
- Ύπαρξη και αυστηρή τήρηση πειθαρχικής διαδικασίας.
- Ύπαρξη ρυθμίσεων για τον καταμερισμό των καθηκόντων (Οργανισμός, Εσωτερικός κανονισμός λειτουργίας, Καθηκοντολόγιο, Περιγραφή θέσεων εργασίας).

Τη λειτουργία με βάση τις αρχές της ***εξυπηρέτησης του πολίτη:***

- Ενημέρωση - διευκόλυνση των φορολογουμένων για την εκπλήρωση των υποχρεώσεών τους.
- Ενημέρωση των φορολογουμένων για τα δικαιώματά τους (π.χ. σύνταξη χάρτη δικαιωμάτων).
- Ύπαρξη μηχανισμών για τη διεκδίκηση των δικαιωμάτων των φορολογουμένων.
- Προώθηση της οικειοθελούς συμμόρφωσης.

Μηχανισμοί ελέγχου

Κάθε οργανισμός οφείλει να διαθέτει μηχανισμούς ελέγχου, όχι μόνο για τη διασφάλιση της ακεραιότητας, αλλά και για την ενίσχυση της αποτελεσματικότητάς του. Το σύστημα των μηχανισμών ελέγχου πρέπει να συνδυάζει προληπτικές και κατασταλτικές δικλείδες ασφαλείας, δηλαδή, πρέπει να είναι σχεδιασμένο έτσι ώστε αφενός να αποτρέπει την εμφάνιση παραβατικής συμπεριφοράς και, αφετέρου, να είναι σε θέση να την ανακαλύπτει αν αυτή εκδηλωθεί.

Οι μηχανισμοί ελέγχου πρέπει να καλύπτουν το σύνολο των λειτουργιών του οργανισμού, ιδίως όμως την οικονομική διαχείριση, τη διαχείριση των περιουσιακών στοιχείων, τη διαχείριση της πληροφορίας και τη διαχείριση της απόδοσης.

Ο σχεδιασμός των μηχανισμών ελέγχου θα πρέπει να είναι εκλογικευμένος, δηλαδή, το πλήθος και το είδος των ελέγχων θα πρέπει να αντιστοιχούν στους υφιστάμενους κινδύνους και να μην αποβαίνουν σε βάρος της αποδοτικότητας του οργανισμού.

Ως σημαντικότεροι μηχανισμοί ελέγχου καταγράφηκαν:

Η ***λογοδοσία,*** *η οποία παρέχεται κυρίως προς τους προϊσταμένους και την ηγεσία του οργανισμού, προς εποπτικές και ελεγκτικές μονάδες και αρχές και προς τους πολίτες, και η οποία περιλαμβάνει:*

- τη στοχοθεσία και τη μέτρηση των αποτελεσμάτων
- τις ρυθμίσεις και τα εργαλεία επίβλεψης και εποπτείας,
- τις προβλεπόμενες τακτικές και έκτακτες εκθέσεις και αναφορές,
- τα χρονοδιαγράμματα και τις προθεσμίες,
- τις ρυθμίσεις και τα εργαλεία παρακολούθησης (monitoring – π.χ. τα συστήματα πληροφόρησης της διοίκησης),
- τον εσωτερικό έλεγχο και τον έλεγχο απάτης και διαφθοράς και
- τον εξωτερικό έλεγχο.

*Ο **περιορισμός των δυνατοτήτων και των ευκαιριών παραβατικής συμπεριφοράς** κατά την εκτέλεση των εργασιών, που επιτυγχάνεται ιδίως με:*

- την τυποποίηση, καταγραφή και επικαιροποίηση των διαδικασιών,
- την ευρεία γνωστοποίηση των διαδικασιών,
- την αυτοματοποίηση και την ηλεκτρονικοποίηση των διαδικασιών,
- την διαρκή αυτοματοποιημένη παρακολούθηση των εργασιών,
- τον διαχωρισμό καθηκόντων, έτσι ώστε να μην είναι δυνατή η ολοκλήρωση μίας συναλλαγής από έναν μόνο υπάλληλο,
- την εναλλαγή υπαλλήλων στις ευαίσθητες θέσεις εργασίας και
- την προώθηση της διαφάνειας.

*Τα **συστήματα ασφαλείας,** που αποτρέπουν την παραβατική συμπεριφορά και βοηθούν στην αποκάλυψή της, αν επισυμβεί. Τέτοια είναι, κατ' εξοχήν:*

- η διαχείριση κινδύνων – και ιδίως του κινδύνου της απάτης και της διαφθοράς,
- τα συστήματα διασφάλισης της ποιότητας και της αξιοπιστίας των πληροφοριών (κανόνες και διαδικασίες για την εισαγωγή των πληροφοριών στον οργανισμό, τον έλεγχο της ποιότητάς τους, τη διανομή τους, τη διαβάθμιση, την αρχειοθέτηση κλπ.),
- τα συστήματα διασφάλισης της ακεραιότητας και της εμπιστευτικότητας των πληροφοριών (έλεγχος πρόσβασης σε πληροφοριακά συστήματα, αρχεία κλπ., προστασία από κακόβουλες επιθέσεις, φυσικές καταστροφές, λάθη χειρισμού κλπ.),
- τα αντίγραφα ασφαλείας αρχείων, βάσεων δεδομένων κλπ.,
- τα συστήματα καταγραφής «ιχνών» στα πληροφοριακά συστήματα,
- τα συστήματα προστασίας των περιουσιακών στοιχείων (κτηματολόγια, διαδικασίες παράδοσης-παραλαβής, κάμερες ασφαλείας κλπ.),
- τα συστήματα ασφαλούς οικονομικής διαχείρισης (διπλογραφικό σύστημα, θεωρήσεις, διασταυρώσεις, συμφωνίες λογαριασμών κλπ.) και
- τα συστήματα διαχείρισης καταγγελιών πολιτών και υπαλλήλων (καταγραφή, αξιολόγηση, αξιοποίηση-διερεύνηση, στατιστική επεξεργασία, αποτίμηση κλπ.).

Πολιτική διοίκησης/διαχείρισης

Παρόλο που η πολιτική διοίκησης/διαχείρισης θα μπορούσε να θεωρηθεί ως στοιχείο του *«προσανατολισμού»,* δηλαδή των βασικών αρχών και αξιών ενός οργανισμού, εξετάζεται ξεχωριστά, λόγω της ιδιαίτερης επιρροής της στη διαμόρφωση της καθημερινής λειτουργίας του. Διακρίνονται δύο διαστάσεις της πολιτικής διοίκησης – η διοίκηση μονάδας/έργου και η διαχείριση του ανθρώπινου δυναμικού – και καταγράφονται οι λειτουργίες τους και τα χαρακτηριστικά που θα πρέπει να έχουν αυτές ώστε να συμβάλλουν στη διασφάλιση της ακεραιότητας:

Διοίκηση μονάδας/έργου

Η διοίκηση μονάδας/έργου περιλαμβάνει κατ' ελάχιστο:

- τον σχεδιασμό, δηλαδή τον καθορισμό των στόχων,
- την οργάνωση, η οποία συνίσταται στον καταμερισμό του έργου και των πόρων, καθώς και στον καθορισμό των μεθόδων και εργαλείων εργασίας, και η οποία πρέπει να λαμβάνει υπόψη τις εξελίξεις στην επιστήμη και στην τεχνολογία, ώστε να ενσωματώνει στις μεθόδους εργασίας τις κατάλληλες δικλείδες ασφαλείας,
- την καθοδήγηση κατά την εκτέλεση της εργασίας, η οποία ενισχύει το αίσθημα ασφάλειας στους υπαλλήλους,
- το συντονισμό και τη μέριμνα για την αποτελεσματική επικοινωνία και συνεργασία εντός της μονάδας,
- τη μέριμνα για τη διαρκή επαγγελματική ανάπτυξη των υπαλλήλων,
- την παρακολούθηση και τον έλεγχο, που διασφαλίζουν όχι μόνο την επίτευξη των στόχων αλλά και τη συμμόρφωση προς τις αρχές και τους κανόνες του οργανισμού,
- τη λήψη διορθωτικών μέτρων, όταν τα δεδομένα και οι συνθήκες υποδεικνύουν τη σχετική ανάγκη,
- την αξιολόγηση της απόδοσης της μονάδας και των υπαλλήλων, η οποία πρέπει να διακρίνεται από ευθυκρισία και αμεροληψία και
- τον απολογισμό του έργου της μονάδας, που αποτελεί βασική μέθοδο λογοδοσίας.

Διαχείριση ανθρώπινου δυναμικού

Η διαχείριση του ανθρώπινου δυναμικού περιλαμβάνει, κατά κανόνα, τις λειτουργίες:

- προγραμματισμός προσλήψεων, που πρέπει να βασίζεται σε ακριβή διάγνωση των αναγκών σε ανθρώπινο δυναμικό, με βάση τα αναμενόμενα εργασιακά φορτία αλλά και την εξοικονόμηση που μπορεί να επιτευχθεί μέσω της απλούστευσης και της αυτοματοποίησης των λειτουργιών,
- επιλογή προσωπικού, με βάση κριτήρια και διαδικασίες που προάγουν την ακεραιότητα,

- τοποθέτηση του προσωπικού με βάση τις γνώσεις και δεξιότητές του,
- αρχική εκπαίδευση, η οποία πρέπει να γίνεται το νωρίτερο δυνατόν και να περιλαμβάνει όχι μόνο θέματα του αντικειμένου εργασίας αλλά και θέματα αξιών και αναμενόμενης συμπεριφοράς,
- προστασία του προσωπικού (υγιεινή και ασφάλεια, νομική προστασία, αντιστοιχία εξουσίας/ευθύνης),
- χορήγηση αμοιβών που εξασφαλίζουν αξιοπρεπή διαβίωση, αποτρέποντας την αναζήτηση παράνομων πόρων,
- διαρκής ανάπτυξη, έτσι ώστε οι υπάλληλοι να ανταποκρίνονται στις διαρκώς αυξανόμενες απαιτήσεις της εργασίας τους,
- υποστήριξη των προϊσταμένων των μονάδων για την εφαρμογή της πολιτικής σε θέματα διοίκησης προσωπικού (όπως είναι η διαρκής ανάπτυξη, η αξιολόγηση, η πειθαρχική διαδικασία κ.ά.),
- κινητικότητα (μεταθέσεις, αποσπάσεις, μετατάξεις), η οποία συμβάλλει στην κάλυψη των υπηρεσιακών αναγκών, καθώς και στην ανανέωση του ανθρώπινου δυναμικού,
- εξέλιξη και προαγωγές με βάση την αρχή της αξιοκρατίας,
- διαχείριση της υπαλληλικής σχέσης και
- διαχείριση της αποχώρησης των υπαλλήλων, έτσι ώστε να μην προκύψει ο κίνδυνος της απώλειας χρήσιμης γνώσης και εμπειρίας.

3. SELF-ASSESSMENT GUIDE FOR TAX ADMINISTRATIONS

Inter-American Center of Tax Administrations (CIAT)

"FROM DECLARATION TO ACTION"

PART I – INTRODUCTION

1.1 FOREWORD BY EXECUTIVE SECRETARY

Throughout the world, tax administrations play a key role in the capacity of governments for achieving their social and economic goals. The lack of integrity in a tax administration may affect equity in the distribution of the tax burden; distort the conditions for assigning responsibilities and allocating resources, while reducing the necessary resources for handling public expenditure and undermining society's trust in the government, all of which ultimately affects the welfare of citizens. Irregular behaviours have always existed in one way or another and are not limited to specific countries or social, political or economic spheres; it being therefore, essential to adopt integrity measures and strategies for combating them.

The importance of counting on a high level of integrity in the tax administrations is recognized by the Inter-American Center of Tax Administrations (CIAT), and is likewise reflected in the high priority attributed to this aspect in the CIAT Strategic Plan; the discussions of this issue throughout the years, and the adoption at the 1996 General Assembly in Santo Domingo, Dominican Republic, of the CIAT Charter Document: "Minimum requisites for a sound and effective tax administration".

In line with the orientations of those minimum requisites, the CIAT Secretariat established a Steering Committee and a Working Group to specifically focus on the issue of ethics, develop strategies and instruments, as well as provide technical assistance to its member countries in the design and application of integrity programs. In this regard, the working group undertook the development of a Model CIAT Code of Conduct, the compilation of an inventory of best practices and the formulation of the "CIAT Declaration on the Promotion of Ethics in the Tax Administration".

In this process, the "CIAT Declaration on the Promotion of Ethics in the Tax Administration" was adopted at the 39th General Assembly in 2005. The Declaration reiterates and reinforces the principles of the 1996 Charter-Document and recognizes the importance of counting on an adequate organizational structure as previous condition for the implementation and application of integrity programs. Likewise, the CIAT Model Code of Conduct was unanimously approved at the 39th CIAT General Assembly in Buenos Aires. The task currently pending is to determine how to assist the administrations of the member countries in elaborating and applying their own integrity codes and programs.

This Guide, while based on the general spirit and principles outlined in the "Declaration on the Promotion of Ethics in the Tax Administration", goes a step further on proposing guidelines for contributing to the application of a series of practical strategies specifically designed for use by the tax administrations.

I can assure you that CIAT is fully committed and willing to assist the administrations of its member countries, by offering a series of tools, seminars and strategy for the struggle against irregular behaviours in the tax administrations, which practices corrode the credibility and integrity which these organizations should reflect in society.

I would especially like to thank all the member countries participating in the Working Group, particularly, the Canada Revenue Agency for its resolute support to this initiative, whose results are an important contribution to all our tax administrations.

CIAT Executive Secretary

1.2 PURPOSE

The purpose of this self-assessment guide is to assist member countries to:

Identify the key elements of an effective integrity strategy that focuses on the needs of the Tax Administration;

Assist tax administrations to assess their current situation and to conduct periodic reviews of their ethics program.

Provide a practical methodology to assist senior tax officials to assess the usefulness of their current strategies and to identify areas of future improvement;

Describe practical measures, which can assist in the development of a comprehensive integrity strategy.

1.3 IS THIS GUIDE RELEVANT TO YOUR TAX ADMINISTRATION?

The following questions are provided to assess the relevance of the guide.

If you answer “no” to any of these questions, this guide may be of some benefit to your organization.

Does your organization have a comprehensive and integrated policy statement and plan for the detection and prevention of inappropriate behavior, as well as for the development and strengthening of integrity?

Does the policy statement and plan clearly define the level at which each staff member assumes responsibility for its execution?

Is a culture of shared values internalized throughout the organization?

Have proposals and opinions of staff at all levels, regardless of their professional category and position in the organization, been represented in the development of the plan for the prevention of inappropriate behavior?

Has a behavior risk map been developed and periodically updated?

Have strategies for detecting, preventing and controlling inappropriate behaviours been developed and implemented in response to the identified needs?

1.4 SCOPE OF THIS GUIDE

Improper behavior, in one form or another, has always existed and is not confined to any particular country or any social, economic or political sphere. It is recognized that widespread inappropriate behaviours within a particular political, economic, or administrative system is usually symptomatic of more widespread low levels of integrity within society at large.

In many cases, the responsibility for these irregular practices can be traced to long-standing problems, which may be outside the control of the tax administration. These problems include: poor administrative procedures and systems; inadequate monitoring and oversight by external agencies; insufficient resources and inadequate remuneration of staff. Tax administrations will never be able to completely eliminate all forms and instances of inappropriate behaviours.

However, tax administrations can take effective steps to foster a working environment, which recognizes and rewards ethical behavior while sanctioning undesirable attitudes and behaviours and which severely limits the opportunities for staff and taxpayers to engage in improper activities.

The scope and focus of this self-assessment guide are limited to analyzing the status of ethics and integrity in a tax administration and detecting strengths and weaknesses that could lead to the development of strategies that will favour or facilitate improvements.

1.5 HOW TO USE THIS GUIDE

The guide focuses on a number of issues that are central to the effectiveness and efficiency of the Tax administration. It is a practical tool for tax administrators to examine the current management and integrity strategies and opportunities for improvement.

The self-assessment should be conducted by a group, drawing on the knowledge and experiences of a range of people from within the organization who are highly qualified and objective in their assessments. For best results in conducting the self-assessment, the use of an internal or external facilitator, who has been trained in the use of the guide, is recommended.

The self-assessment team must have extensive knowledge of the tax administration. Team members should have functional responsibility or management experience in the areas under discussion as well as demonstrated analysis and reasoning skills.

Self-assessment and implementation team members should rotate over time to bring current points of view and professional skills to the process.

Selection criteria for the self-assessment team might include:

Level of objectivity;

Management skills;
Technical knowledge;
Knowledge of the sector;
Knowledge of the organization;
Availability and interest;
Human relations and communication skills; and
Ability to analyze and comment constructively and to make recommendations for improvement.

Application of the Guide will provide the data to assess the current integrity strategies and for combating irregular behavior. It will also assist in the development or revision of a comprehensive integrity action plan and improve the organization's integrity image.

The mandate, data, and recommendations should be documented in the Self-assessment report in a way that shows the independence and objectivity of the team. The findings should be presented to the organization's highest-level management team. Those recommendations that they approve should lead to an implementation plan. Periodically, the status of the action plan should be reviewed and reported to senior management.

Use of the self-assessment guide should follow a set of **basic principles,** including the following:

All approaches and methods used should undergo periodic review to ensure that they generate relevant and practical actions for improvement;

All levels of management should serve as role models by their actions by constantly promoting excellent behavior and ethical conduct practices;

Organizations should be managed using facts rather than opinions; these facts should always be obtained easily and regularly;

Communications within the organization must function continuously up and down through the organization;

Key processes should be defined, evaluated and compared. A process is a set of interrelated activities needed to obtain a result (ethical behaviours and attitudes) and that add value through certain inputs;

The concept of "internal client", where persons in the organization are also providers to others in the organization, should be applied;

Teamwork should become the normal way of achieving improvement;

Efforts at improvement should be recognized;

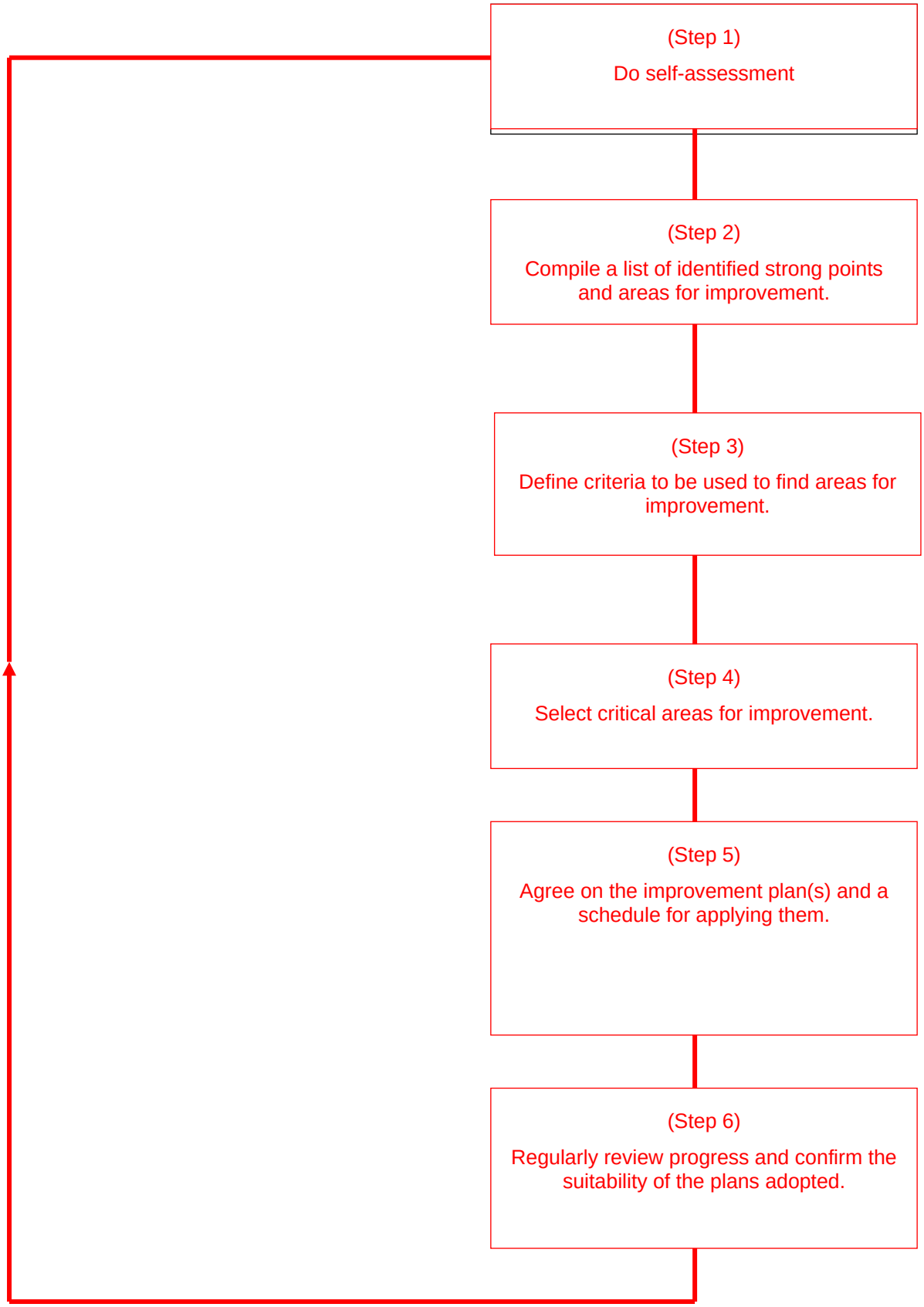
Continuous improvement should become a permanent process, with everyone participating

in the management of change.

Application of the self-assessment guide may lead to the identification of a number of areas for improvement. It could be overwhelming and demoralizing to try to address everything at once, without prioritization.

When prioritizing areas for improvement, the main focus will be on those areas that are considered vital for the organization. Attention should be paid to other areas that, although not of such great importance, can be implemented quickly and with little effort. These immediate results will demonstrate the value of the self-assessment exercise and senior management commitment to implement the recommendations. This will motivate people to support and collaborate in the improvements that will take more time to implement.

The ethics program strategies and plans should become part of the organization's annual planning process. The following flowchart illustrates the self-assessment and improvement planning process.


(Step 1)
Do self-assessment
(Step 2)
Compile a list of identified strong points and areas for improvement.
(Step 3)
Define criteria to be used to find areas for improvement.
(Step 4)
Select critical areas for improvement.
(Step 5)
Agree on the improvement plan(s) and a schedule for applying them.
(Step 6)
Regularly review progress and confirm the suitability of the plans adopted.

To select areas for improvement that are critical and practical, answer the following questions:

Will the proposed *improvement plan benefit all the organization's clients?* Clients can include public services users as well as the general public, interest groups, and other social agents who benefit from the organization's activities.

Does the proposed *improvement plan affect the entire organization or only some parts of it?*

Will the proposed *improvement plan motivate the organization's staff and direct them toward the most desirable behaviours?*

Does the organization *have the necessary staff to implement the improvement plan?*

Does the organization *have the necessary means to implement the improvement plan?* This question refers to the existence of administrative processes or procedures, to ensure that services are provided from inside or outside the organization to support the prescriptions contained in the Declaration on the Promotion of Ethics in Organizations.

Does the organization *have the authority to make and implement the decisions required to improvement the plan? If not, identify the obstacles and clarify their causes and potential solutions.*

Will the benefits *from the improvements clearly exceed the efforts to implement them?*

How quickly can the improvements be implemented and results obtained?

Finally, when organizations apply the self-assessment guide, training may be necessary for the team directing the self-assessment. A separate set of communication and training activities must be carried out to ensure that all staff understands the goals of the initiative and how they may actively participate.

The following section provides an explanation of two methods that may be used in the assessment an organization's status on the promotion and development of ethics:

SELF-ASSESSMENT METHODS

There are many approaches to conducting a self-assessment. The methods that appear in this guide are not exclusive. The approach chosen may depend on the capacity and resources of the administration that will undertaking the self-assessment.

Some tax administrations with significant experience in continuous quality improvement of taxpayer services probably have the expertise to apply a more sophisticated methodology of evaluation, including the formal gathering and analysis of data and information. Other administrations may choose a simpler, but effective self-assessment method than those contained in this guide.

In general, two self-assessment procedures may be considered:

a) Self-assessment using a questionnaire

This is the simplest way to gather data during the self-assessment. It requires the least resources and it can be done very quickly. This method consists of developing a questionnaire to diagnose the organization and compare the results to the criteria in the model.

The questions should collect information on the most important aspects of key and strategic elements. Reliable questions must be developed to obtain valid information on staff perceptions of the organization.

This method of self-assessment produces an initial, high-level picture of the organization's situation, without excessive details.

The main advantage of this method is to quickly familiarize the organization with the self-assessment processes and to lead to the refinement of their assessment process to focus on areas for more detailed self-assessment.

The following are advantages and disadvantages of this self-assessment method:

Advantages	Disadvantages
Easy to use. **Rapidly involves many people in the organization.** **Results are presented in a simple, easy to understand form.** **Ideal for introducing a culture of self-assessment.** **Facilitates group discussion on opportunities for improvement.** **The information can be collected and analyzed by areas and functions.**	**Risk of a low response rate.** **Risk of not being understood by staff.** **May create concerns among staff.** **The answers indicate what staff thinks, but not why they think that way.** **Strong points and areas for improvement may not emerge spontaneously.** **Results are not easily compared with other, more advanced organizations.**

An inherent risk in applying questionnaires is not appreciating, in advance, the full significance of some questions and, consequently, not being able to realistically evaluate the answers. For example, the assessment team could interpret some answers in terms of *"what they want the organization to be and what it should be like"* when the respondents were responding from their perception of, *"how it really is"*.

Important considerations in applying this procedure:

Determine the organizational or functional area to which the self-assessment will apply.
Establish a team of assessors based on the training, qualifications and objectivity requirements.
The people targeted by the questionnaire must have sufficient knowledge of the organization (its mission and vision) and of the various control processes, mechanisms and systems in place.
In evaluating questionnaire results, assessors should first individually complete their evaluation of the results and then ratified the final results through by reconciling the findings of all the assessors.
Each questionnaire answer can be scored on a scale of 1 to 100, divided into 5-point sections, where each question has 5 possible answers. For example, the scoring of responses on the key element "leadership" may be calculated as follows:
Overall score is calculated by totaling the number of responses and dividing the result by the number of questions answered within each criterion; and
The scores for each criterion are weighted using the specific weight the organization assigns to them.

b) Self-assessment using a data-gathering form

The purpose of this assessment method is not only to survey views on ethics in the organization but also to assess strengths and weaknesses, which will allow improvement plans to be developed more precisely.

With this method, for each of the key parameters, strong points and areas for improvement will be identified and the evidence of the strong points must be confirmed. Quantitative evaluation has the advantages of comparison with others, using their respective scores.

1.6 STEPS TO DEVELOP AND CARRYOUT YOUR PLAN

The practical application of this guide envisions an approach that includes the following steps:

Establish a Steering Committee, at the highest level of the organization, responsible for decision making
Establish a working group to undertake the self-assessment;
Review the CIAT Declaration on the promotion of ethics in tax administration and the CIAT Model Code of Conduct;
Consider the convenience of using technical support of the CIAT Executive Secretariat to facilitate the process of the self-assessment session; (optional);
Conduct the session, record findings, and make recommendations;
Develop an action plan to implement approved recommendations to promote ethics;
Establish an implementation working group;
Define a process for review, feedback, and follow-up in the implementation plan. As well as, where desired, arrange the necessary support and technical assistance of CIAT Secretariat for execution of the plan;

Maintain communications with other administrations that have launched their ethics programs to exchange knowledge and to learn from their experiences.

1.7 DEFINITIONS

1.7.1 INAPPROPRIATE BEHAVIOURS

There is no universally agreed definition of inappropriate behaviours, in particular, of corruption and none that specifically deals with the tax administration. Most common definitions focus on the following themes:

The departure from, or contravention of public duty;
Any procedure that disagrees with the legal and ethical standards;
The provision or receipt of some form of improper incentive or inducement;
An element of secrecy;
The use of public properties or information for private purposes or personal benefit;
Conflict of interest;
Lack of loyalty and lack of transparency; and
Corruption.

1.7.2 OTHER CONCEPTS

Other concepts commonly used in self-assessments are:

Self-assessment: means a comprehensive, systematic, and regular internal examination of an organization's activities and results in relation to ethical behavior. Self-assessment allows the tax administration to evaluate itself, identifying its strengths and areas for improvement.

Client: Client should be considered in its broad sense since we are talking about public organizations. We should consider not only citizens using public services but also other social groups and agents, and society as a whole as clients. There are both external and internal clients.

External clients are end users of the products or services provided by an administration. They would include: taxpayers; society in general, as the end recipients of goods and services benefiting from funds obtained through taxation; politicians; and interest groups (legal and accounting tax professionals and other public agencies).

Internal clients are persons or administrative units within the tax administration that receive products or services from other areas within the tax administration (such as: communications, training, policy direction)

Knowledge: Knowledge consists of information together with the directives needed to take action.

Culture: A set of behaviours, ethical principles and values that the members of the organization transmit, practice and reinforce.

Approach: Ideas and actions of an organization to deal with a situation, problem, or an objective and the reasons for doing it. The approach must also be integrated, in the sense of supporting a specific strategy. As well, the approach should be well defined, with a clear logic, and include well-developed processes.

Implementation: Actions by the organization to put the approach into effect and achieve concrete measures. The approach should be implemented in the pertinent areas of the organization in a systematic and structured manner.

Stakeholder groups: Those groups with an interest in an organization's performance that can exert influence. These may include the organization's direct clients, its staff, its associates, civic associations, legislators and political and administrative authorities.

Leaders: Those who coordinate and balance the interests of all the groups that, in one way or another, have an interest in the organization. This includes the senior management team and other managers who lead teams or perform leadership duties throughout the organization.

People. Employees who provide services within an organization.

Procedure: A sequence of steps to complete activities. Frequently, this is a formal document that describes the object and field of application of an activity; what should be done and who should do it; when, where and how to perform it; what materials, equipment and documents should be used; and how it should be documented and reported.

Process: is a set of interrelated activities necessary to provide a service and that adds value using specific inputs. A key process is one that is directly related to the basic services provided by the organization, or to the policies and strategies it is trying to implement.

PART 2 - AN INTEGRITY MODEL FOR TAX ADMINISTRATION

2.1 ASSUMPTIONS

The information to promote integrity and to reduce inappropriate behaviours in this Guide is based on the assumptions that there is greater probability of inappropriate behavior when tax officials:

Enjoy monopoly power over taxpayers. When there is a legal framework, lacking sufficient regulation, that leads to officials making arbitrary decisions that affect the taxpayer. This can affect all areas of tax administration activity, especially those responsible for determining tax debts through assessment and subsequent collection;

Have broad discretionary power over the provision of goods and services that exceeds the norm in applying tax rules or other rules governing administrative processes together with the lack of effective mechanisms for reviewing decisions; and

Have a low level of control and responsibility. The lack of effective internal

management controls and lack of secure channels for citizens to make the administrative authorities aware of service problems or reprehensible conduct by tax officials.

Other contributing factors to the probability of administrative inappropriate behaviours include:

Low levels of remuneration available to tax officials relative to the level of training and responsibility associated with the various work positions. Also, procedures for capturing staff and professional and administrative career planning, are determining elements favouring or discouraging improper action.
The degree to which the organizational culture and behavioural norms foster or actively encourage inappropriate behavior; and
The deterrence value of the administrative controls in place

In addition, it doesn't matters what strategies are employed to reduce inappropriate behaviours if the real risk of detection is low or if the applicable sanctions are inefficient. For deterrence to be effective it must present a real risk to violators. If it doesn't, then even the most severe penalties will not deter inappropriate behaviours.

2.2 KEY ISSUES

In developing a comprehensive integrity model for tax administrations, several factors should be considered. The model should:

Be compatible with the spirit and intention of the CIAT Declaration on the Promotion of Ethics in Tax Administration. At the same time, it must be aligned with the mission, vision and strategic policy of the organization.
Address the key factors described above under the "assumptions" heading;
Be universal in its relevance and flexible in its implementation to account for variations in social, economic and political circumstances; and
Be practical in focus and application during implementation.

It is important that the model will encompass strategies that can be applied in a feasible and realistic way by the tax administration and its main clients.

2.3 STRATEGIES FOR CONTROLLING INAPPROPRIATE BEHAVIOUR IN TAX ADMINISTRATIONS

Much of the research and literature on inappropriate behavior in tax administration focuses on describing the problem rather than identifying practical solutions.

The eight (8) key elements outlined in the CIAT Declaration on the Promotion of Ethics in Tax Administration are based on the assumptions and key issues described in 2.2

above. The elements provide a practical basis for the development and implementation of a range of strategies of integrity or against inappropriate behaviours.

The CIAT Declaration's eight (8) distinct but interrelated key elements are:

Leadership and Commitment
Legal Framework
Fairness
Automation
Management Autonomy
Efficient Accountability Mechanisms
Codes of Conduct
Human Resource Management Practices

All the key elements are closely linked to each other and do not operate in isolation or independently. The 8 criteria could be considered as **"agent criteria"** that interact together to produce results in the level of integrity and ethics in organizations.

Results from the periodic evaluation of measures for combating inappropriate behaviours in the tax administrations could be considered as an additional key element. The element "results" refers to the successes achieved by the organization in promoting and developing ethical behaviours.

Within the element "results", various types might be considered. For example:

Results for taxpayers. To what extent does the implementation of ethics strategies affect the way in which taxpayers meet their tax obligations? Is taxpayer confidence in the institutions increased, and does this result in greater taxpayers responsibility?

Results for people in the organization. Do people trust management more? Are there better opportunities for professional development? Has their level of training increased? Are they effectively involved in reporting inappropriate behaviours?

Results for society. How does society evaluate the functioning of the tax organization? This measurement could rely on perception and performance indicators.

Each of the 8 elements is discussed in this Guide and given a practical focus through the list of questions contained in the checklist at the end of each section. The questions are not, however, intended to be exhaustive. The attention and weight to be accorded to these elements will differ from one tax administration to the other.

Likewise, a "yes" or "no" answer is not required. The checklist questions are intended to stimulate discussion and identify solutions.

While the CIAT Declaration on the Promotion of Ethics in Tax Administration provides the basic structure for this Guide, details have been included from a wide range of other practices for combating inappropriate behaviours.

PART 3 – SELF-ASSESSMENT GUIDE FOR TAX ADMINISTRATIONS

3.1 LEADERSHIP AND COMMITMENT

The CIAT Declaration says:

"The prime responsibility for safeguarding and promoting integrity in the tax administration rests with the head of the tax administration and the executive management cadre. They must adopt a strong leadership role and demonstrate a clear and unequivocal focus on integrity, as well as recognize that the fight against corruption must be maintained over time. "

COMMENTARY

Leadership is exercised through the organizational governance structure and should be visible through communications, information and knowledge at all levels of the organization and to all employees.

The need for well-defined supervision and decision-making structures, with clear accountabilities and responsibilities, is an important element of an integrity program.

Tax officials, supervisors, managers and the executive must all accept an appropriate degree of responsibility and accountability for prevention and detection of inappropriate behavior. It is important for managers to work with employees to assess the organization's administrative systems and controls to identify vulnerability to corruption and other inappropriate behaviours.

Appropriate supervision and decision-making structures will only be effective when senior tax officials lead by example. The importance of personal example should not be underestimated. If the behavior of senior tax officials is seen as inconsistent with the provisions and "spirit" of the Code of Ethics, then measures against inappropriate behaviours will not succeed. Senior tax officials need to be free of inappropriate behaviours and they need to be seen by subordinates as rejecting it in all its forms.

All tax administration employees, at all levels of the organization, should be encouraged to accept their responsibility to identify and report inappropriate behaviours.

An enhanced focus on integrity and other core values is necessary for sound decision-making. This leads to good governance as well as to improvement of the accountability relationships between tax officials.
Successful introduction of values, principles and ethical rules cannot simply be announced in the organizations without implementation support. Specially trained officials, with proven honesty, are needed as a guide and behavioral model to be followed.
Statements of values, codes of ethics should be integrated into training initiatives. Without the commitment of the whole organization, the "message" is weakened.

Leaders and their managers must support these measures and encourage dialogue that:
Is open and free from the perception of possible recrimination;
Involves senior management, the organization's staff, the unions and all interest groups;
Continues over time,
Deals with real issues of concern to managers and employees, and
Helps to resolve ethical dilemmas that occur when we have to choose between two options that are of equal merit but are each based on fundamentally different values.

Establishing a dialogue will provide a better understanding of the complexity of these situations and assist in finding actions that are fair to our colleagues, our partners and our clients. The commitment to integrity and the fight against inappropriate behavior must be extended throughout the organization. A common understanding by all concerned of values and the code of conduct provides reassurance that management will support those who make difficult decisions based on those values.

Sustaining the open dialogue on values and ethics is a challenging task. Meaningful and lasting change will only occur through persistent effort and "walking the talk" on the part of senior managers and their promotion of continuous renewal of the commitment of all of the employees to the organizational values and ethical practices.

Communications acts as an element of cohesion and transmits values and good ethical practices. The subject of values and ethics should be integrated into conferences, web sites, e-mail announcements, presentations, publications. The ethical dimension should be integrated into each educational initiative in which the employees participate. These communications are intended to explain the importance of creating a values-based public service, and the benefits for clients and employees.

Communication must also be understood as a dialogue up through the organization to managers and senior tax officials. Good ethical practices that reinforce values must be strengthened with contributions of all employees. Also, employees should be recognized as much for the identification and reporting of violations of integrity as for their own ethical conduct, behaviours and actions.
If supportive elements are not in place, communication between senior management, managerial staff and subordinates may be weakened or interrupted. Employees, who act as guides and "coaches" and interact directly with teams of employees, can be a real bond and transmission channel for the communication and spreading of the values and ethical practices. Natural leaders that each functional group designates and adopts may be ideal guides to maintain the values and be examples of integrity.

The main role of the natural leaders should extend beyond providing personal example. They will be the ones who will:

Engage in an initial dialogue on the ethical dilemmas and carries out the consultations with the rest of the employees.

Communicate with management levels and share proposals to revise or improve ethical and value-related practices originating from the dialogue.

Engage other employee-guides through a group represented by different functional groups from across the organization.

The work of the employee-guides, plus the leadership direction and managers' efforts, as they deal effectively with emerging situations will promote the maintenance of the commitment. Employees will feel a closer understanding with their supervisors and managers.

The overall effectiveness of values and ethics initiatives and dialogue must be periodically assessed through ongoing evaluation. Leaders should ask such questions as:

Is the dialogue sufficiently widespread throughout the organization?

Has the dialogue facilitated acceptance and commitment from tax officials?

Is the dialogue helping to resolve real workplace issues? Do the communication systems facilitate the solution of problems and employee concerns?

What actions have been taken as a result of the dialogue?

The results will provide essential feedback to management, and will reinforce accountability for sustaining the dialogue at all levels of management.

CHECKLIST

Does senior management show their leadership by example and demonstrate their commitment to integrity and fairness through their daily actions?

Has management at all levels been trained to establish internal communications that will generate trust and offer support in addressing and resolving ethical dilemmas?

How does senior management promote the Code of Conduct?

How are those with management responsibility personally involved in defining the activities that help improve the organization's levels of integrity and ethics?

How do the senior managers promote the review of their own leadership and assess future needs and plan their responses?

How do leaders through their daily activities encourage collaboration and the acceptance of responsibilities as well as creative and innovative solutions?

Has the organization's structure been adapted to support the implementation of an integrity policy and strategy?

Have processes related to integrity and the development and promotion of ethical behavior been put in place?

Are there measures in place to monitor the implementation of integrity policies and strategies?

Have systems been put in place to measure, review and improve on the results achieved?

Are employees encouraged to initiate and participate in improvement activities?

Has an Ethics Committee, chaired by the Director General, with members from the senior management team been considered?

Does the senior management team participate in conferences, congresses, seminars and professional associations, promoting and supporting integrity and ethical behavior?

Are the mangers, and staff with functional responsibility, accessible and do they actively listen and respond to staff members of the organization?

Has the integrity strategy been communicated to all staff members?

Are accountabilities and responsibilities for the prevention and detection of inappropriate behavior clearly identified and understood by all staff?

Have key processes for the development of an integrity strategy been clearly articulated? Have the people responsible been identified? Is the effectiveness of those processes reviewed?

Do all employees understand the importance of ethical behavior, the processes for applying it and existing supervision and control systems?

Have current and previous ethics initiatives been assessed for their effectiveness?

Does the tax administration connect the idea of public responsibility and tax officials exhibiting the values and ethical behaviours when carrying out their duties?

3.2 LEGAL FRAMEWORK

The CIAT Declaration says:

"Tax legislation, regulations, procedures and administrative guidelines should be clear, precise, public, and easily accessible."

COMMENTARY

An effective legal framework is a set of laws and regulations, which define standards of behavior for public servants and enforce these laws and regulations through monitoring, investigation, and sanctions. In reviewing their legal framework for ethics management, countries first must examine criminal codes that apply to all citizens, as well as civil service laws and conflict of interest statutes and regulations that apply to public servants.

The tax laws and rules should be as clear and precise as possible to avoid or reduce the possibility of arbitrary behavior by tax officials and to not facilitate inappropriate behavior.

The legal framework must be considered from a broad perspective that includes substantive or procedural tax rules, and other administrative rules that, although not aimed at applying tax standards, govern the relationships between public servants and taxpayers, allowing them to express their complaints and suggestions regarding the operation of public services.

Some examples of the extension of this legal framework are:
Regulations which makes it possible to obtain information and demand accountability;
A services charter that specifies the firm commitment to the public as to how services will be provided;
Oversight bodies with the specific mandate of identifying and correcting possible risks of improper behavior

The legal framework of the ethical infrastructure, could include:
Regulation of the most serious behaviours in the criminal codes: breach of trust, bribery, improper use of information, abuse of authority, violation of professional secrecy, conflicts of interest.

A disciplinary system for public servants that addresses behaviours that, while not criminal, are infractions or disciplinary lapses, involving a failure to meet the pertinent duties and obligations.

Administrative procurement and contracting system.

Administrative accountability procedures.

Procedure for receiving, processing and resolving complaints from the public.

Rules and regulatory procedures for oversight bodies whose mandates are to prevent and identify improper behaviours.

CHECKLIST

Does the tax administration participate in drafting laws and decrees with tax implications?

Are tax laws and regulations precisely drafted to avoid interpretation adverse to the intent of the legislators?

Are ambiguities in laws and regulations aggressively pursued until they are resolved?

Are tax publications easily accessible in public libraries or through the Internet to explain taxpayer obligations?

Does the regulatory framework adequately define the obligations and duties of public employees?

Is there a disciplinary system? Is there a procedure to ensure accountability?

Are there rules governing the incompatibility of public employment with other private or public employment?

Do the existing laws and regulations adequately define current standards of behavior for public servants?

Are the criminal codes applicable to tax administration employees?

3.3 FAIRNESS

The CIAT Declaration says:

"There needs to be a regime of tax law that is fair and equitable. Laws, regulations and policies should be administered in a transparent way. Taxpayers are entitled to a high degree of certainty and predictability in their dealings with the tax administration. They have the right to be presumed honest; the right to impartial application of the law; the right to appeal and redress, and the right to privacy and confidentiality. Information provided to taxpayers should be clear, accurate and easily accessible. "

COMMENTARY

Fairness is vital to ensure the legitimacy of the tax system in the eyes of taxpayers. Tax laws viewed as arbitrary and unfair will undermine public confidence and trust and lead to increased non-compliance. As well, the way they are administered must be seen to be fair. Citizens must be confident that the tax administration will ensure everyone is treated equitably. Where inequity occurs, the government has to be held accountable to take corrective measures.

Transparency is also a key issue for tax administrations. Taxpayers should expect a high degree of certainty in their dealings with the tax administration. This can be achieved when tax laws, regulations, procedures and administrative guidelines are published, easily accessible, and applied in a consistent and uniform manner.

Where appropriate, the tax administration should develop a Charter of Taxpayers' Rights that describes the level of service taxpayers should expect from the tax administration. In preparing Charters, care should be taken to ensure that the standards are realistic and can be supported by the organization's systems and procedures. Service results should be evaluated on an ongoing basis.

An efficient appeal system open to all taxpayers is also essential to fairness. Appeal mechanisms should provide an appropriate balance between taxpayers' rights and appropriate level of enforcement.

Whenever taxpayer rights and obligations are provided in the tax regulations, the opportunities for undue use of the public function and corruption practices are reduced.

CHECKLIST

Has the tax administration published a Charter of Taxpayers' Rights?

Are taxpayers informed about their rights with respect to each of the tax procedures, both in situations where contact has been initiated by officials and initiated by the taxpayer?

Is the Charter of Taxpayers' Rights reviewed and updated on a regular basis?

Are taxpayers provided with sufficient, accurate, consistent and timely information to allow them to meet their tax obligations?

Is this information easily accessible through tax service counters; call centers; Internet, frequently asked questions, consultative committees, and advertising?

Is there a consultative process to determine taxpayers' information requirements? Is this done as part of the preparation of information brochures?

Is the basis and criteria for the exercise of discretionary power by tax officials clearly defined and published, and where appropriate, are the reasons for decisions conveyed to those affected?

To what extent is the tax administration bound by their responses to taxpayer's questions?

Is there a link between responses to similar taxpayer questions?

Are the grounds upon which a decision is made clearly documented and retained for later monitoring and review?

Do the tax administration forms have a standardized format, structure and content?

Have review and appeals mechanisms been implemented to permit taxpayers to seek review or to challenge the tax administration's decisions? If so, are the procedures published and promoted?

Can taxpayers make complaints and suggestions regarding the operation of administrative services and the attitude of the staff serving them?

Is there a documented procedure for the receipt, recording, processing, and resolution of complaints?

Are there bodies with authority to receive, follow up and resolve services complaints?

Can complaints result in modification of the rules?

Is there an area in the tax administration responsible for coordinating and drafting a list or summary of all regulations and guides in force?

Has the legal framework been disseminated to tax officials to guide their activities?

Are comprehensive rules in place for secrecy, confidentiality, and conditions of access to tax information by tax officials?

3.4 AUTOMATION

The CIAT Declaration says:

"**Computerization of tax functions contributes to improved efficiency and effectiveness of the tax administration, and increases the ability to identify inappropriate access or use of tax information.**

Information systems must include strict security rules to avoid unauthorized manipulation of the information. "

COMMENTARY

Automation and computerization can improve efficiency and effectiveness of the tax administrations, and can remove many opportunities for inappropriate behavior. Automated systems can be designed to detect inappropriate behaviours such as unauthorized access or use of taxpayer information, to minimize face-to-face contact between tax officials and taxpayers, and to reduce opportunity for officer discretion.

Because automated systems can be vulnerable to manipulation by skilled systems professionals, including external consultants, from inside and outside the organization, it is important to ensure appropriate security checks are completed and appropriate supervision and accountability systems are established.

Oversight bodies should be established and computer security administration managers assigned to ensure the effective, efficient and responsible use of information. They should establish clear computer access profiles and check them regularly.

Security rules on access to tax information must be established and the organization must ensure that all employees know the limitations of its use at the time they are hired and be reminded of the rules regularly throughout their careers. Staff awareness of these rules will significantly limit inappropriate access to and use of information.

Access to the information contained in tax databases and to all applications for tax administration support functions must be assigned in a way that is consistent with the level of accountability and role of the tax officials.

An audit trail needs to be established to protect sensitive information stored on automated systems to identify any tax official who may access information for private or inappropriate purposes.

Security rules must apply to the people accessing data and strictly control access to the computer equipment and programs.

The illegal use of the computer science resources in general and the possibility of the unauthorized release of information by any tax administration employee, including professional computer staff, must be considered inappropriate behavior. For that reason, inappropriate access to the information must be detected, investigated and dealt with through the corresponding sanctions. Like all rules, this will have to be widely

communicated to, and understood by, all tax administration employees.

Finally, all control mechanisms applied and added to the automated systems of information should respect a balance between functionality and security, so that security and the auditing of computer use is assured without unduly impairing operational performance.

CHECKLIST

Are there computer and security policies in place and do all employees follow them?

Has the increasing computerization of various tax operations been promoted?

Has a comprehensive risk assessment or review been conducted to assess the risk level posed by the automated systems?

Is the number of staff with access to the system limited and controlled?

Are security measures for staff use of computer equipment in place to prevent extraction of sensitive information?

Have the needs of each job position to access information or to use the various computer applications been analyzed?

Are there processes to keep the computer profiles of the organization's staff current?

Has a control system been set up with filters to detect potentially inappropriate access?

Have computer access control and monitoring responsibilities been clearly defined?

Are processes in place to control access and are they regularly monitored?

Are employees fully aware of the control systems, as well as the policy and procedures for the access and use of information?

Do the rules allow tax information to be used to identify possible improper access?

Have security standards been adopted that assure uninterrupted availability of information?

Is physical access to the informatics work areas strictly controlled?

Is there possible access to information through various data storage devices such as laptop computers and portable USB flash drives?

3.5 MANAGEMENT AUTONOMY

The CIAT Declaration says:

"Guarantee of the integrity and impartiality of the tax administration requires independence for determining its policies and strategies for controlling compliance with tax obligations, through strict application of the law, without concessions of favours or interference of senior level authorities or other members of the political power."

COMMENTARY

Sustained and visible leadership by government is essential to creating the climate for a fair, rules-based tax administration. Governments must commit themselves to measures that go beyond statements that inappropriate behaviours will not be tolerated. They must be prepared to impose sanctions on both ministers and tax officials who betray the public trust.

Also, taxpayers should be free from partisan scrutiny of their tax affairs. It is important to ensure that there is no political interference or involvement in individual tax cases by elected officials.

For these reasons, it is essential that the tax administration exhibit a high degree of independent institutional status within the Government structure. This includes the guarantee of independence in administration and enforcement of the tax legislation and resource management decisions.

Organizational and regulatory rules governing tax administration procedures should reinforce management autonomy in carrying out the tax functions. For example, a statute that establishes the tax administration's own legislation, funding, and both budgetary and staff policy autonomy, would contribute to this goal.

CHECKLIST

Are there mechanisms to ensure that there is no interference in individual cases by members of the government and other tax officials not assigned to the individual's case?

Does the tax administration have a position in government structure that ensures a high degree of autonomy?

Do the most senior level authorities of the tax administration have a guarantee of stability in the face of changes in political members of government?

Do senior level authorities of the tax administration have the authority to set its policies and strategies for the selection of staff, and financial and expenditure management?

Does the tax administration's legal framework reinforce its budgeting and staffing autonomy?

Is additional funding provided for the tax administration when it surpasses established revenue or effectiveness thresholds in its operations?

Does the administration's legal framework allow flexibility in changing or creating jobs descriptions?

Is the tax administration authorized to define and meet its staffing needs?

Does the tax administration have sufficient autonomy to design administrative and professional training and development processes for its staff?

Is the organization able to define criteria for competencies, qualifications and skills to guide the recruitment and staff selection?

What sanctions exist for interference by senior tax officials and political figures?

Are tax officials, who disclose wrongdoings, protected from retaliation by senior tax officials and political figures?

3.6 EFFICIENT ACCOUNTABILITY AND CONTROL MECHANISMS

The CIAT Declaration says:
"Strong accountability mechanisms, such as offices of internal and external control, are key elements for good governance that contribute to safeguard the integrity of tax administrations. "

COMMENTARY

The government and ministers responsible for the tax administration must be, and appear to be, answerable and accountable for the fair and competent functioning of the tax system. To ensure public confidence, there must be effective oversight provisions, responsive redress mechanisms, and effective political accountability. Internal and external oversight mechanisms are crucial.

The responsibilities of an internal auditing unit should include conducting investigations of staff violations that are alleged or suspected, such as: fraudulent activities like theft of assets, revenues or seized goods; conflict of interest; unauthorized access and disclosure of information; misuse of information technology systems; improper handling of public complaints.

Effective internal audit must ensure that operational policies are being followed and that compliance and performance standards are being met. In addition, the tax administration should provide legal services to support the internal audit unit to perform its functions.
Internal audit responsibilities include assessment and review of control mechanisms and measurement of their effectiveness, scope and applicability and the development of an organization-wide risk map.

Internal audit must also play a proactive role by helping those responsible for identifying and analyzing risks for each of the tax administration's pertinent functions.

This includes evaluating and reviewing the existing control mechanisms and participating in the development of new ones, and developing strategies to maintain preventive and dissuasive measures over time.

In addition to the internal auditing unit, it is advisable to establish an internal committee of the most senior executives to oversee risk assessment across all functions of the tax administration. The committee's accountability would include reviewing the organizational risks map and identifying priority risks to be addressed, as well as follow-up mechanisms and evolution indicators. It would propose measures for improving control and the follow-up of risks, as well as the organizational plan for the assessment of effectiveness and efficiency in the operations of the various functions.

CHECKLIST

Have the integrity risks been identified and analyzed? Have measures been adopted to mitigate these risks? Are annual internal audit plans in place to monitor the levels of risk detected?

Has the tax administration defined key processes to ensure that ethical principles and values are encouraged and developed? Are those processes supported by administrative procedures that everyone understands?

Have systems been set up to measure the processes and have performance goals been established?

Has coordination within the organization and with external organizations been optimized to ensure that processes are managed effectively from beginning to end?

Are taxpayer perceptions and learning gaps used to set improvement priorities and goals, and to improve operating methods?

Are pilot tests done and are new or modified processes monitored?

Are the changes to processes communicated to interest groups who are affected by the changes?

Is the public informed of the organization's level of commitment to integrity?

Is information obtained from regular stakeholder contacts, including complaints and suggestions?

Are structured data collected by periodic surveys and from regular contacts used to assess and increase the levels of satisfaction of taxpayers with the tax administration?

Are internal audit units responsible for the prevention, detection and correction of inappropriate behaviours and criminal tax violations, as well as for financial oversight of the tax administration?

Are tax officials, taxpayers and the general public aware of these internal and external accountability mechanisms?

Is there a process to monitor consistency across different offices, provinces, and regions in respect to decisions taken, the application of procedures, and information provided?

Does the tax administration periodically report on actions, initiatives, performance and expenditures to the high level authorities, legislators and the public?

Are there external control organizations (Executive Branch, Legislature) whose mandate includes auditing of the tax administration? What are the results of those audits?

Do citizens have communication channels that ensure that their complaints and suggestions reach the appropriate authorities?

Are there procedures that ensure the objectivity and quality of responses to these complaints?

Are supervisors held accountable for inappropriate behaviours of staff under their supervision?

Are employees held accountable when they are involved in inappropriate behaviours?

Are there internal units or special project teams with a mandate to examine strategies for combating inappropriate behaviours?

To what extent are employees encouraged to report inappropriate behaviours?

Are there secure mechanisms in place to protect the persons who report inappropriate behaviours?

Are employee responsibilities clearly identified and do all employees understand them?

Are accountable control bodies defined in the organizational structure?

3.7 CODES OF CONDUCT

The CIAT Declaration says:

"**A key element of any effective integrity program is the development, publication and acceptance of a comprehensive Code of Conduct setting out in very practical and unambiguous terms the behavior expected of all tax officials. The Code of Conduct can be an excellent tool to promote and safeguard integrity in the tax administration.**"

COMMENTARY

Code of Conduct is recognized as an excellent tool to:

Promote a sound, effective and transparent tax administration;
Promote the organization's mission and values;
Define expected standards of conduct;
Complement the quality of services with the ethical component;
Demonstrate to the public the tax administration's commitment to safeguard integrity; and
Provide a benchmark for employees to use for self-evaluation.

Disseminating a code of conduct is not sufficient to produce results. The Code must be part of a more comprehensive strategy for human resources management and for combating inappropriate behavior.

CHECKLIST

Does the organization have its own official Code of Conduct? Was the CIAT model taken into consideration in developing the Code of Conduct? Was it based on a government-wide regulation? Is it applied to all officials of the tax administration?

Was the tax administration's Code of Conduct developed in consultation with interest groups and staff at all levels?

Does the Code of Conduct provide a range of practical examples and guidance for solving ethical issues?

Is senior management of the tax administration required to declare their net worth at the time of appointment and thereafter on a periodic basis?

Does the Code of Conduct describe management and employee responsibilities in respect to the collection, storage and dissemination of information obtained in the course of duty?

Are there rules on participation in other public or private activities that might conflict with the exercise of the taxation functions entrusted to public officials?

Does the Code of Conduct describe management and employee responsibilities with respect to attendance, sexual harassment, gambling, betting, substance abuse, gifts, gratuities, and conflict of interest?

Does the Code adequately describe and regulate the full range of inappropriate behaviours?

Are the sanctions defined and applied, and are they a deterrent to inappropriate behavior? Do the standards take into account the level of compensation of the public employee?

When fulfilling their legitimate functions and responsibilities, are there processes that officers may use to defend against unfair accusations or actions of citizens against them?

Does the code of ethics consider specific behavioral guidelines for the managers?

3.8 HUMAN RESOURCES MANAGEMENT PRACTICES

The CIAT Declaration says:

"The application of sound human resource management policies and procedures plays a major role in the promotion of ethics in the tax administration. Human resource management practices, which have proved successful, include among others:

Fair, equitable and transparent personnel selection and promotion processes;
Competitive remuneration package;
Implementation of the career concept;
Rules that guarantee tax officials may exercise their rights;
Timely corrective mechanisms for irregular or inadequate behaviours;
Deployment, rotation and relocation of tax officials when appropriate;
Solid training and professional development programs;
Performance appraisal procedures; and
Work environment free of discrimination and harassment. "

COMMENTARY

The administrative processes for recruitment and career advancement for all tax administration staff must be transparent, fair, objective, free of bias and interferences and based on the principle of individual merit.

Conditions of employment and a level of remuneration to sustain a reasonable standard of living are extremely important in the context of the tax administration.

Having a solid training and development program for all staff is critical. Education and training, both informal and formal, plays a major role in combating against inappropriate behavior and in the promotion of ethics and integrity. First, it provides

employees with professional development to increase their technical competence and to reduce their reliance on informal on-the-job training. Secondly, it provides regular opportunities for the organization to reinforce the integrity and ethics messages.

Other ways to build professionalism include such things as:

Strengthening the management cadre;
Segregating and distributing responsibilities among staff;
Rotating staff through different functions; and
Establishing a range of measures to reward ethical behavior.

Even the highly ethical workplaces need fundamental guidance to direct people and help them in their day-to-day decisions. There must be key policies and regulations to provide a common and clear understanding of what is and is not appropriate in various situations.

Human resources management practices, which strengthen the organization's ethical infrastructure, depend to a large extent on the institutional autonomy of the tax administration. A tax administration with budgetary and staffing autonomy can institute more effective strategies for developing ethical principles and values.

In the event of misconduct, discipline should normally be progressive. The disciplinary process aims to correct improper behavior through the progressive application of more severe disciplinary actions for successive acts of misconduct.

The objective of human resources management is to ensure that the public officials fully perform their functions. To this end, rights and obligations should be determined, such as the ones shown below.

The rights may include the following:

A system of recruitment, selection and appointment to the enter the public service
Reasonable remuneration and special remuneration as circumstances require
Opportunities for a career with its corresponding system of promotion and remuneration
Access to current knowledge and professional development
Established work hours, days of rest, annual leave and special leave
The right of association, unionization, free expression of the thought, strikes, and
The right to a safe and healthy work place, workers compensation in case of job injury, and job assignment considerations during maternity.

The obligations may include the following:

To ensure continuous, essential public services, except on national holidays
Report for work each day according to an established schedule
Report irregularities that employees become aware of through the course of their duties, and
Replace their managers in case of temporary absence or in case of a vacant position.

These obligations and rights should be regulated by a system of human resources

performance management in the public service.

Care should be taken when designing evaluation criteria for ethical behavior. They should be considered separately from the evaluation and rewards systems of organizational strategies and performance goals. It is essentially that the two areas of evaluation do not overlap to avoid evaluation errors. For example, using an ethical criterion to evaluate performance results or reducing strictness in the application of a sanction by an Ethics Committee, in order to comply with performance goals.

CHECKLIST

A - Recruitment and Selection

Are selection criteria and methods published and strictly followed for all vacancies?

Do the selection criteria focus on high ethical standards as well as job specific knowledge and technical competence?

Is the selection and appointment process based on individual merit? Can this be influenced by personal relationships between candidates and tax officials?

Does the composition of members of selection committees ensure impartiality?

Do members of selection committees come from different work areas?

What external checks are performed on new recruits (e.g. police checks, previous employment records)? Are references and qualifications always checked?

CHECKLIST

B- Professional Development

Are structured training and development plans in place at all levels of the organization that meet the needs of the each jobs?

Is training evaluated to ensure individual learning, impact on the job and impact on the organization?

Are people's skills developed on the job within the organization?
Are teamwork and the development of the necessary personal skills encouraged?

Are individual and team goals aligned with those of the organization?

Are workers' performance evaluated and are they helped to improve their performance?

Are opportunities provided that encouraging innovative and creative behaviours?

Is employee involvement promoted and supported through conferences and events

within the organization?

Does the organization provide formal technical training and structured on-the-job training for staff?

Does all formal training reinforce the integrity messages and focus on the standards of behavior expected of all employees?

Is on-the-job training structured and does it reinforce the administration's policies against inappropriate behavior?

Does the performance management and appraisal system identify development needs and reinforce integrity principles?

Do internal management training programs adequately address employee responsibilities for preventing and detecting inappropriate behavior?

Do tax officials participate in training programs that promote the understanding of values of the tax administration?

Are tax officials encouraged to act on the strict interpretation of the tax rules?

Are tax officials made aware of the mission and values of the tax administration?

Are tax officials aware of the existing laws, regulations, administrative procedures and guidelines that govern the behavior of public employees?

Is information on these laws, regulations, administrative procedures and guidelines included in training programs?

Are those employees considered for promotion assessed against their personal performance record and their willingness to accept a higher level of responsibility for prevention of inappropriate behaviours?

Are the professional knowledge and skills required to perform the various jobs within the tax administration identified and kept current?

CHECKLIST

C - Adequate Remuneration

Do employees receive sufficient remuneration to maintain a reasonable standard of living?

Are there major differences in compensation compared to similar jobs in other organizations in the sector?

Are compensation and professional development in line with the tax administration's

policy and strategy?

Is the government aware of the importance of adequate working conditions and remuneration in maintaining high standards of integrity?

Are there mechanisms to identify signs of serious indebtedness of staff?

Are people recognized to encourage them to continue to meet their ethical commitments and assume responsibilities?

Are the rules on inappropriate behavior publicized and applied to maintain an adequate level of protection against areas of risk?

Does the tax administration reward its employees in other ways, such as socially or culturally?

To what extent are conflicts of interest tolerated? Are employees allowed to engage in secondary employment, and if so, do they have to obtain approval to do so?

CHECKLIST

D - Controlling Inappropriate Behaviours

Are acts of inappropriate behavior clearly defined and communicated to all senior management and employees?

Are procedures in place to report, investigate, document, mediate, monitor and correct inappropriate behaviours?

Are corrective mechanisms in place to provide timely assistance for employees to correct inappropriate behaviours?

Do the human resources and internal auditing areas exercise internal controls in an effective and responsible manner?

Which organizations are responsible for external controls?

Is there a policy in place of progressive disciplinary measures or sanctions, which correspond to the seriousness of the behaviours?

Is discipline, as a human resources management function, delegated as closely as possible to the point of impact of the decision being made? Are problems corrected at the lowest level possible?

Do the human resources regulations formally delegate the application of discipline to various levels of management in the organization according to the seriousness of the inappropriate behavior and the corresponding severity of the sanction?

Do senior managers enforce the most severe sanctions and first line managers enforce

the least severe sanctions?

Are procedures in place for senior management to obtain advice from the officials in charge of finances and human resources?

Is disciplinary action based on "just cause"?

Do managers have specific criteria in order to establish "just cause" and the factors that affect the application of discipline?

Do staff rules and regulations include effective provisions for sanctioning tax officials in case of inappropriate behaviours?

CHECKLIST

E - Performance Management – for managers and for employees

Does the policy describe what managers and employees need to do to meet their responsibilities for performance management?

Does the performance management process involve setting performance expectations (objectives, goals and measurement criteria) and developing learning plans for employees? Do these key activities create the basis for open and continuing discussions between managers and employees?

Does this approach respond to employees' requests for regular feedback from their managers as well as for mandatory annual assessments of their performance?

Does this approach deal with low performances? Does it also take into account how previous performance relates to career development?

Is performance management seen as a fair and transparent process?

CHECKLIST

F - Work environment free of discrimination and harassment

Does the organization promote a zero-tolerance level of harassment in the workplace and ensure that every employee is treated with respect and dignity?

Does harassment of another employee, or lack of action by a responsible authority in harassment situations, constitute a disciplinary infraction?

Is this action subject to penalties up to and including termination of employment?

Is there an early dispute resolution process as well as a formal written dispute resolution process?

Are supervisors who become aware of a potential harassment situation able to address the situation promptly and make every reasonable effort to resolve the situation before an individual files a written complaint with the delegated manager?

Are there alternate dispute resolution options, including mediation of the issue, available to employees in addition to the formal redress process?

PART 4 – CONCLUSION

The Inter-American Center of Tax Administrations has traditionally recognized how important it is for tax administrations to count on high levels of integrity in carrying out their functions.

CIAT has recognized this importance through the high priority that it has attributed to integrity in its own strategic plan. The most significant milestones in the development of measures and strategies aimed at consolidating and improving the levels of integrity in the Tax Administrations of the various member countries are: the approval at the 1996 General Assembly of the "*Minimum attributes for a sound and effective tax administration*"; the "*Declaration on the Promotion of Ethics in the Tax Administration*" approved at the 2005 General Assembly, as well as the development of a Model Code of Conduct.

However, Codes of Ethics, to guide or establish behavior standards are not in themselves sufficient to guarantee that an organization will develop and evolve to the desired levels of integrity.

It is also necessary to carefully consider and move forward in the development and promotion of ethics in the tax administrations. For this reason, the Working Group's Steering Committee requested the CIAT Executive Council's authorization to carry out a second stage of the working group to develop additional instruments.

This involved the design, development and implementation of communication and training strategies to promote the importance of ethics and to provide assistance in implementing plans adapted to each country's needs and circumstances. These strategies include different tools, such as the Self-Assessment Guide, which is fundamentally aimed at converting words into actions.

Effectively, it is a matter of applying the main principles provided in the Charter-Document on "The minimum attributes for a sound and effective tax administration", as well as in the "Declaration and Promotion of Ethics in the Tax Administration".

The Self-Assessment Guide is product of the Model Code of Conduct Working Group, which endeavors to be the instrument for setting the guidelines for defining, executing and subsequently reviewing the effectiveness of the specific strategies used by the various tax administrations in developing and promoting their ethical values.

The Self-Assessment Guide is a fundamental tool with ultimate objectives to:

Identify the critical aspects of the ethical infrastructure of an organization and leadership requirements for effective corporate governance and the development an organizational structure based on principles and values shared and known by all its members.
Promote in the organization the philosophy of continuous improvement and permanent development of high levels of integrity.
Provide a methodology for the application of this tool.

One must take into account that there may be multiple sources or causes of irregular behaviors in an organization, such as: the level of social awareness, generally accepted traditions or customs, or lack of adequate management controls.

Given this variety of external and internal elements affecting the level of integrity, the Self-Assessment Guide endeavors to analyze the initial situation and detect areas for improvement so as to arrive at increased levels of ethics, integrity and transparency in the tax administrations.

The method of application of self-assessment carried out by qualified staff, will allow for detecting strong points and the areas of the organization that may be improved. It will be very useful to be able to determine these factors and to define and implement specific action plans regarding integrity, while substantially improving the external image.

Self-assessment presupposes compliance with a series of essential and indispensable elements for achieving the desired results. Some of them are: periodic review and supervision; the commitment of top-level authorities; comparison with suitable elements of reference; and the permanent nature of the process.

The process is applied according to the following phases:

Self-assessment based on different existing techniques, with flexibility for each organization to adjust the techniques to its own demands and circumstances
Identification of strong points and areas for improvement
Application of criteria for determining the areas for improvement that are critical to an organization
Selection of the most critical areas for improvement
Determination of an execution plan and schedule
Periodic review of the level of progress achieved based on the established plan

There is no single way of undertaking or applying the self-assessment technique to an organization. The success of the methods or systems provided in this Guide will depend on a number of different factors. The fundamentally factors include the current capacity of the tax administration to apply the guide and the resulting plan, the convenience of doing so, and the timeliness for its application within the organization.

In any case, it must be noted that any organization, regardless of the precision of the results of its self-assessment may initiate a process of continuous improvement.

The practical application of this Self-Assessment Guide that is undertaken by the tax administration itself, through staff duly qualified and trained for this purpose, will result in the design and implementation of an Integrity Plan.

In this case, the logical process consists of a series of successive phases such as:

Obtaining the full support and commitment from highest level authorities of the Tax Administration

Establishing a duly trained working group to carry out the self-assessment. Optionally, the CIAT Executive Secretariat's technical support could be requested for facilitating the process

Performing the self-assessment and obtaining the necessary evidence, and designing an action plan for implementing the working group's recommendations

Appointing a working group to implementing the Plan, as well as determining the supervision, review and feedback processes. In this case, as well, CIAT's technical support could be requested

Exchanging experiences and good practices with other tax administrations that may have carried out similar processes

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ΠΑΡΑΡΤΗΜΑ

Tax Agency

www.agenciatributaria.es

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Spain: General Data 2014

- Spain is a state who´s territory is organised in 17 Communities (15 with a Common Tax System and 2 of them, the Basque Country and Navarre, with a Local System) and 2 Autonomous Cities; 52 Provinces and 8,114 Municipalities

- Type of State: Parliamentary monarchy

- Area: 504,782 km^2

- Population : 46,646,053 habitants (9.76% foreign residents)

- Demographic density: 92 habitants per km^2

- Urban population: 79.6% (in towns over 10,000 inhabitants)

** Source: National Statistics Institute (INE)*

Spain: Economic Data 2014 (I)

- Currency: Euro (€)
- Gross Domestic Product (GDP): € 1,058,469 million
- Year-on-year GDP growth: 1.4% *(estimated values)*
- GDP per capita: € 22,780
- Public deficit: 5,8% of GDP (Deficit 6.6% in 2013)
- Trade balance: - €25.497 million
- CPI (yearly rate): -1%

Source: INE and ICEX

Spain: Economic Data 2014 (II)

- **Distribution of employment by economic areas**
  - **Services: 74.9%**
  - **Industry (including construction): 20.7%**
  - **Agriculture and livestock farming: 4.4%**
- **GDP by most important branches of activity**
  - **Services: 73.6%**
  - **Industry: 15.6%**
  - **Construction: 8.4%**
  - **Farming, livestock and fisheries: 2.5%**

•***Sources: INE and Tourism Survey Institute***

Spain: Economic Data 2014 (III)

- **Spain's most important industries**
  - **Food**
  - **Car manufacturing**
  - **Chemicals**
  - **Metal products**

- **Spain's most representative export sectors**
  - **Cars**
  - **Semi-manufactured goods**
  - **Capital goods**

- **Spain is one of the world's main tourist destinations: 65 million tourists in 2014**

•***Sources: INE and Tourism Surveys Institute***

Spanish economy worldwide (I)

Country	GDP 2014 (1)
China	10,360
Germany	3,853
United Kingdom	2,942
France	2,829
Italy	2,144
Canada	1,787
Australia	1,041
Netherlands	869
Austria	436
South Africa	349
Greece	237

USA
17,420

JAPAN
4,601

Spain
1,404

(1) billion dollars
Source: The World BanK

Spain´s Tax and Customs System (I)

Direct Taxes

- **Income taxes**
  - **Personal Income Tax**
  - **Non-resident Income Tax**
  - **Corporation Tax**
  - **Economic Activities Tax**
  - **Tax on the Increase in Value of Urban Building Land**

- **Capital**
  - **Estate and Donations Duty**
  - **Wealth Tax**
  - **Property Tax**
  - **Road Tax**

- **New Taxes 2013 and 2014:**
  - **Tax on electricity generation value**
  - **Tax on the production of spent nuclear fuel and radioactive waste from the generation of nuclear power**
  - **Tax on the storage of spent nuclear fuel and radioactive waste in centralised facilities**
  - **Tax on Deposits in Credit Entities**

Spain´s Tax and Customs System (II)
Indirect Taxes

- VAT
- Excise Taxes
  - Manufacturing Excise Duties:
    - Excise Taxes on Alcohol and Alcoholic Beverages (Beer, Wine and Fermented Drinks; a Interim Products, on Alcohol and Derived Drinks)
    - Hydrocarbon Tax
    - Tax on Tobacco Products
    - Electricity Tax
  - Tax on Certain Modes of Transport.
  - Coal Tax
- Income from Customs
- Tax on Insurance Premiums
- Tax on Capital Transfers and Documented Legal Acts
- Tax on Gaming Activities
- Games Taxes
- Tax on Fluorinated Greenhouse Gases
- Tax on Buildings Installations and Works

Spain´s Tax and Customs System (III)

State-managed taxes

- Personal Income Tax
- Corporation Tax
- Non-resident Income Tax
- Value Added Tax
- Excise Taxes:
  - Manufacturing Excise Taxes:
    - Excise Taxes on Alcohol and Alcoholic Drinks (on Beer, Wine and Fermented Drinks, on Intermediate Products, on Alcohol and Derived Drinks)
    - Hydrocarbon Tax
    - Tax on Tobacco Products
    - Electricity Tax
  - Tax on Certain Modes of Transport (currently not managed by the Autonomous Communities)
  - Coal Tax
- Tax on Insurance Premiums
- Tax on Gaming Activities
- Income from Customs
- Wealth Tax (jointly managed with the Autonomous Communities)
- Tax on the value of electricity generation.
- Tax on the production of spent nuclear fuel and radioactive waste from the generation of nuclear power.
- Tax on the storage of spent nuclear fuel and radioactive waste in centralised facilities.
- Tax on Fluorinated Greenhouse Gases
- Tax on Deposits in Credit Entities

Spain´s Tax and Customs System (IV)

Tax collection transferred to the Autonomous Communities for state-managed taxes:

- ***Personal Income Tax: 50%***
- ***Value Added Tax: 50%***
- ***Excise Taxes:***
  - ***Manufacturing Excise Taxes:***
    - ***Excise Taxes on Alcohol and Alcoholic Drinks (on Beer, Wine and Fermented Drinks, on Interim Products, on Alcohol and Derived Drinks): 58%***
    - ***Hydrocarbon Tax: general state rate 58%, special state rate 100%***
    - ***Tax on Tobacco Products: 58%***
    - ***Electricity Tax: 100%***
  - ***Tax on Certain Ways of Transport and autonomous community rate of Hydrocarbon Tax: 100%*** *(distributed to the Regions individually by the Tax Agency, according to the payments and self-assessment payments made)*
- ***Tax on Gaming Activities: 100% (with some exceptions, such as sports charitable pari-mutuel, state horse-racing pari-mutuel and non-residents in Spain)***

Spain´s Tax and Customs System (V)

Taxes managed by the Autonomous Communities:

- Own taxes
- State taxes:
  - Tax on Capital Transfers and Documented Legal Acts
  - Estate and Donations Duty
  - Gaming Taxes
  - Wealth Tax (jointly managed)

Structure of the Tax and Customs System (VI)

Taxes managed by Local Authorities:

- **Mandatory levied:**
  - **Economic Activities Tax**
  - **Property Tax**
  - **Road Tax**
- **Voluntary levied:**
  - **Tax on Buildings, Installations and Works**
  - **Tax on the Increase in Value of Urban Building Land**

Structure of the Tax and Customs System (VII)

Territorial specialties:

- **Canary Islands:**
  - **Canarian General Indirect Tax (IGIC)**
  - **Excise on imported and delivered goods in the Canary Islands**
- **Ceuta and Melilla:**
  - **Tax on production, services and imported goods (IPSI)**
  - **There don´t have transferred taxes**

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What is the Tax Agency? (I)

- A state body governed by public law attached to the Ministry of the Treasury and Public Administrations through the State Secretariat for the Treasury

- Creation: On January 1st 1992, as an organization under public law

- It works under its own legal regime which confers it a certain level of autonomy in budgetary matters and personnel management

- It is an organisation that works under target achievement

- Unlike other countries, Customs is part of the Tax Agency organisation

- The main sign of its activity is the amount of tax revenues; part of which are handed to other Common règime Autonomous Communities

What is the Tax Agency? (II)

- The Tax Agency has no authority for drafting or approving tax regulations, nor for allocating public resources

- Its fundamental aim is to foster voluntary compliance by the citizens of their tax obligations and to prevent and fight tax fraud. To achieve this targets the Agency delivers a dual function:

  - Providing information services and the assistance required to minimise the indirect costs associated with tax liabilities compliance.

  - Investigation and checking to correct any failures in complying tax requirements.

Key figures 2014

Revenue collected:	
Net tax revenue:	€174,987 million
Gross tax revenue:	€221,707 million
Revenue directly collected through actions performed	€12,318 million

Tax register:	
General Taxpayer Register	53,533,687
Register of Taxpayers in Special Block Tax System	1,492,224
Tax register of business owners, professionals and withholders	7,791,925
Large Enterprises Tax Register	33,146
Tax Register of Excise Operators	88,129
Tax Register of Customs Operators	1,696

Principal tax returns managed:	
Personal Income Tax	19,203,136
Corporation Tax	1,434,775
VAT	3,398,473
Excise Duties	8,131,397
Foreign Commerce	12,493,050

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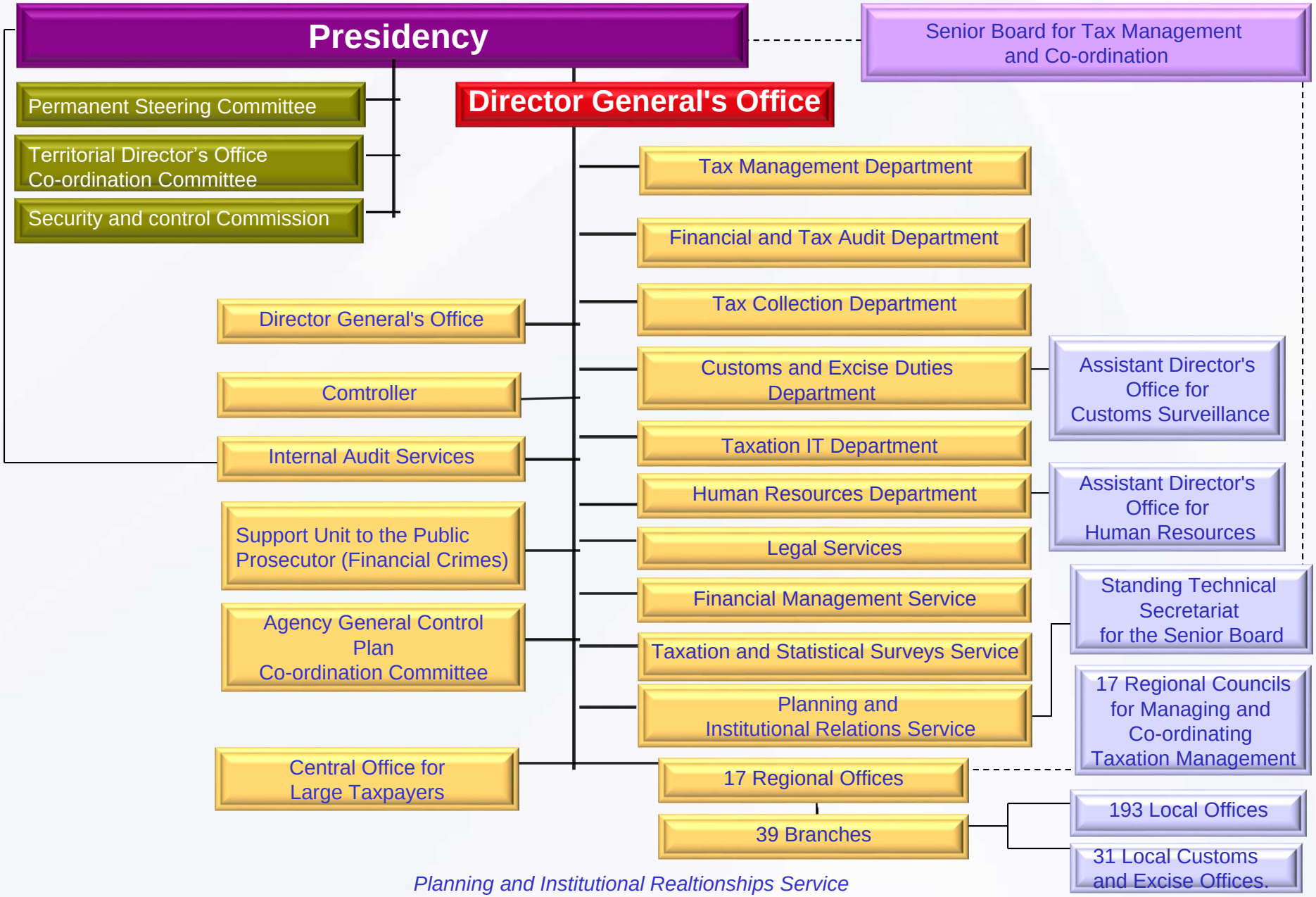
Agencia Tributaria

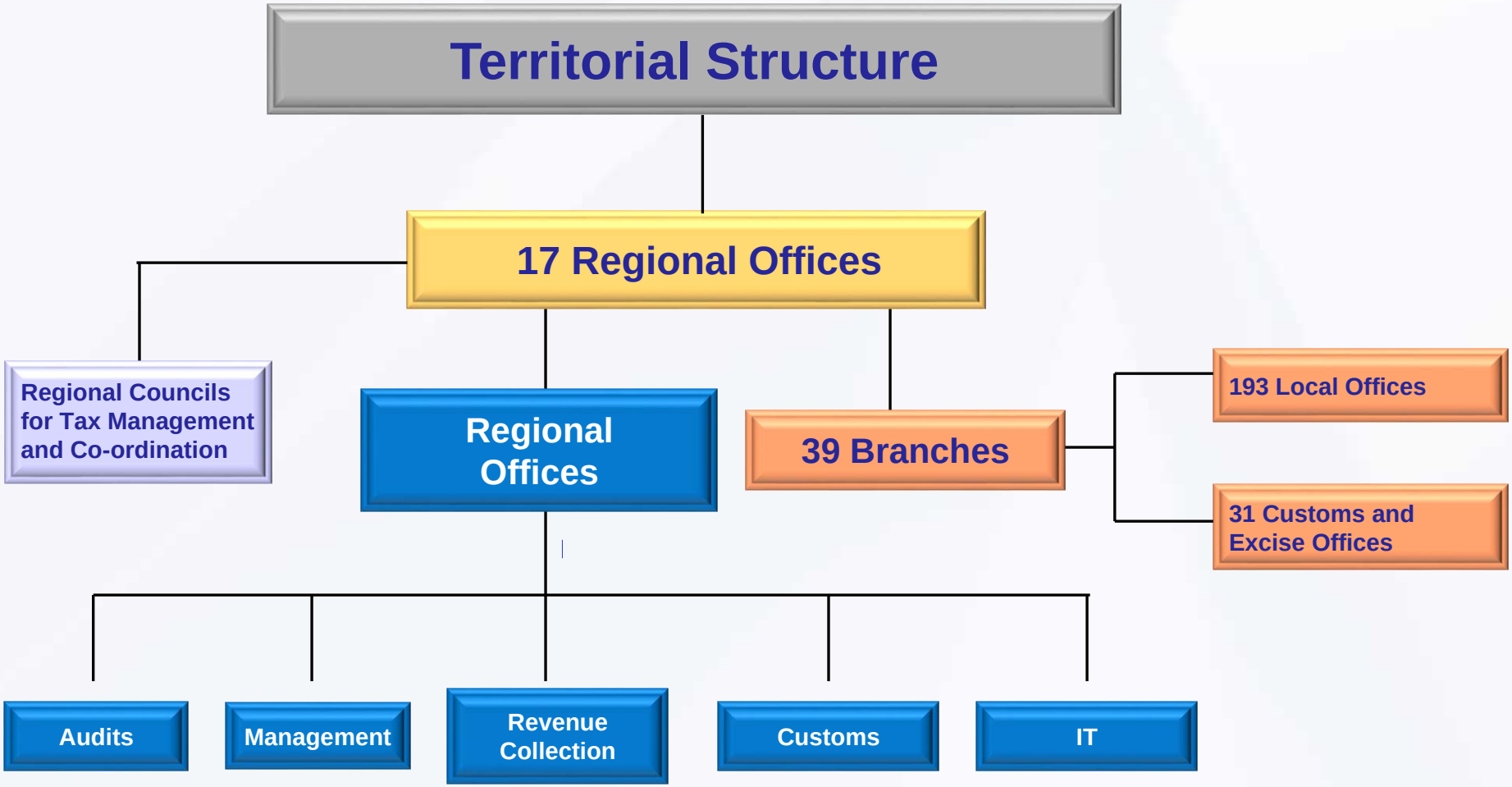
Organisation Chart

www.agenciatributaria.es



Planning and Institutional Realtionships Service

Territorial Structure



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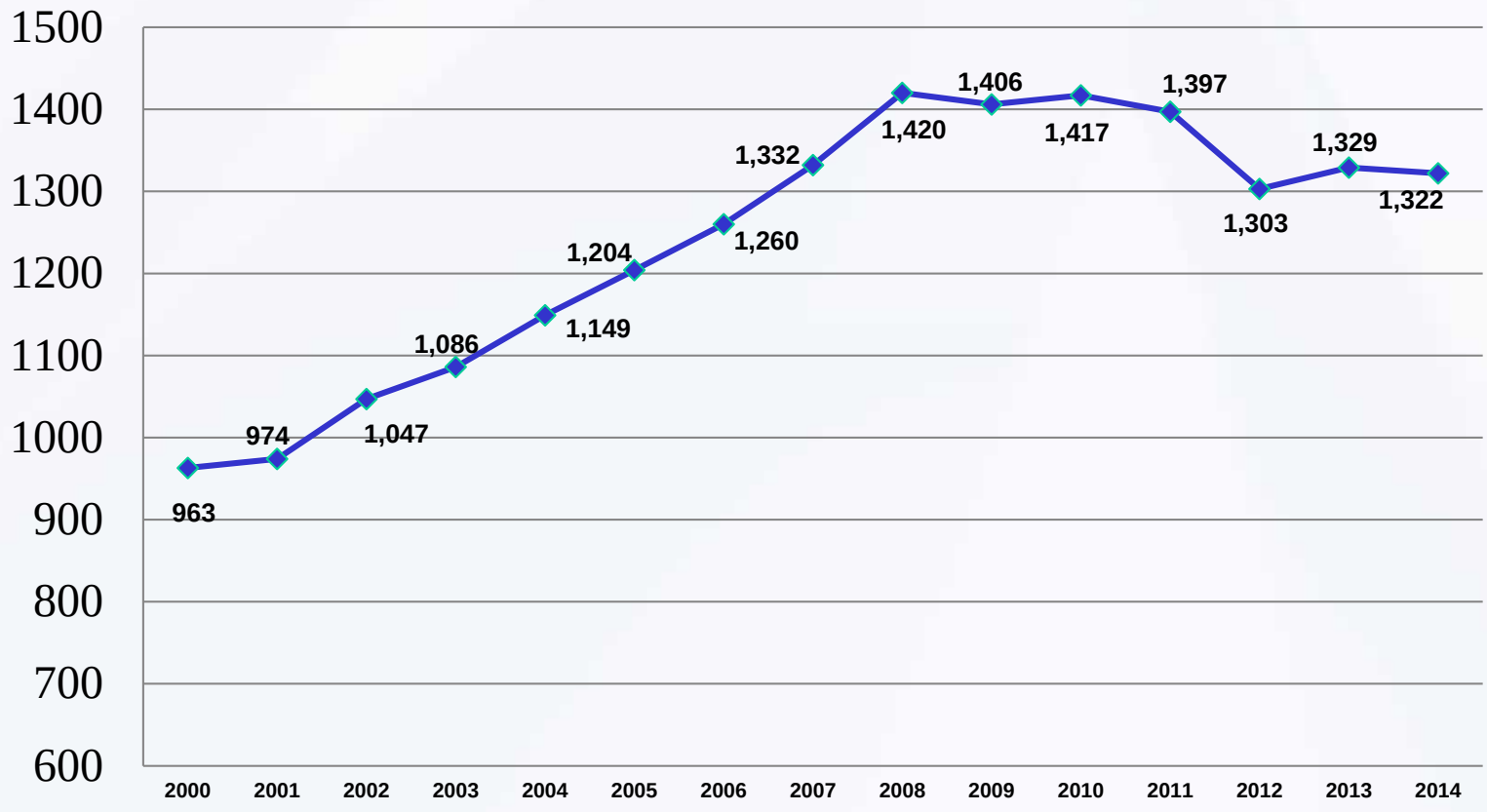
Financial and budgetary System (I)

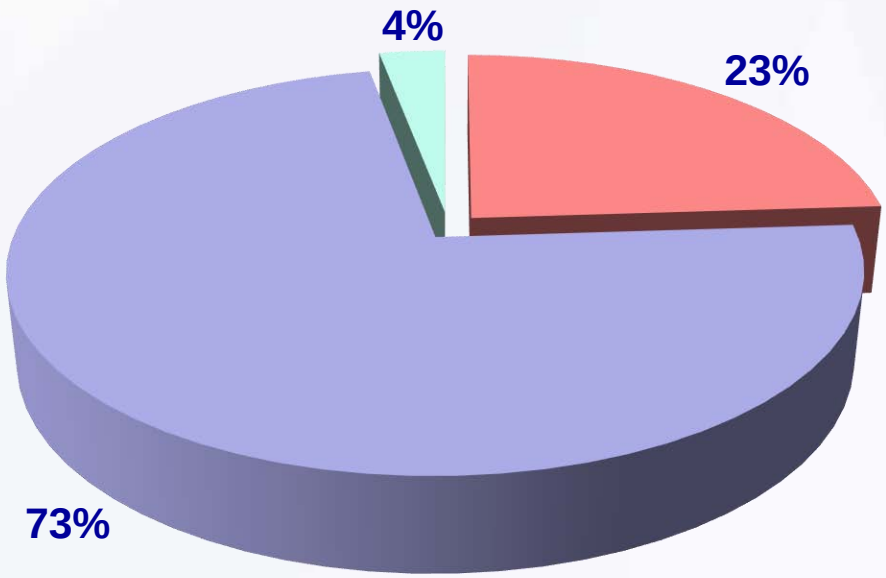
Tax Agency Budget Evolution



€ million

Financial and budgetary System (II)

Tax Agency Budget 2014: 1,322*
Total expenditure: 1,313.7*
Breakdown by expenditure items



Current costs Personnel costs Real investments

* ***€ million***

Financial and budgetary System (III)

Cost of managing tax income (2011)

Germany	1.40
Australia	0.99
Belgium	1.36
Canada	1.31
France	1.20
Italy	1.00
Japan	1.75
United Kingdom	0.83
Sweden	0.40
USA	0.62

Management cost for every 100 net monetary units collected

Spain: 0.86

Average: 1.03

Source: OECD Comparative Information Series / 2013

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Human Resources (I)

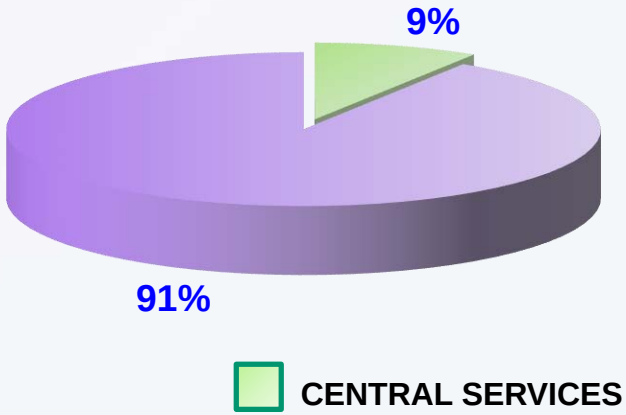
Total employees at 31-12-1991
25,669

0,28 %

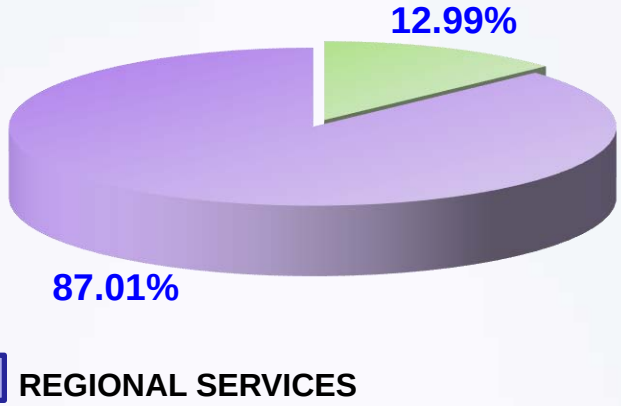
Total employees at 31-12-2014
25,742

Distribution of staff in Central Services - Regional Network –

1991



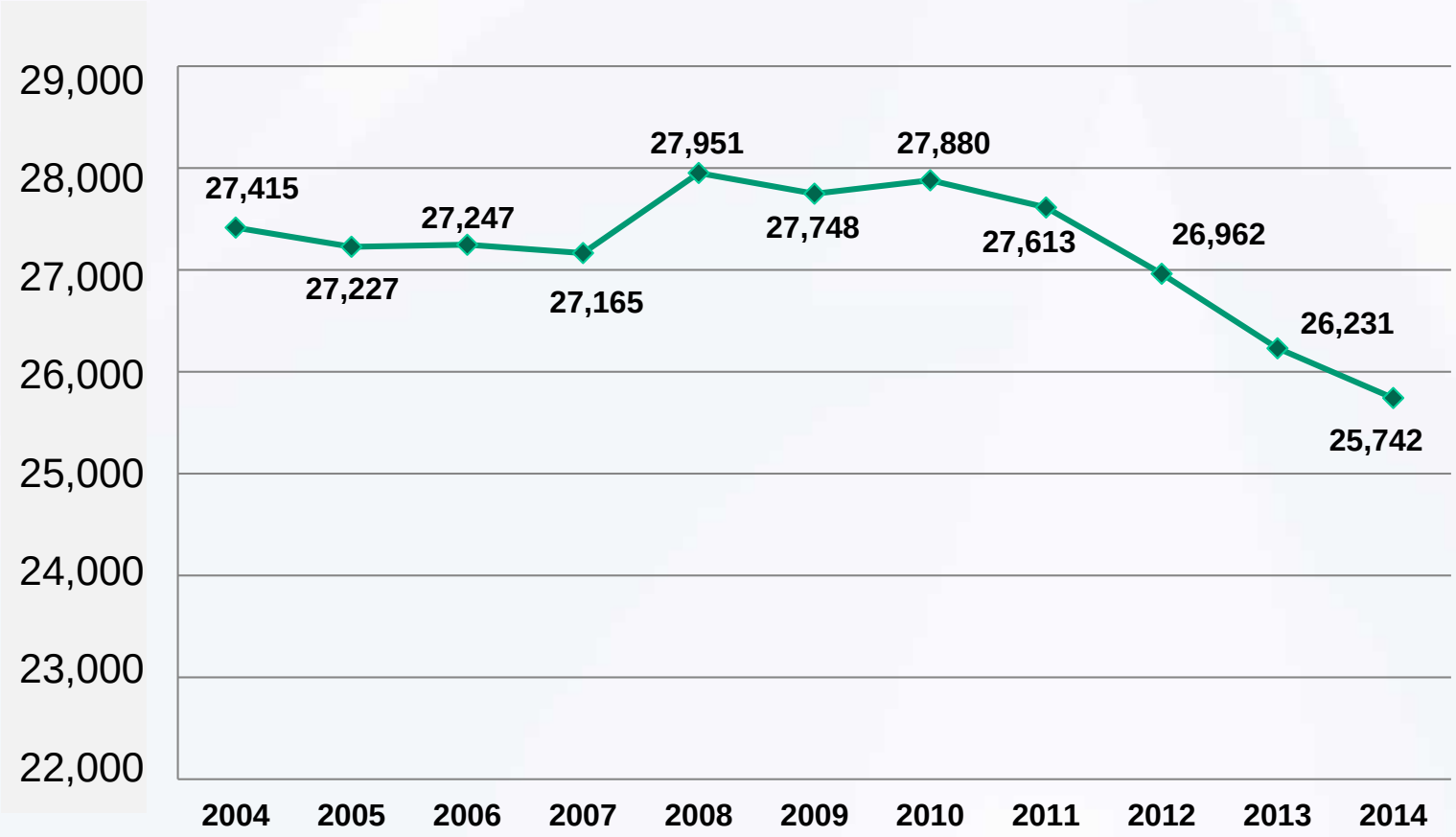
2014*



** The staff of the Central Office for Large Taxpayers, created in 2006, are included in the Central Services.*

Human Resources (II)

Evolution in workforce numbers



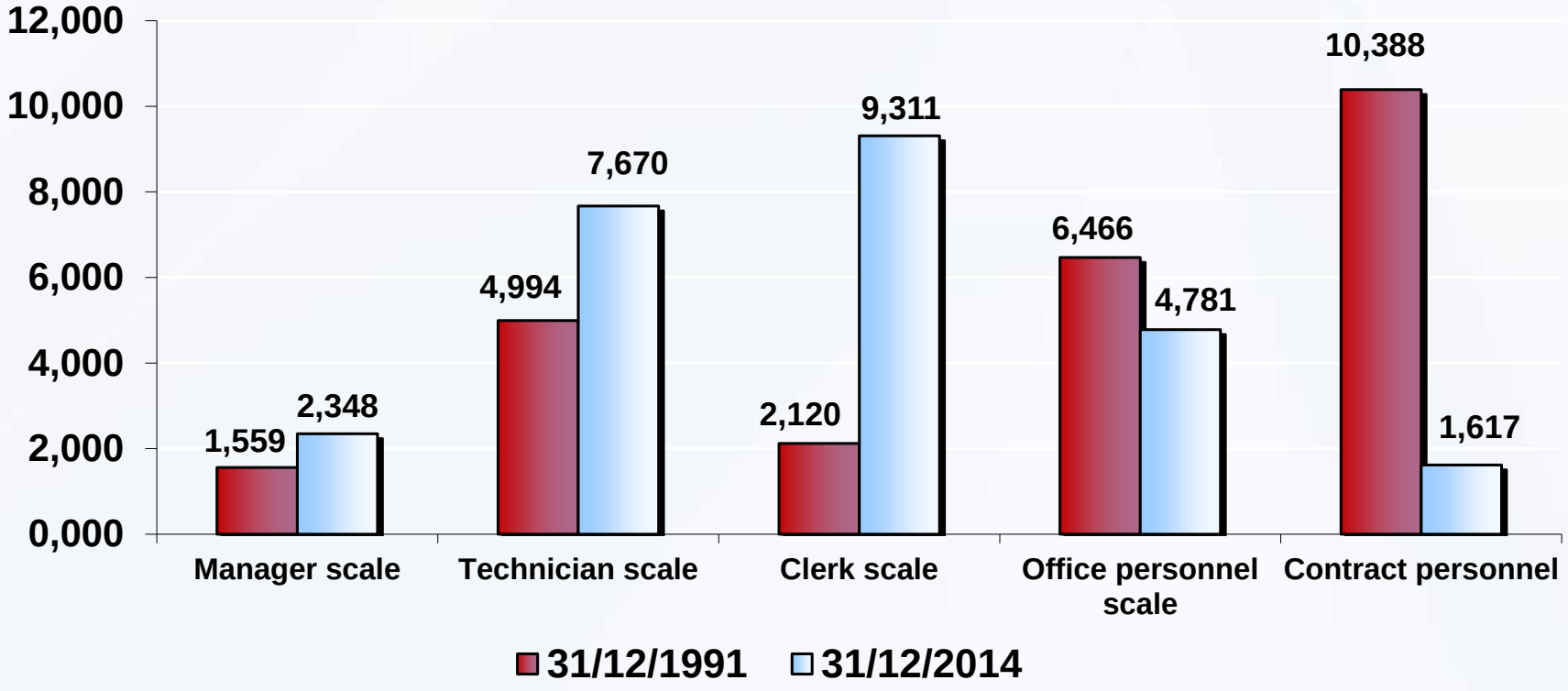
Human Resources (III)

Distribution by area 1991-2014

Human Resources (IV)

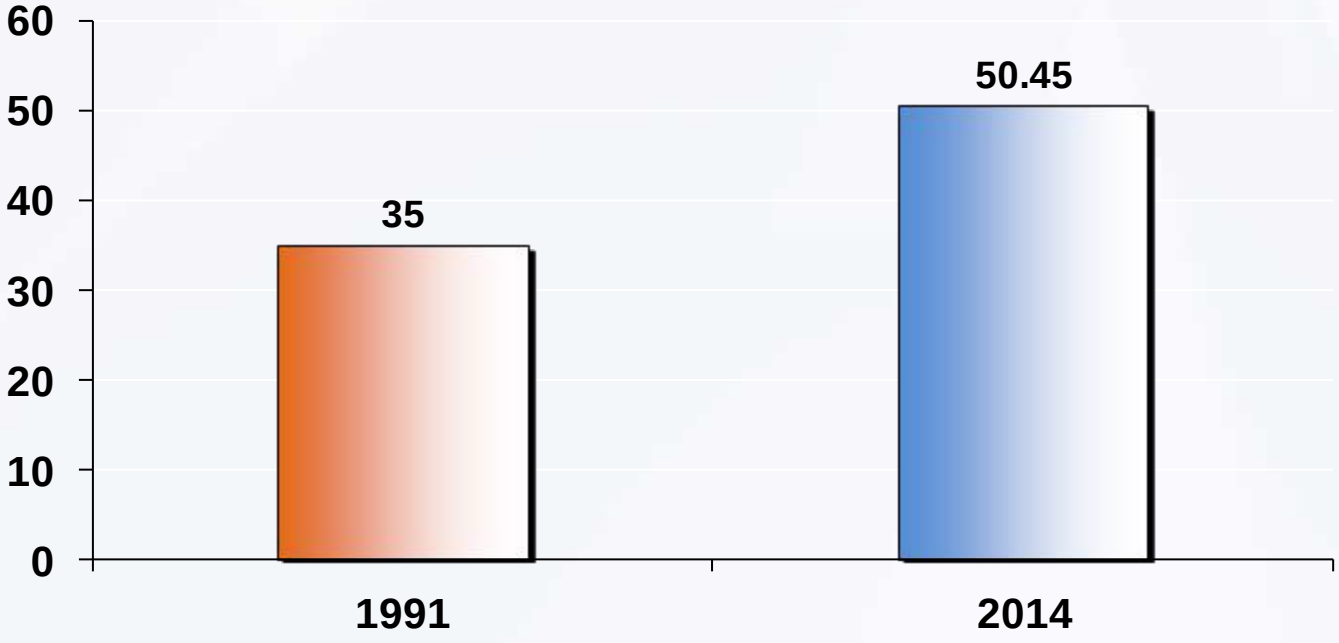
Distribution by Groups of Academic Qualifications

1991-2014



Human Resources (V)

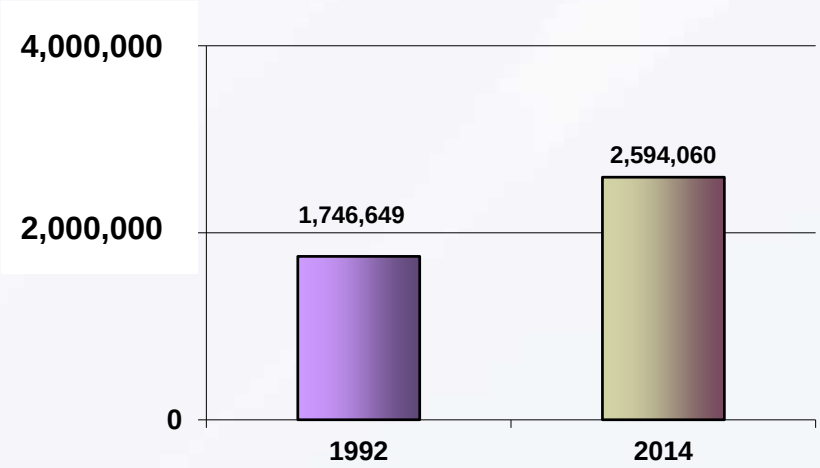
Average age 1991 - 2014



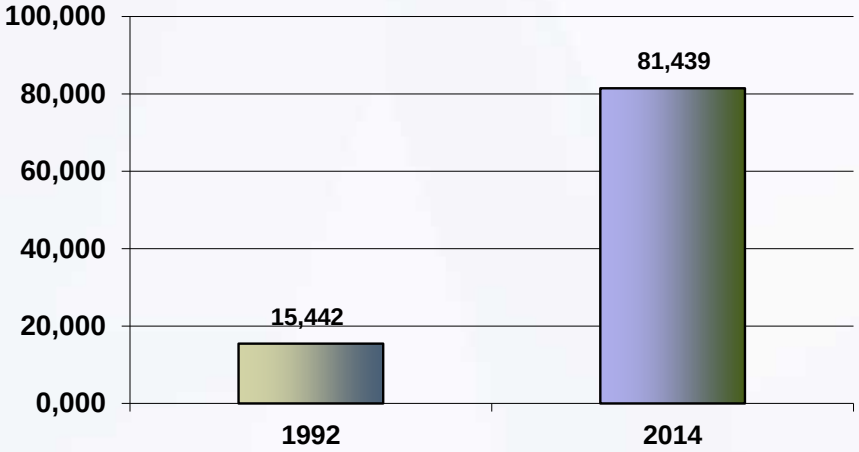
Human Resources (VI)

Agency staff training 2014

Expenditure on training (including travel)

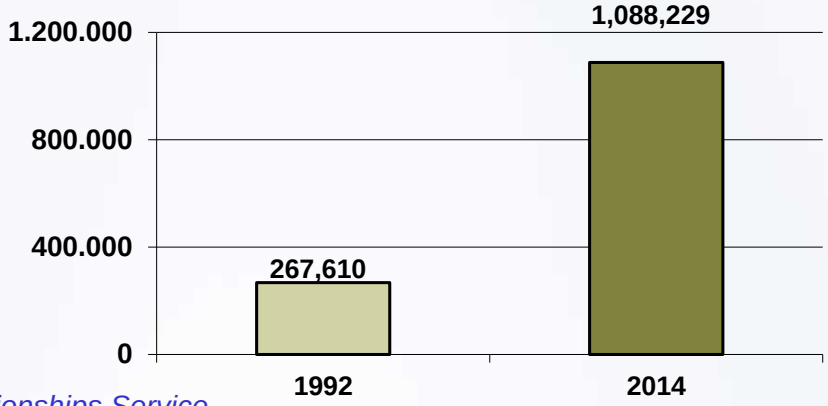


No. of participants



- *In 1995, a Continuing Professional Development Plan was established, implemented within the framework of the Agreement on Continuing Professional Development in the Public Administrations*

No. of training hours



Human Resources (VII)

Ratio Population / Tax Administration Staff (2011)

Germany	740
Australia	1,245
Belgium	1,040
Canada	881
France	942
Italy	1,849
Japan	2,272
United Kingdom	929
Sweden	1,152
Switzerland	8,324
USA	3,290

Spain: 1,958

Average: 1,624

Source: OECD Comparative Information Series / 2013

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Planning

- **Annual Planning Documents:**
  - **Objectives Plan**
  - **Annual Tax and Customs Control Plan**

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  - ✓ Application of taxes and similar levies
  - ✓ Tax and Customs Control
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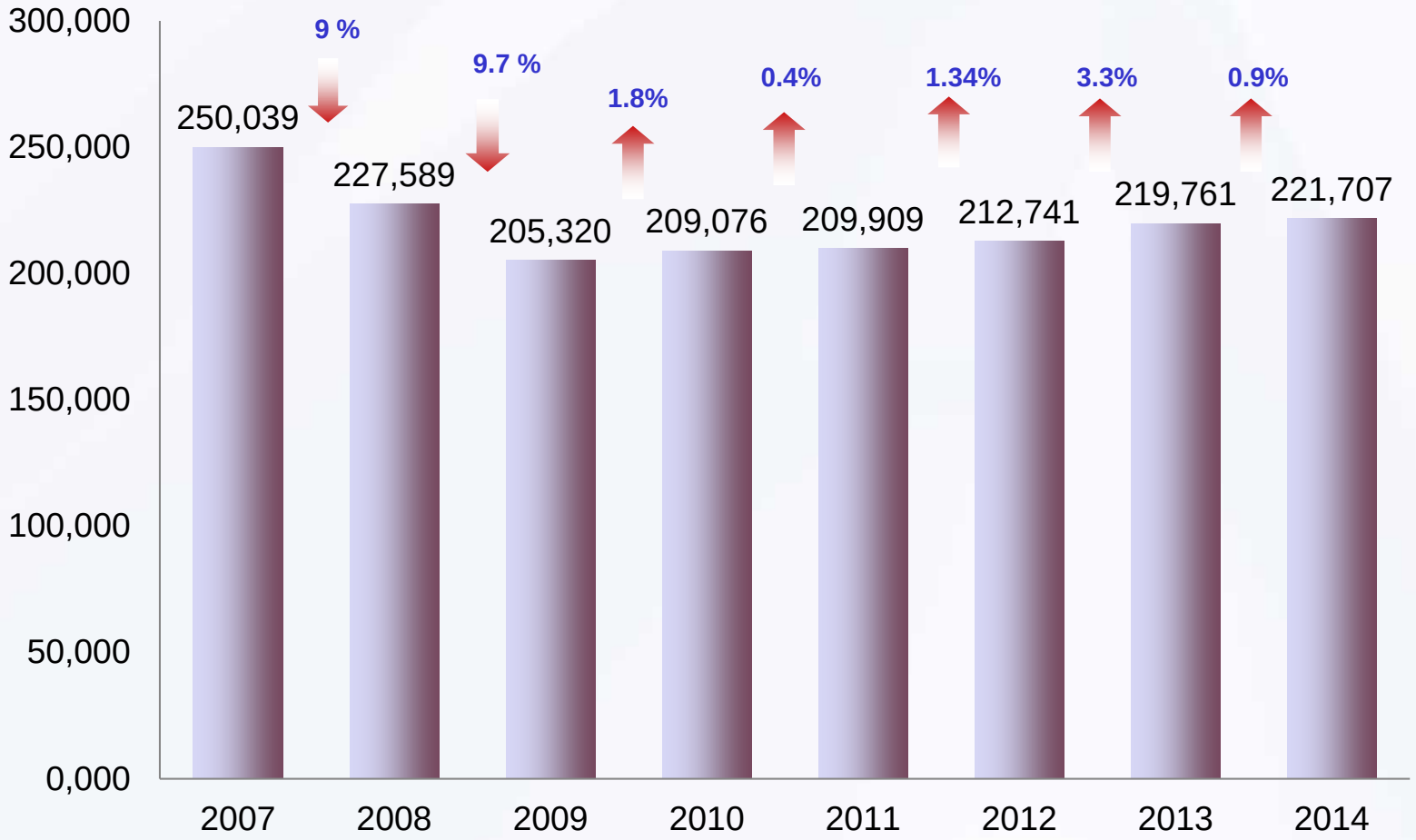
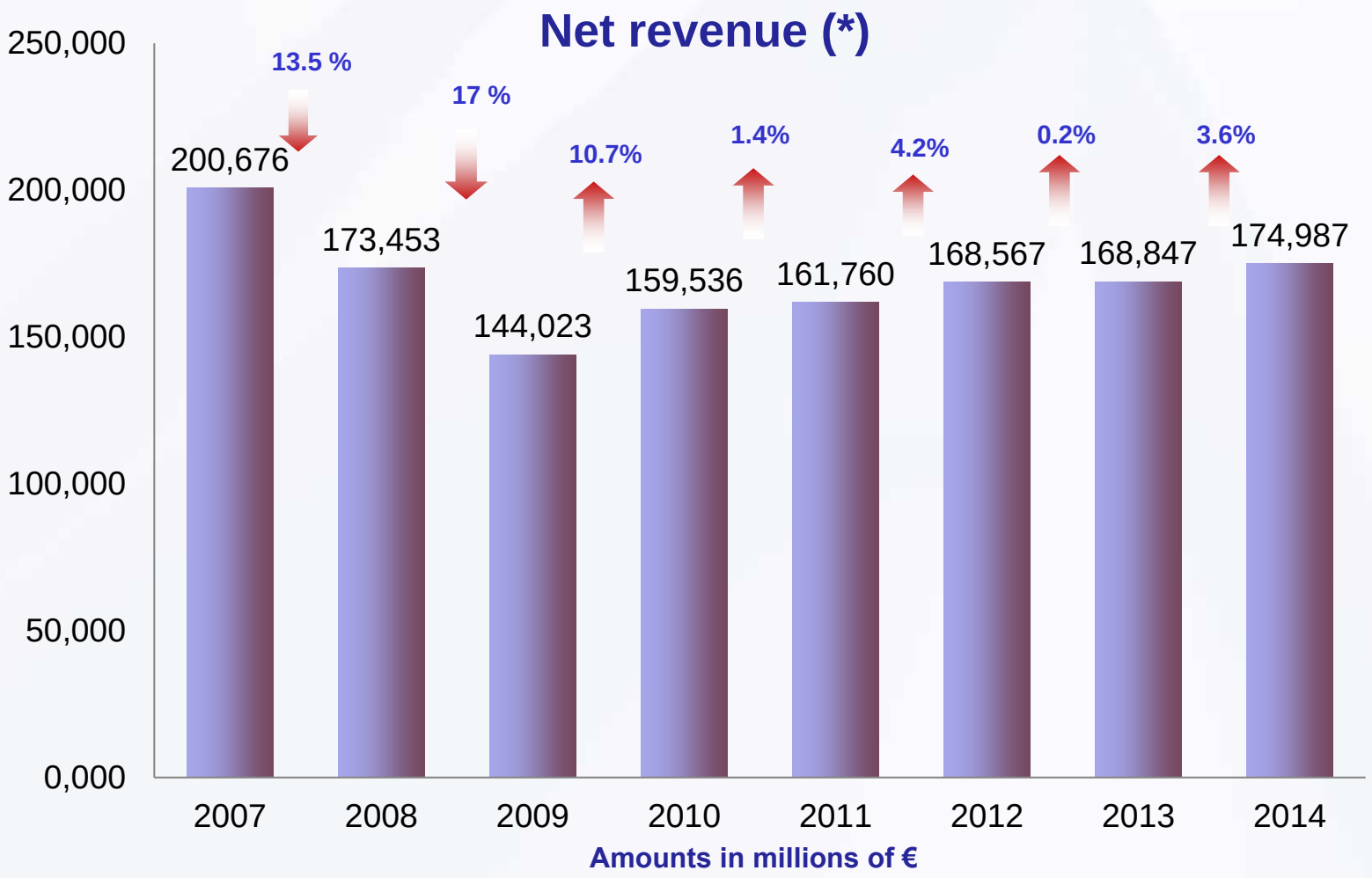
Tax collection (I)

Gross revenue



Amounts in millions of €

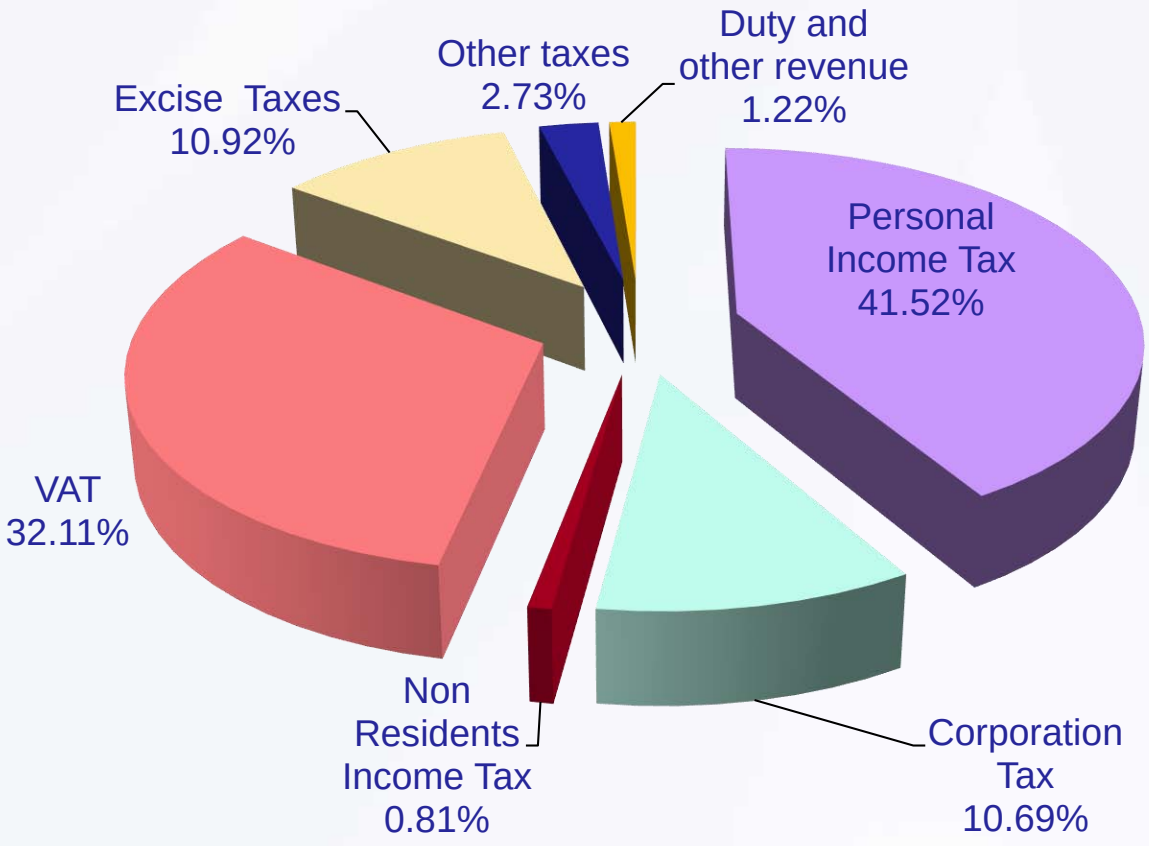
Tax collection (II)



(*) Reflects total revenue discounting the participation of the Regional Offices / Autonomous Communities and Local Authorities

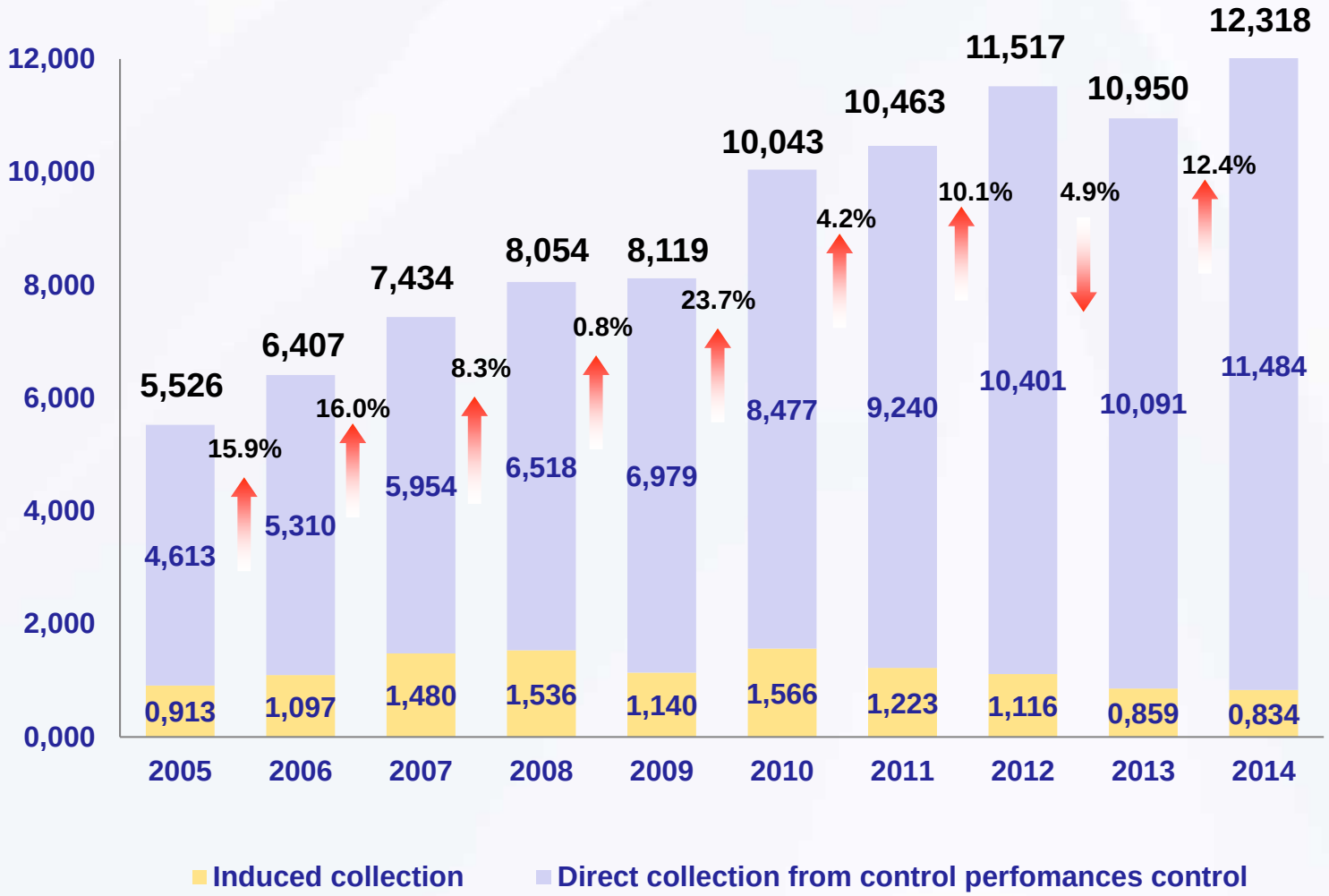
Tax collection (III)

Tax revenue by item 2014
Total: €174,987 million



Tax collection (IV)

Results from combating fraud 2005 - 2014



Amounts in millions of €

Application of taxes and similar levies

- **Internet portal and Electronic Office**
  - **Key figures**
  - **Website hits**
  - **Online Personal Income Tax Returns**
  - **Electronic Office:**
    - **Personalised services: “My files”, “My notifications” and “My tax registration details”**
    - **Income Tax Campaign**
    - **Filing tax returns online: On one's own behalf; Through a representative: social collaborators, large enterprises**
    - **Computer help programmes**

- **Information and assistance for the taxpayer**
  - **Communication channels**
  - **Prepopulated return and tax info for Personal Income Tax**
  - **Other services for the public: INFORMA programme, basic tax information, appointments for assistance with taxes**

- **Payment facilities for tax liabilities**
  - **Tax collection by authorised credit institutions**
  - **Payment by direct debit, card or telephone**
  - **Deferred and staged payments**

- **Speeding up customs clearance**

Internet portal and Electronic Office

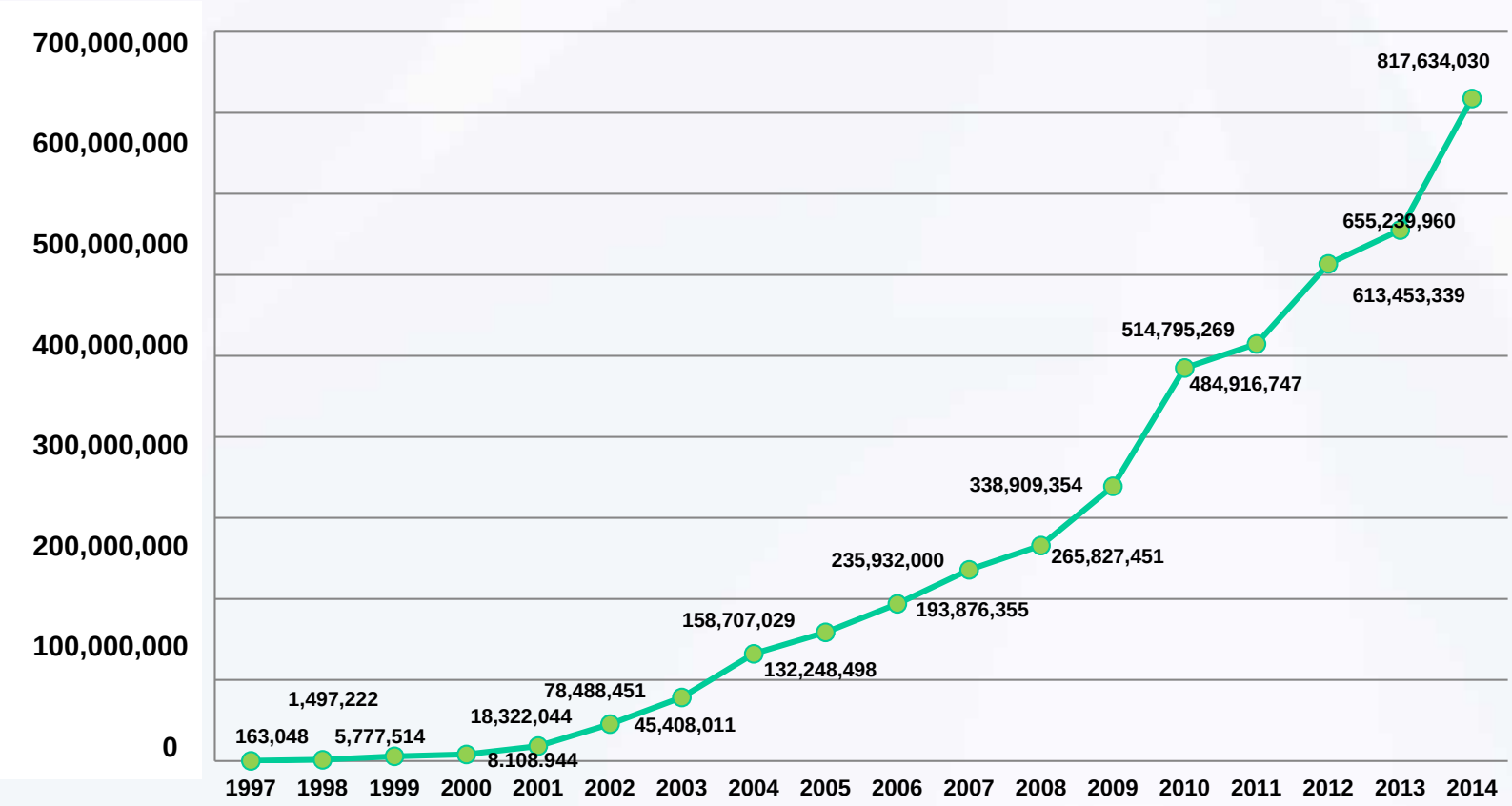
Key figures 2014

13,976,316 Personal Income Tax returns filed by Internet

817,634,030 hits at Tax Agency`s websites

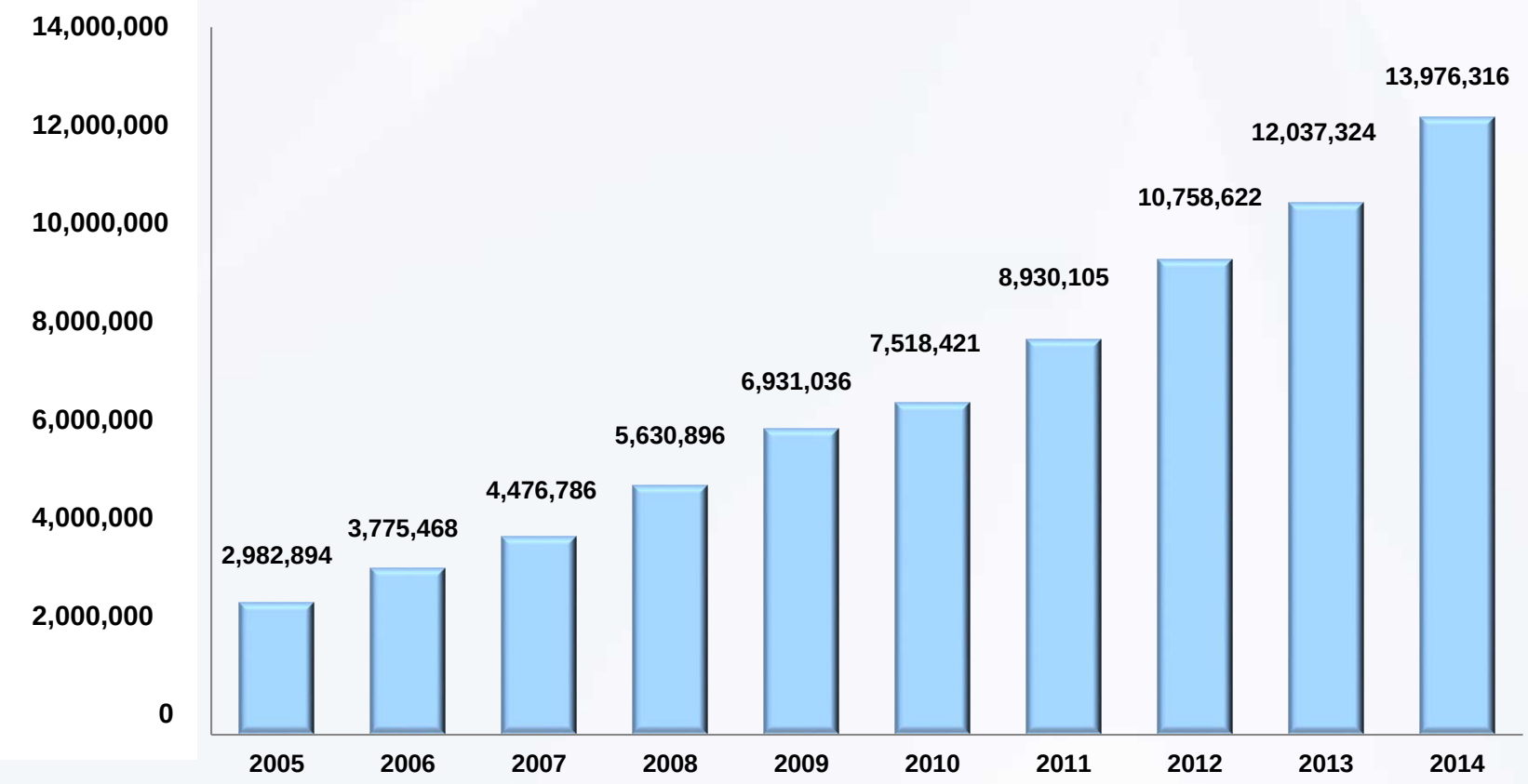
100% SAD's and transits filed online

Development of Tax Agency`s websites hits



Internet Portal

Personal Income Tax returns filed by Internet



Electronic Office (I)

- Law 11/2007, of 22 June, on Citizens' Electronic Access to Public Services sets forth:

  - the rights of citizens to carry out their relations with the Public Administrations electronically

  - the latter's obligation to facilitate such electronic access

- Tax Agency procedures have been in compliance with Law 11/2007 since 31 December 2009. After much endeavour, the **Electronic Office** was created

- Accessible from the Tax Agency portal www.agenciatributaria.es or directly at www.agenciatributaria.gob.es

- Citizens interact electronically using an electronic signature, advanced in some cases and not so in others

- The creation of non-advanced electronic signature systems such as RENØ (since 2011) and PIN24H (since 2013) facilitates certain electronic procedures and has led to their general use by the public

Electronic Office (II)

Personalised services:

❑ The Electronic Office enables all procedures to be performed *online*:

▪ ***"Procedures, services and formalities"*** broken down by tax
The public is entitled to obtain information, make consultations and statements, place requests, immediately obtain tax certificates, indicate their consent, make payments, undertake transactions and appeal against resolutions and administrative decisions…

▪ **Noteworthy services by campaign**: for example sending prepopulated returns and tax information for filing personal income tax returns…

▪ **Register of powers of attorney** to grant, revoke and register powers of attorney via Internet

Electronic Office (III)
Personalised services:

❑ ***"My notifications"***
Option of receiving **notifications** entering electronically in the Agency's Own Office and linking with the Electronic Notifications Service through the *General entry point* via the specifically ***Enabled Electronic Address***

In 2014, 11.2 mandatory electronic notifications were issued, of which 11 million come from obligatory holders of Mandatory Electronic Notiification (NEO). Since it was introduced in 2011, this system has saved 64 million euros

❑ ***"My files"***
In the procedures in which users are parties, right to know the procedure status and obtain electronic copies of electronic documents

❑ ***"My register details"***
Citizens may check and modify their tax address

❑ ***"Collation of electronic documents"*** In order to verify the integrity of the Agency's electronic documents authenticated using a Secure Verification Code (SVC)

Electronic Office (IV)

Personalised services: Income Tax Campaign

- The Tax Agency supplies taxpayers with the **tax information** they require to file their Personal Income Tax returns

- Sends, if the taxpayer is included in the target group, has requested it so and unless he/she has seen it on the internet, the Tax Returns draft to his home. It´s checked, confirmed and modified by, phone, internet and SMS …

- Free mobile Apps enabling certain procedures, such as requesting an appointment or Cl@ve PIN, to be done via mobile phone

- **RENØ** : Service for obtaining prepopulated return and tax information by Internet. 15,155,471 in 2014

- 124,992 Renta 2013 tax returns were filed using PIN24H

Electronic Office (V)

Filing tax returns online

- **On one's own behalf**

Taxpayers file their tax returns through the Agency's electronic office using the identification and authentication systems (electronic signature) provided for under Law 11/2007.

- **Through a representative: Social collaborators and proxies**

Taxpayers may assign a proxy or authorise a collaborating institution that has signed an agreement with the Tax Agency, to file tax returns for the different taxes on their behalf.

- **Large Enterprises: Mandatory**

- **Order HAP/2194/2013,** 22nd that establishes the procedures and general conditions under which certain Income Tax Returns Files and informative declarations should be filed (by Official State Gazette, november 26 th 2013), is extended and spread to electronic files.

Electronic Office (VI)

Filing of tax returns. Computer help programmes

- The Tax Agency offers computer help programmes for the main taxes. Nonadays, chosen help programmes - those that require to be downloaded and installed in taxpayer`s equipment - are being replaced by *online* services that are executed from Tax Agency`s Electronic Office (i.e. Calculus service of tax witholdings) or by online quiestionnarie.

- It directly helps taxpayers to prepare their returns in its offices or through Collaborating Organisations, prior askance of appointment.

- In 2014, a total of 19,254,119 income tax returns were presented for 2013. These returns were presented using the help programmes, as income tax returns for 2013 and later years can no longer be filed manually, in a pre printed sheet.

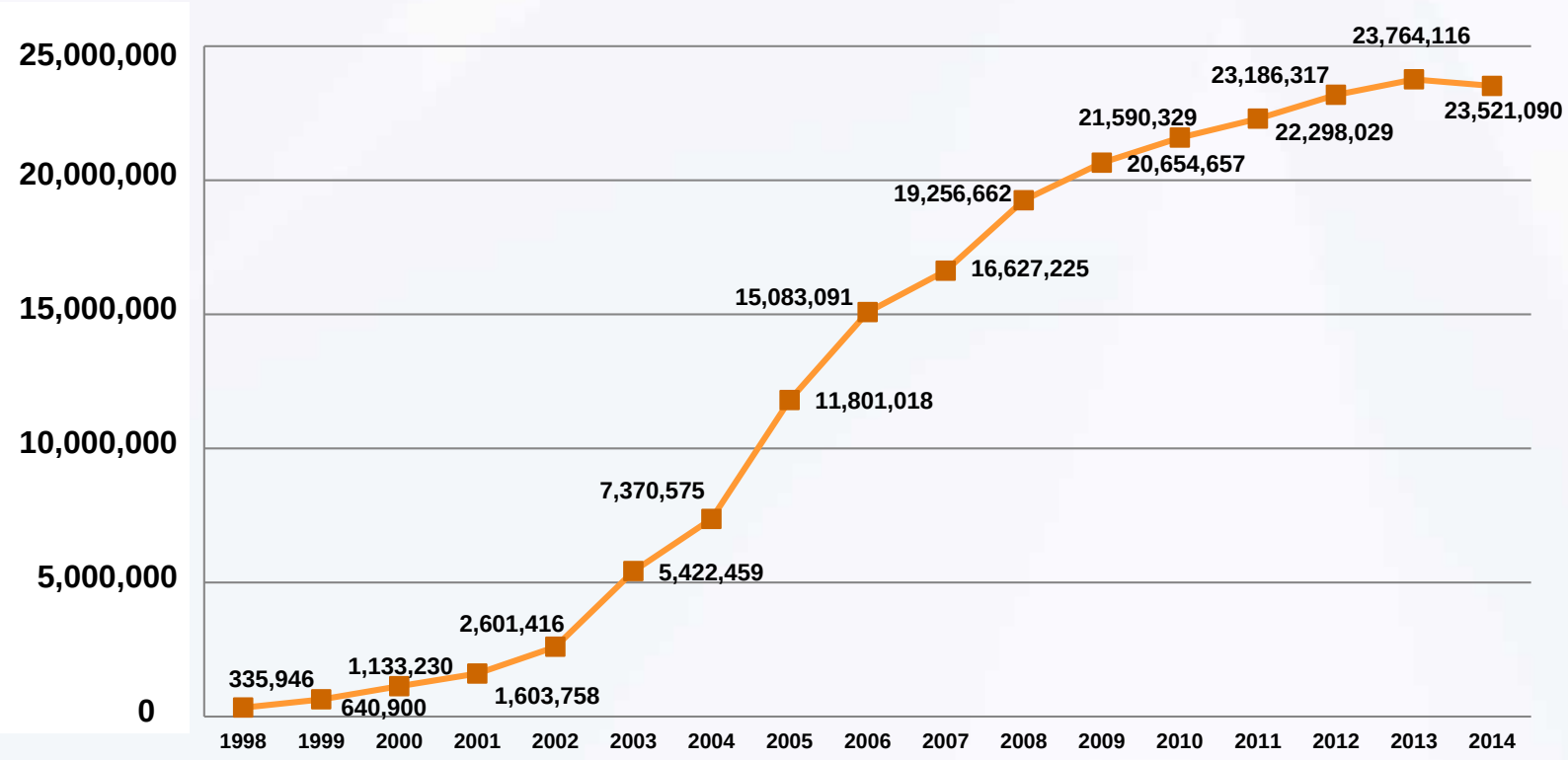
Information and assistance for the taxpayer

Communication channels

- Telephone information and helpline
- Written or postal information: Letters, leaflets, manuals…
- Publicity campaigns informing taxpayers (especially in the Annual Income Tax Campaign): Press, radio, television
- "INFORMA" Programme
- You Tube video channel and chat, Twitter y Skype for computing inquiries

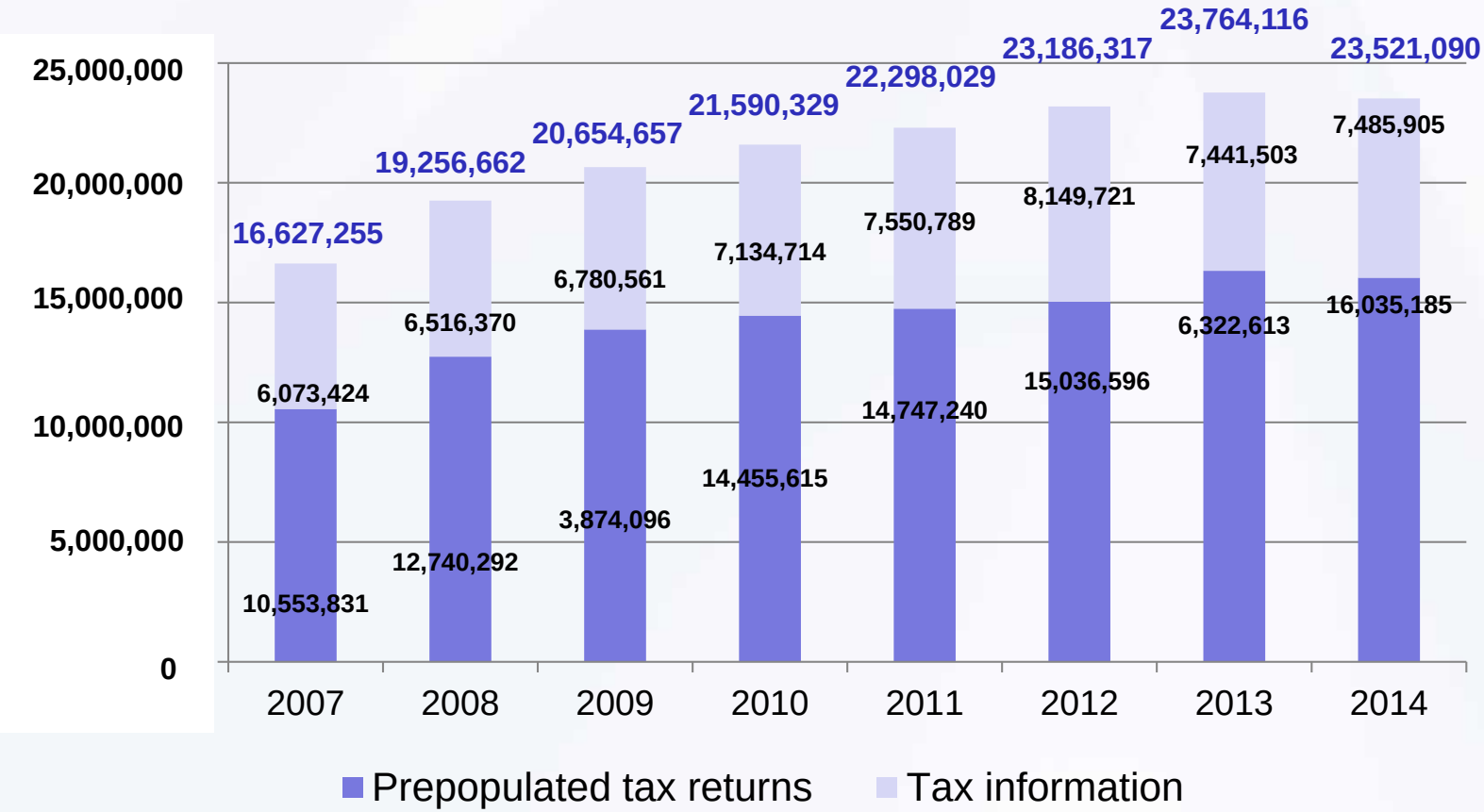
Information and assistance for the taxpayer (II)

Sending of Personal Income Tax Information and Tax Returns Drafts



Information and assistance for the taxpayer (III)

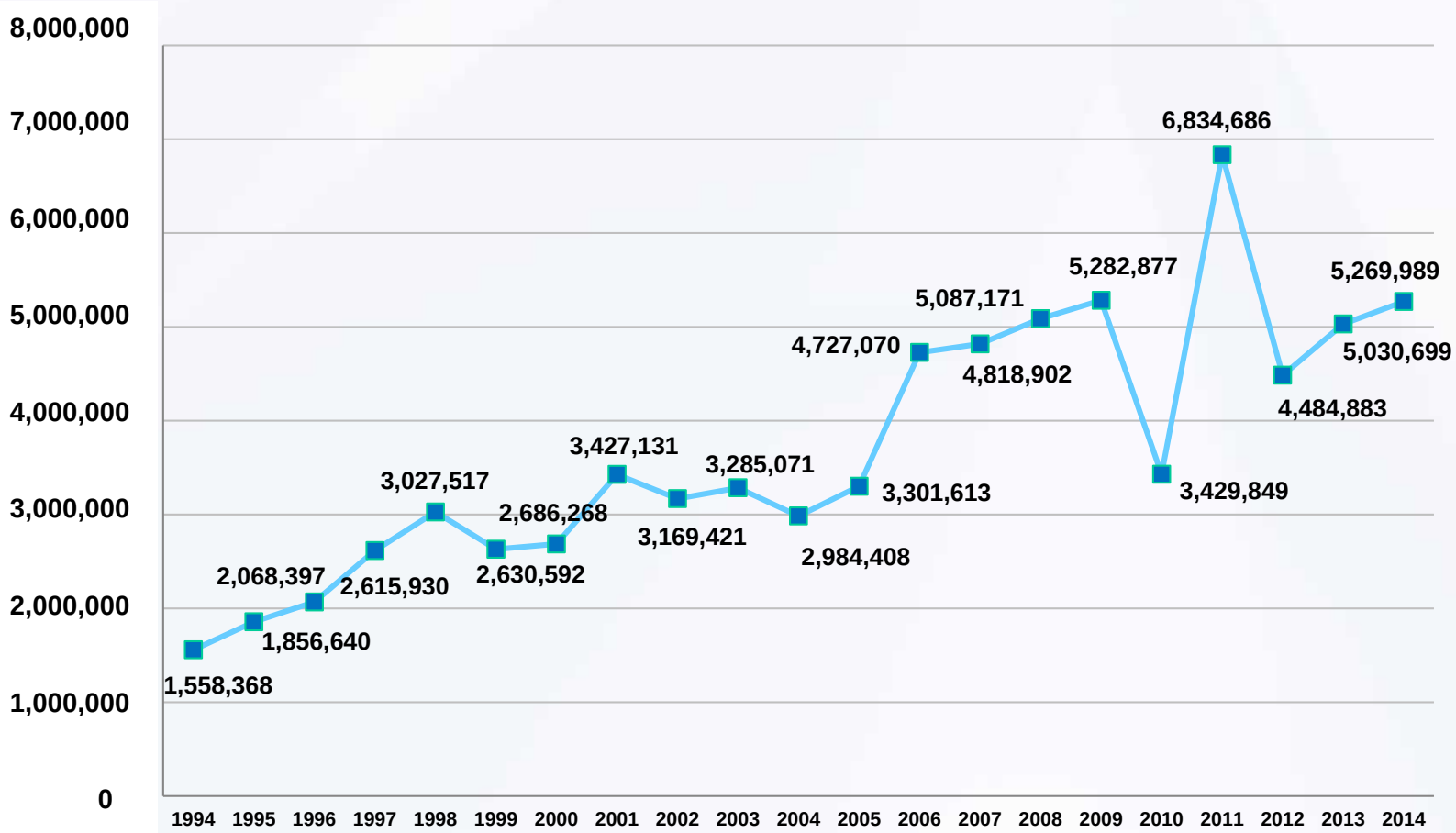
Tax Returns Drafts and Tax Information for Personal Income Tax sent. 2007/2014



Information and assistance for the taxpayer (IV)

Other services for the public

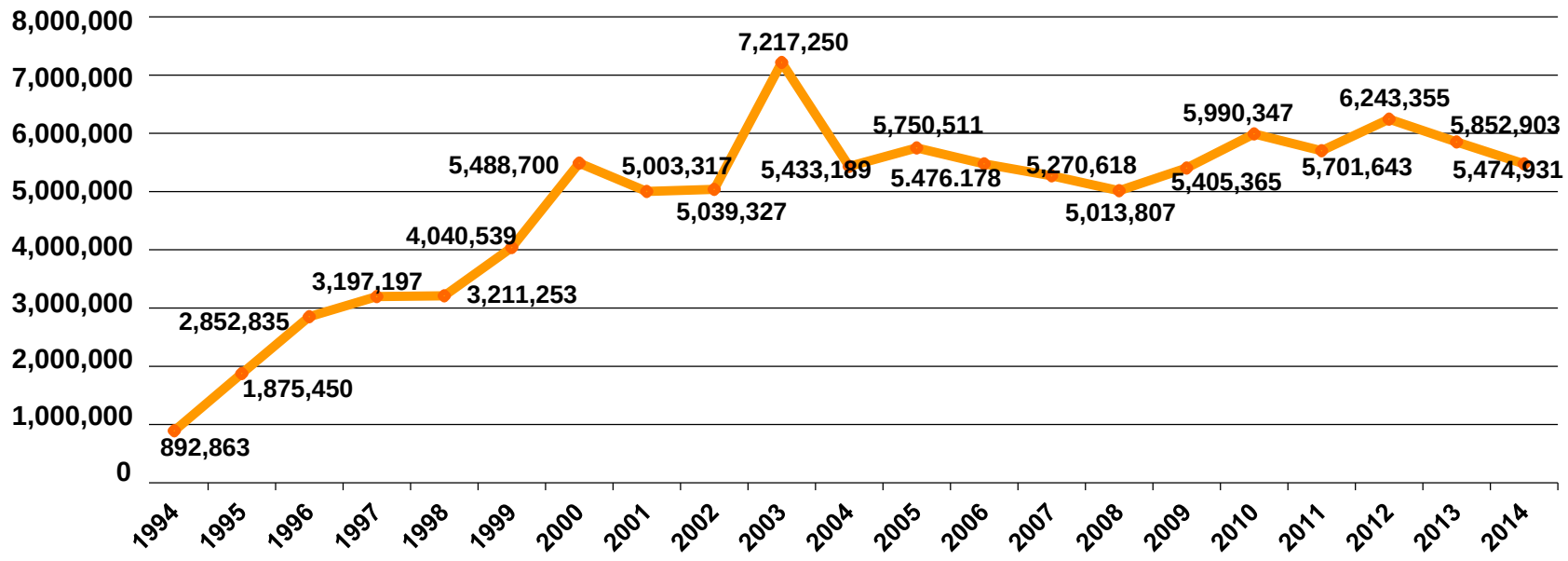
Number of accesses to the "INFORMA" Programme



Information and assistance for the taxpayer (V)

Other services for the public

Calls answered by the basic tax information call centre service



Information and assistance for the taxpayer (VI)

Other services for the public

- **Appointment service for preparing tax returns:**

  - Appointments arranged for all the help programmes and notifications: 3,401,553, of which 2,358,671 correspond to appointments arranged in the Income Tax Campaign

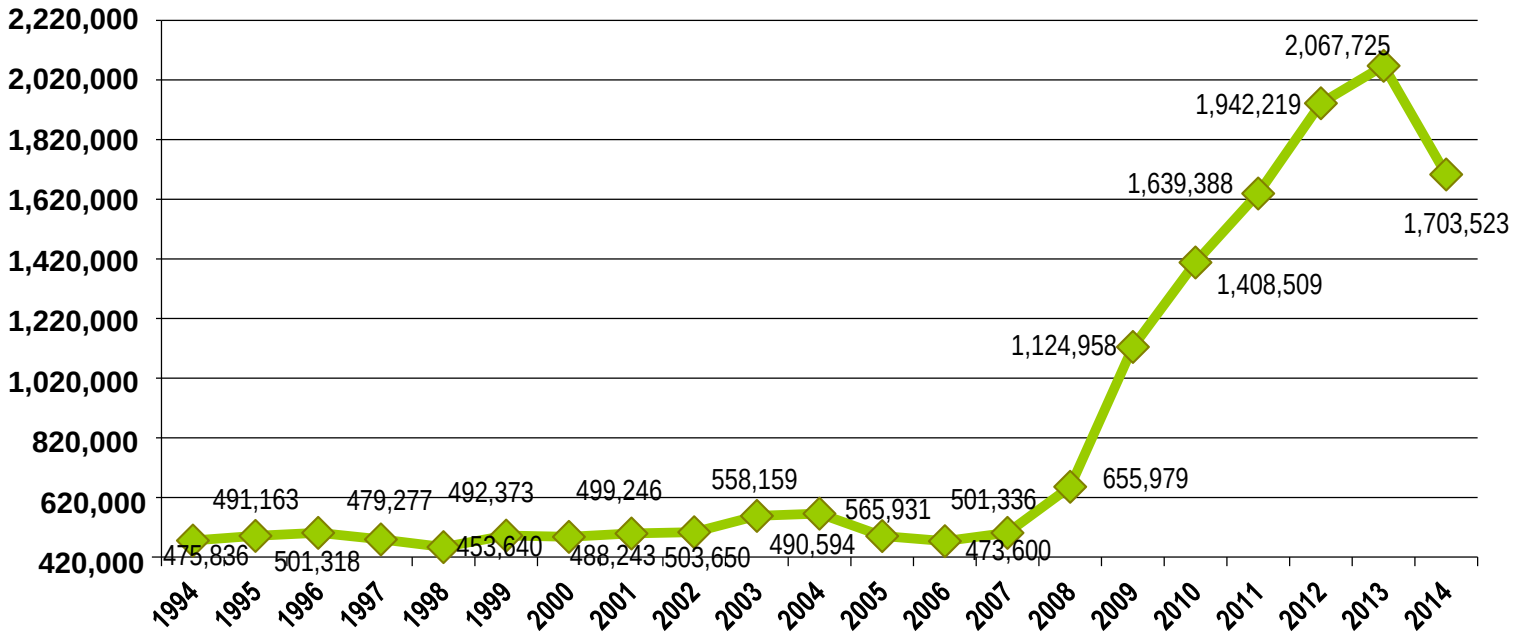
  - El programa ATENEO, que permite computar la atención presencial, registró en 2014 que 16.853.635 contribuyentes acudieron a las oficinas de la Agencia Tributaria para realizar cualquier trámite o gestión.

Payment facilities for tax liabilities (I)

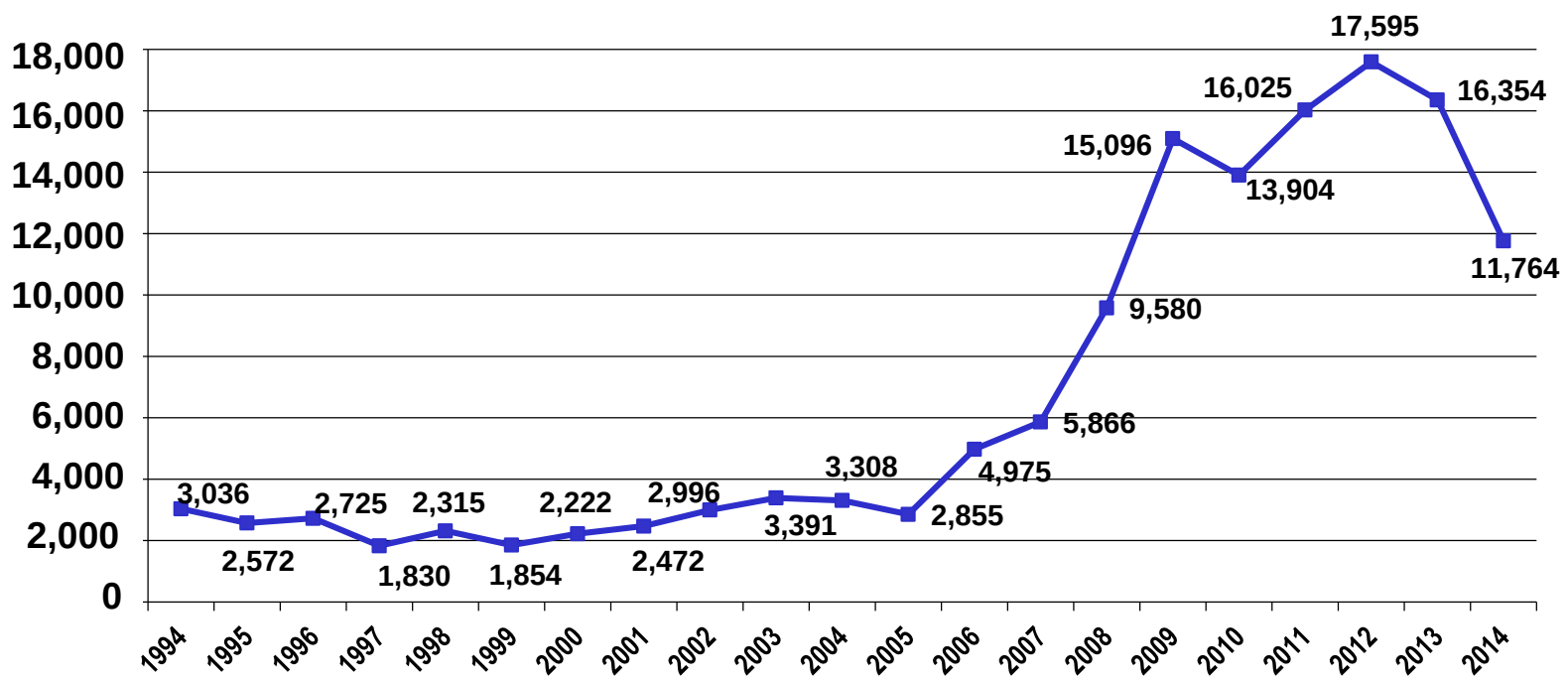
- Organisations that collaborate in collection management: 132
- Revenue collected: €220.717 million
- Types of collaborating Credit Entities:
  - Private banks
  - Savings Banks
- Payment by direct debit, card or telephone

Payment facilities for tax liabilities (II)

Number of payment deferrals requested



Payment facilities for tax liabilities (III)



Speeding up customs clearance

- The number of customs returns filed online with scanned documentation is growing: 24 hours a day, 365 days a year
- A validation system has been installed which immediately rejects electronic returns that do not comply with the acceptance requirements
- The electronic file contains all the documentation to do with the tax return, included either by the returning party or by the Customs Authority
- E-mail communication extends to the “release of goods” and other notifications related to the clearance or procedure
- A simplified transit procedure has been introduced for goods traffic in railway freight containers

Tax and Customs Control

- Selective checks and investigation actions
- Extensive checking actions
- Phase collection actions
- Integrated actions

Tax and Customs Control

- **Selective checks and investigation actions**
- **Extensive checking actions**
- **Phase collection actions**
- **Integrated actions**

Selective checking and investigation activities 2014 (I)

- Taxation sphere → Audit Department
- Customs sphere → Customs and Excise Department

Purpose

- → To find and detect the most complex unfullfillments
- → To chase tax fraud most sophisticated forms

Selective checks

- → Performed inside and out of Tax Agency offices
- → Taxpayers that present high tax risk

Selective checks and investigation activities 2014 (II)

No. of taxpayers audited	29,561
No. of decisions ruled	66,988
Settled debt *(€ million)*	4,987.31
Amount of reimbursements reduction	291,84

Complaints of tax offence

Nº of files: 391
Evaded fees: 305,04 *(million euros)*

Selective checks and investigation activities 2014 (III)

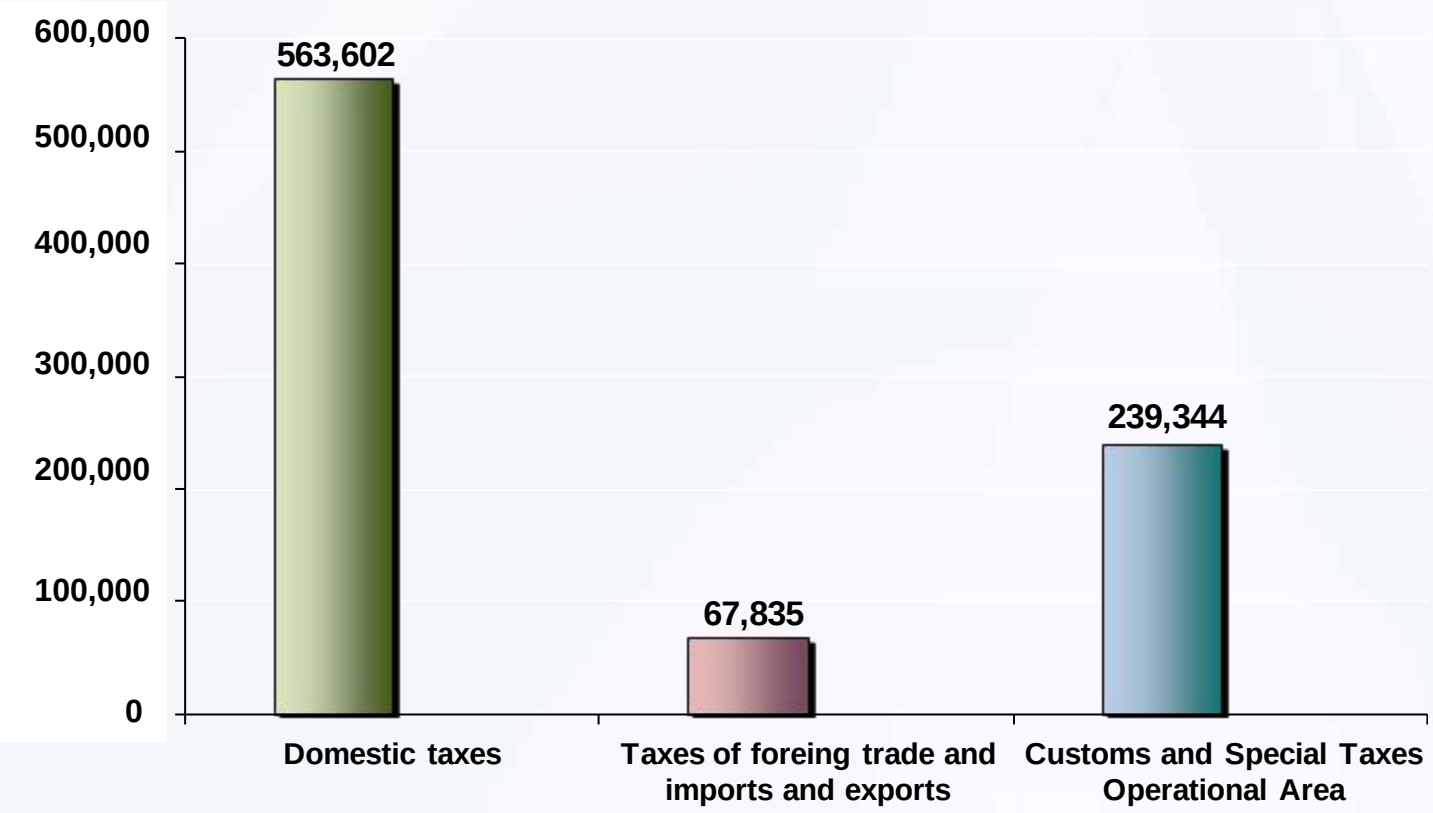
- **Actions against black economy (visits to companies and business establishments):**
  - 11,223 visits were started/ 478 of which on presumed issuers of fake bills
  - 7,410 actions tending to non declared tenancy rents
  - 682 survelliances of residents´associations
  - 1,174 actions to control turnovers, payment means and cash use
  - 586 actions of census control
  - 1,223 visits to examine companies´ computer systems
- **Actions over operations with high level bank notes**
- **Production of 3,032 rebate control files**
- **Processing of 12,738 control and monitoring files from the Registry of Intra-Community Operators and the Registry of Monthly Rebates**

Selective checks and investigation activities 2014 (IV)

Total no. actions performed

Control selectivo e investigación 2014 (V)

Número de actuaciones



Tax and Customs Control

- Selective checks and investigation actions
- Extensive checking actions
- Phase collection actions
- Integrated actions

Extensive checking activities 2014 (I)

- Taxation sphere → Management Department and Great Companies* Management Units
- Customs sphere → Customs and Excise Department

Purpose

- → Correction of arithmetical mistakes in tax returns
- → Correction of disagreements with information supplied by third parties

Mass checking

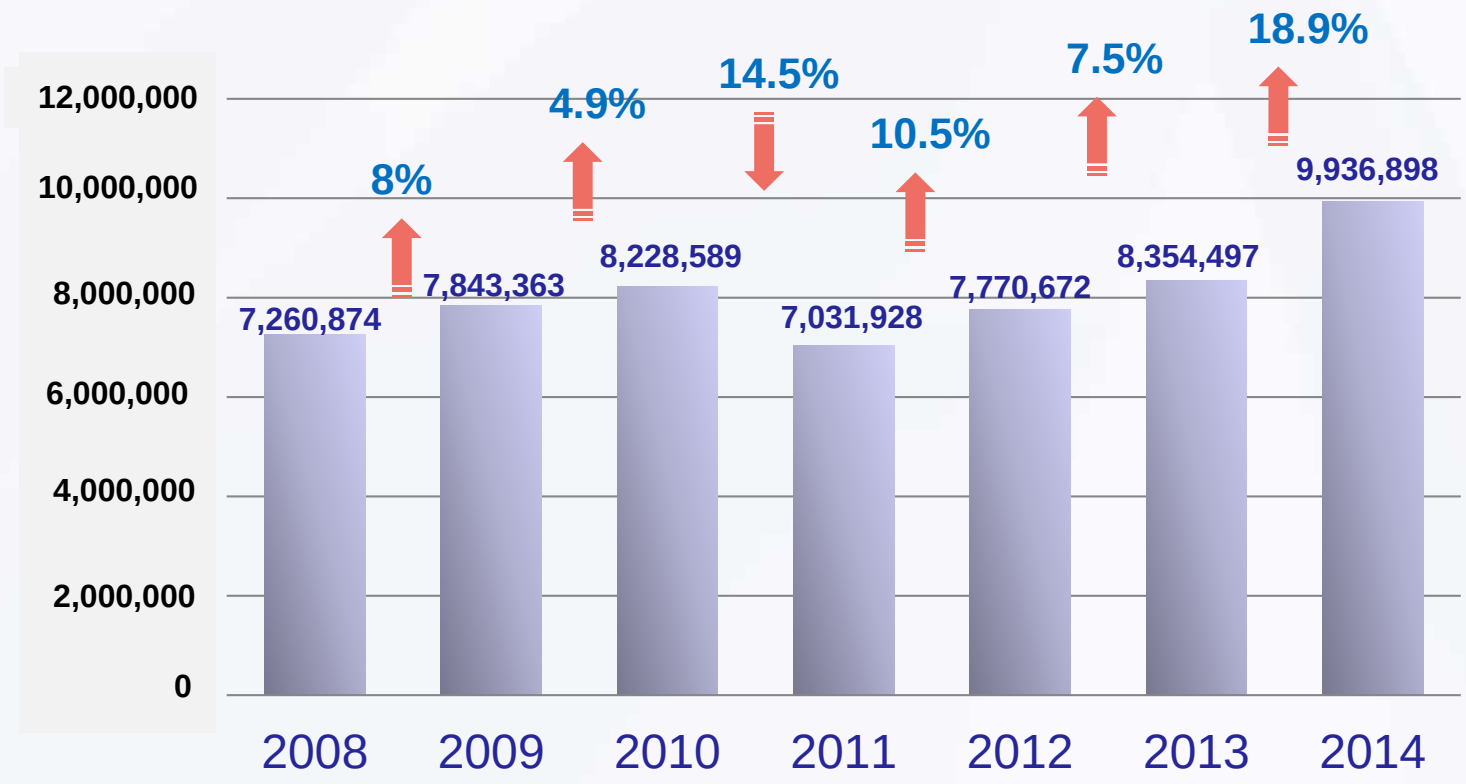
- → Performed in Tax Agency offices
- → Verifying - on a general bases – compliance of all tax liabilities

** Taxpayers whose amount of business in the previous natural year exceeds the figure of 6,01 million euros*

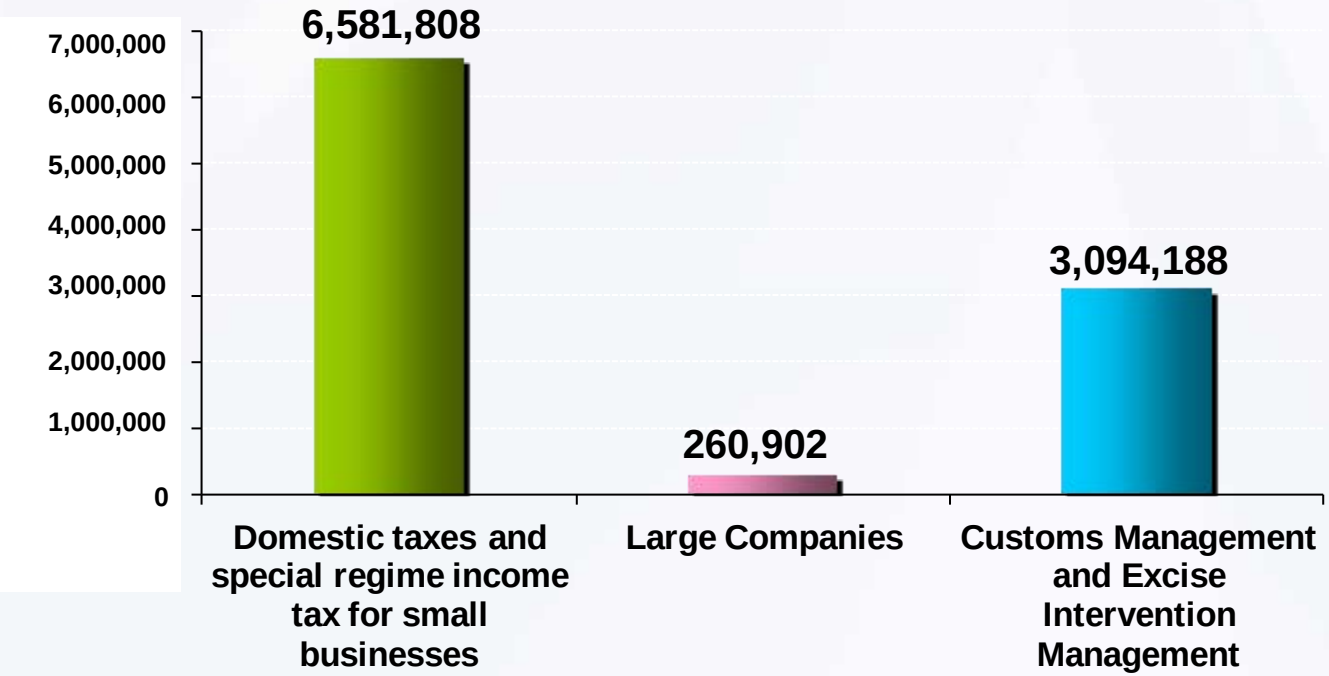
Extensive checking activities 2014 (II)

Nº of settlements Personal Income Tax	502,674
Nº of settlements Corporate Tax	49,780
Nº of settlements VAT	122,607
Settlements and affidavits Professional Modules	40,189
Customs Controls	1,155,369
Excise Tax Survelliances	153,368

Extensive checking 2014 (III)
Total no. actions performed



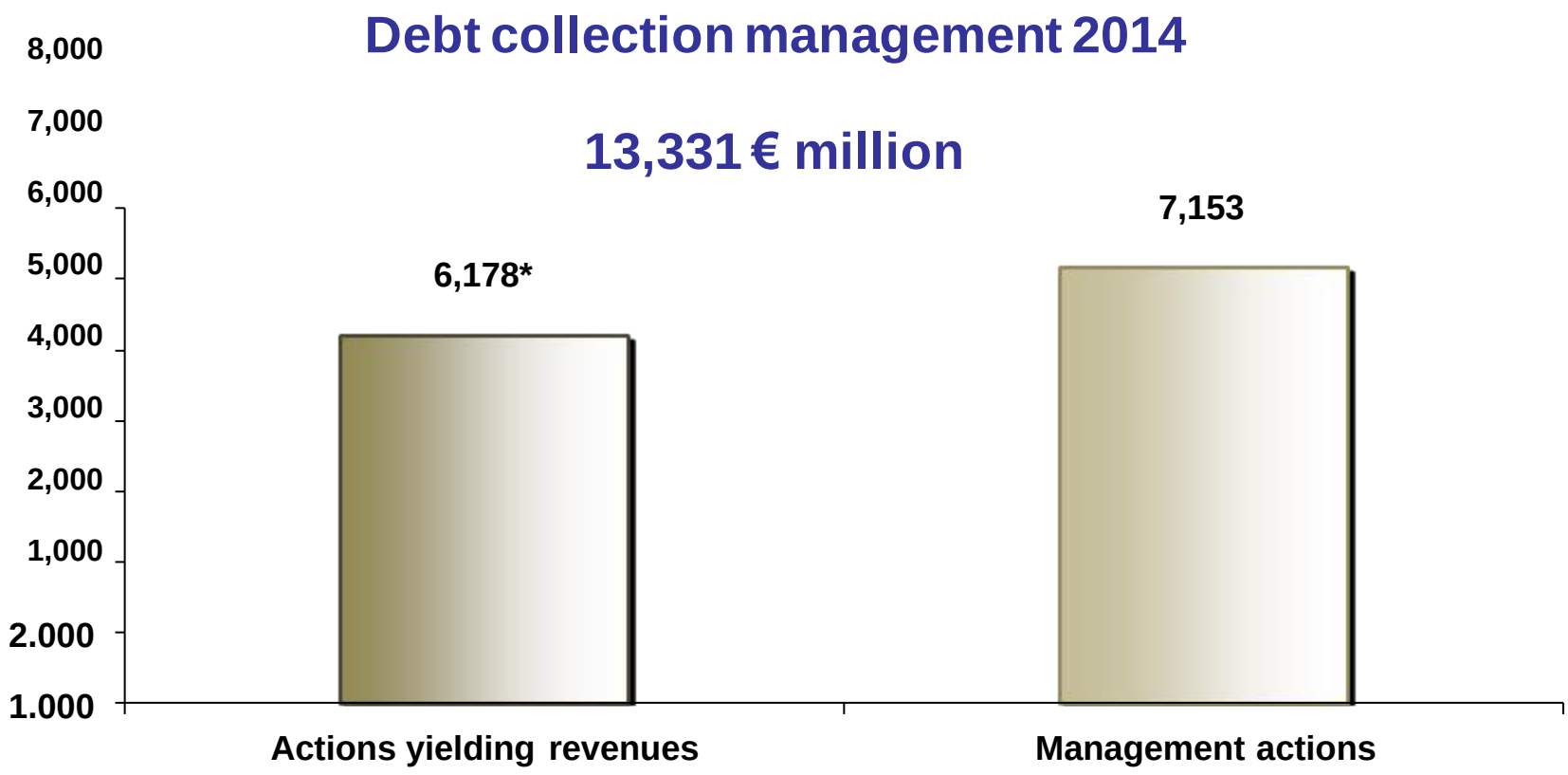
Extensive checking 2014 (IV)
Total no. actions



Tax and Customs Control

- Selective checks and investigation actions
- Extensive checking actions
- Phase collection actions
- Integrated actions

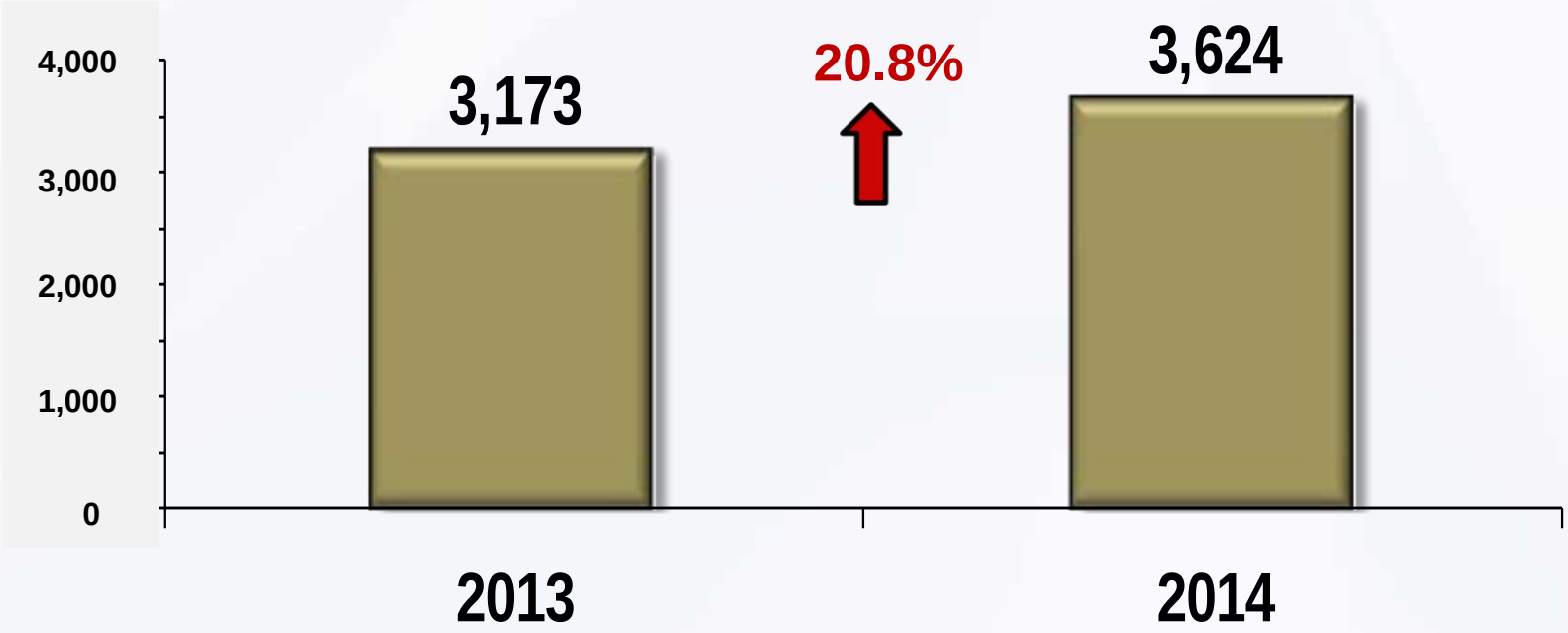
Phase collection actions (I)



** Revenues attained via enforcement revenues obtained in the voluntary settlement period as the result of a request for deferral; revenues from cautionary measures, revenues from bankruptcy proceedings and revenues from derived liabilities*

Phase collection actions (II)

Actions to ensure debt collection

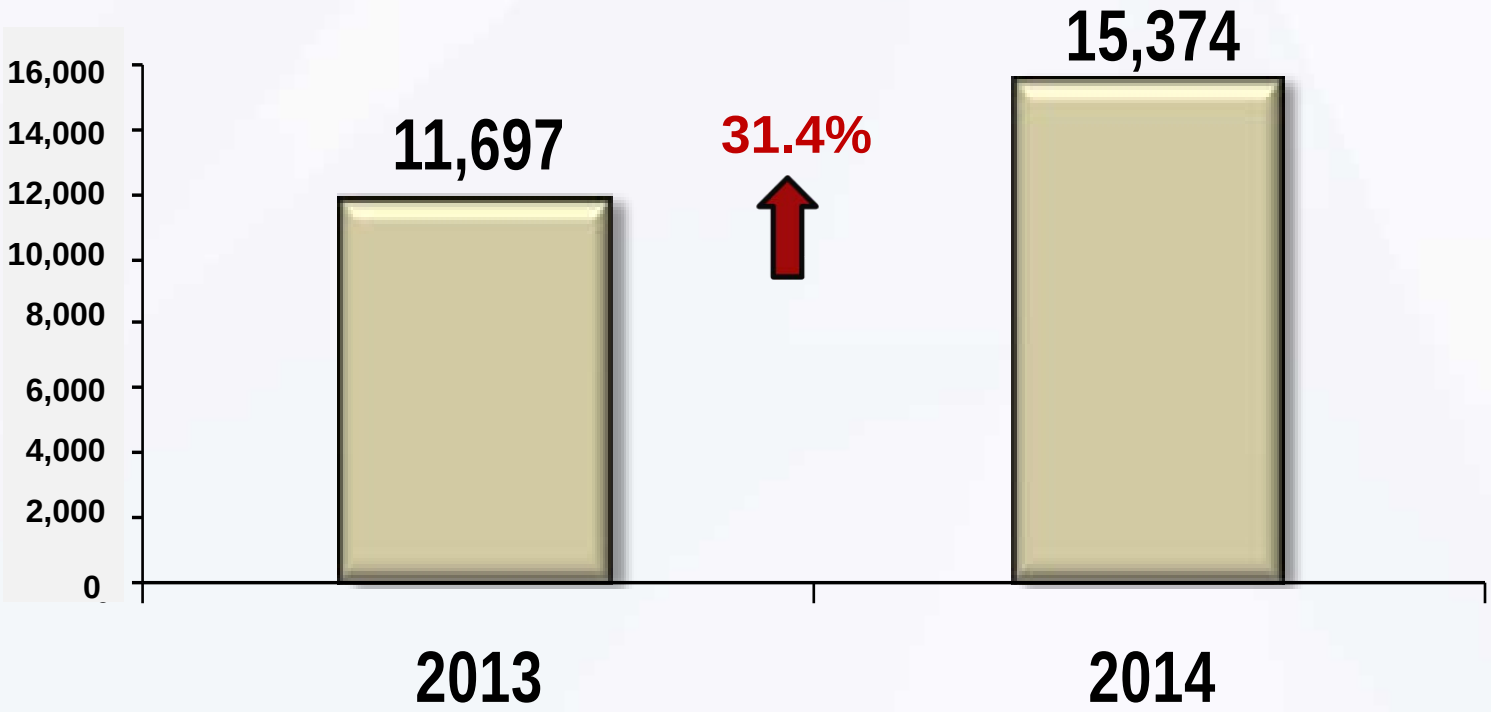


Number of actions

Goal: avoiding assets being siphoned off

Phase collection actions (III)

Derived liability (III)



Number of actions

Tax and Customs Control

- Selective checks and investigation actions
- Extensive checking actions
- Phase collection actions
- Integrated actions

Integrated actions (I)

- Agency actions jointly involving a variety of functional areas
- Noteworthy are:
  - collection risk control actions in the verification and return phase
  - actions in which the Customs and Excise operations area collaborates with the tax audit, collection and management bodies
- 2014:
  - 16,565 actions
  - percentage compliance 117.78%

CONTENTS

• Spain: General details and structure of the Tax and Customs System
• What is the Tax Agency?
• Organisation Chart
• Financial and budgetary System
• Human Resources
• Planning
• Results and actions
• Partnerships
• Public Opinion

Partnerships

- **Information exchange and transfer**

- **Social co-operation**

- **International Relations**

- **Autonomous Communities and Cities**

- **Large Enterprises Forum**
  Professional Associations Forum

Information exchange and transfer (I)

The Tax Agency's partnership policy on the question of information transfer and exchange is implemented through the following kinds of agreements:

- **Agreements to TRANSFER INFORMATION TO OTHER PUBLIC ADMINISTRATIONS:**
  - **For purposes unrelated to taxes:**
    - **Information transfer for activities to control benefits and subsidies**
    - **Information transfer to avoid certificates being issued**
  - **For taxation purposes:**
    - **Spanish Federation of Municipalities and Provinces (FEMP) information exchange agreements**
    - **Information exchange with Autonomous Communities within the Joint Committee**
- **Agreements for OBTAINING INFORMATION IN THE FIGHT AGAINST FRAUD**
  - **Autonomous Communities and Local Authorities**
  - **Social Security General Fund - Work and Social Security Inspectorate**
  - **National Statistics Institute (INE)**
  - **Police General Directorate**
  - **Money Laundering and Crimes Committee Enforcement Service (SEPBLAC)**
  - **General Directorate for Traffic**
  - **General Directorate for Civil Aviation**
  - **General Directorate for Road Transport**
  - **General Directorate for Merchant Shipping**
  - **Head Office of the Land Registry**
  - **Registrars**
  - **General Council of Notaries**

Information exchange and transfer (II)

Information transfer to other Public Administrations

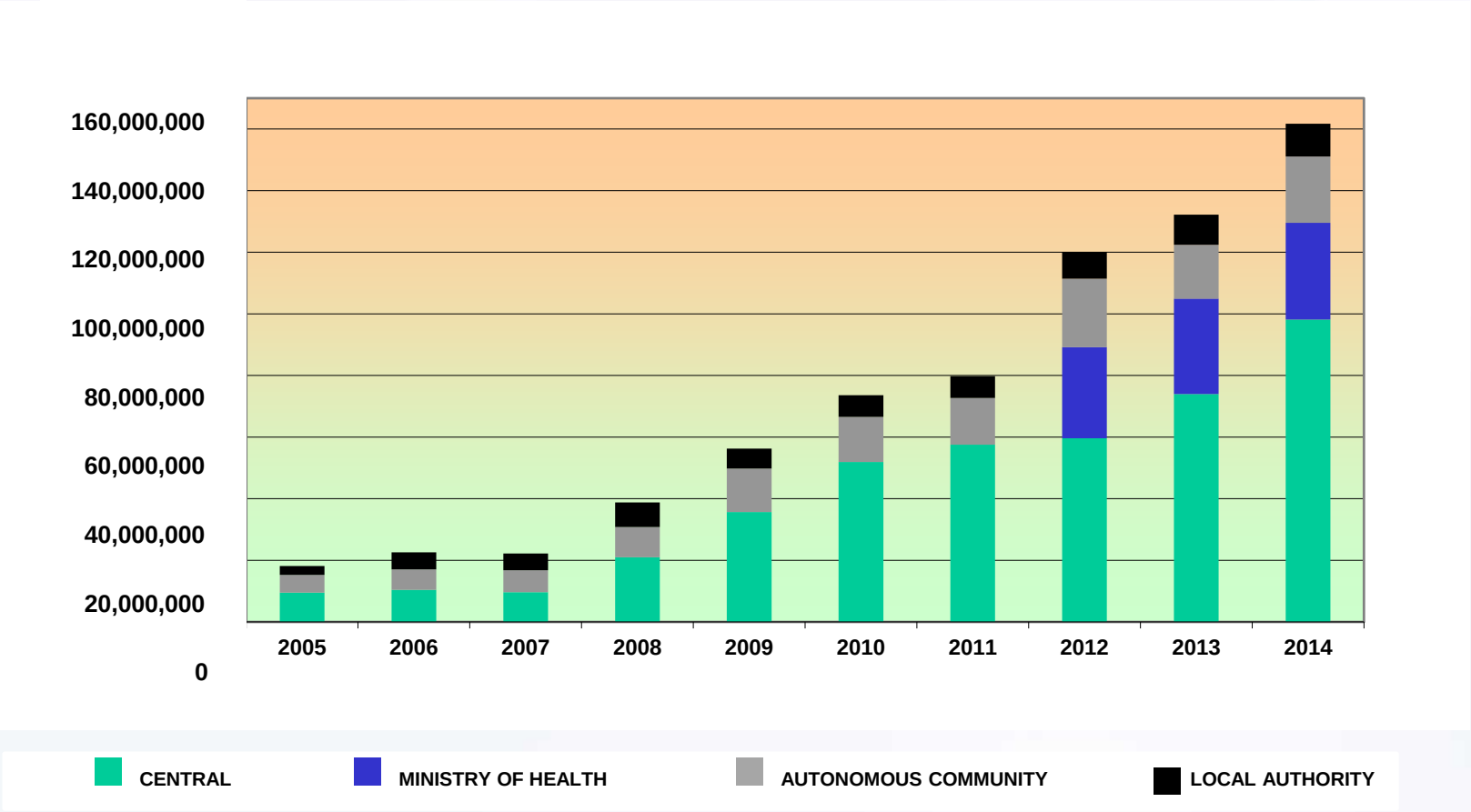
Number of records transferred in 2014 (*)

Administration type	
Central	98,115,435
Autonomous Community	21,541,668
Local Authority	10,633,438
Total	130,290,541

(*) It is necessary to add the 31,408,931 records sent to the Social Security Authority

Information exchange and transfer (III)

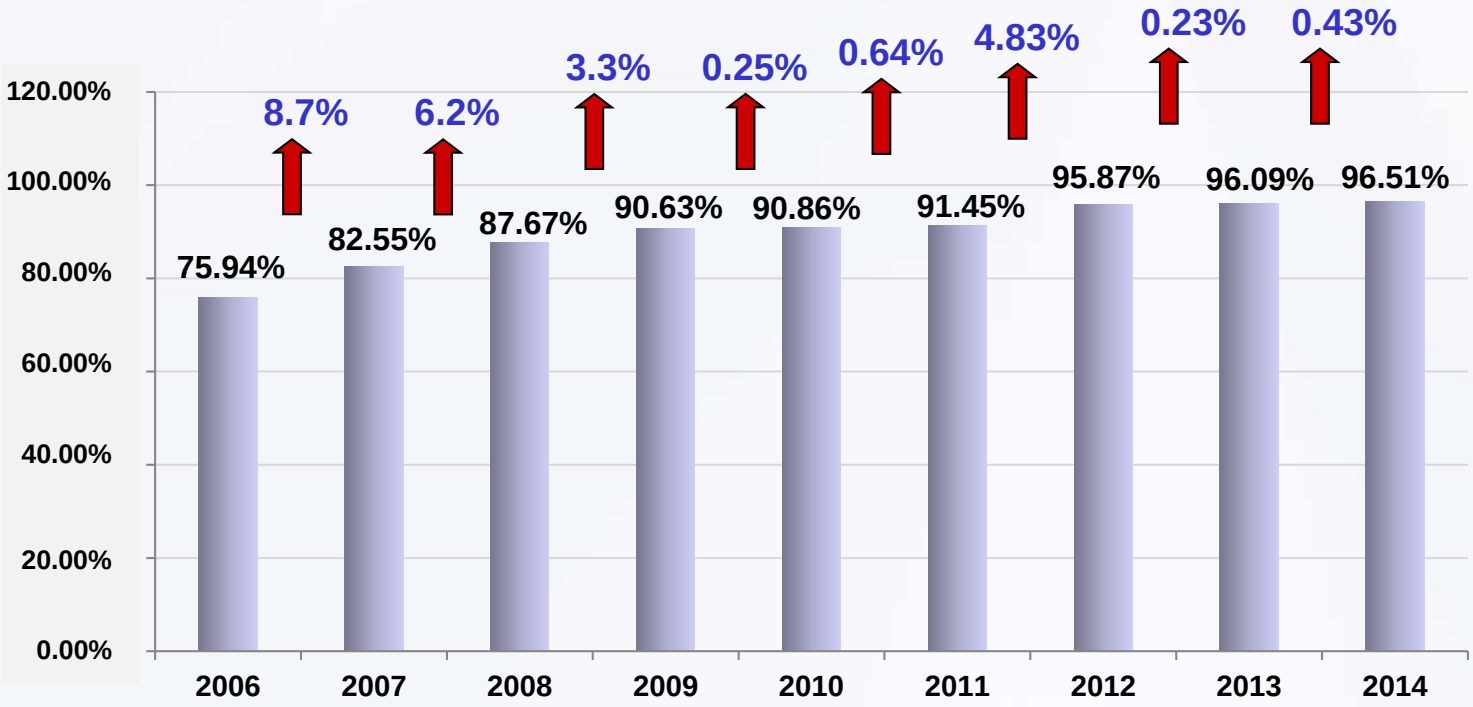
Statistics showing the information transfer evolution



Information exchange and transfer (IV)

Percentage of certificates avoiding need to attain them in person

Tax certificates supplied online over the total number of certificates issued by the Tax Agency



Partnerships

- Information exchange and transfer
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  Professional Associations Forum

Social co-operation

For electronic filing of tax returns, appeals and other documents on behalf of third parties

4,264 Agreements and Membership Protocols

- *Tax management professionals*
- *Business Associations and Professional Bodies*
- *Financial institutions*
- *Autonomous Communities and Local Authorities*
- *Companies (for employee tax returns)*
- *Automobile dealerships (for the IEDMT)*
- *Transport and agricultural organisations*
- *Company groups*
- *Companies (for filing of employee Personal Income Tax returns)*

Partnerships

- Information exchange and transfer
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International Relations (I)

International organisations in which the Tax Agency participates

- CIAT: Inter-American Centre of Tax Administrations
- IOTA: Intra-European Organisation of Tax Administrations
- OECD: Organisation for Economic Co-operation and Development
- OMA: World Customs Organisation

International Relations (II)

❑ *FISCALIS 2020 programme*

- The Tax Agency, through the International Relations Coordination Unit, manages the Spanish side of the **FISCALIS 2020** programme**,** and through the Customs and Special Taxes Department, the **Customs 2020** programme. These programmes promote and fund administrative and tax cooperation among member countries: international seminars, technical groups, multilateral controls, working visits by civil servants from different countries, etc.

- Number of Spanish participants, in the last fiscal year, in activities in the **FISCALIS** programme organised by other European Administrations: 251

- **CUSTOMS 2020:** The Customs and Special Taxes Department undertook the following activities in the context of the Customs 2020 programme during 2014: Workshops, Seminars and Courses 10, Participating civil servants 18, Working visits (civil servants foreigners to Spain) 23, Working visits (Spaniards civil servants abroad) 12

❑ *OECD- Committee on Fiscal Affairs (CFA)*

- Goal: To develop a set of standards or conventions in various matters relating to international taxation.
- Activities: Participation in the Action Groups of the BEPS Project; the Common Reporting Standard (CRS) was approved in the context of automated sharing of information, and others.

International Relations (III)

❑ *Intra-European Organisation of Tax Administrations (IOTA)*

- Mission: to provide a forum for discussing practical questions in tax administration, promote cooperation between the tax administrations of the European region, and support their development according to the individual needs of each one.
- In 2014, Spain joined its Executive Council, participated in 3 General Assemblies, 1 Workgroup and 19 Workshops, and answered 60 queries.

❑ *CIAT*

- Goal: To provide specialist technical assistance for updating and modernising tax administrations. Non-profit.
- In 2014 the Agency organised the Technical Conference in Santiago de Compostela, focusing on “The optimisation of resources and processes of tax administrations”
- Activities: Participation in the General Assembly, the Ethics Committee and the Tax Code

❑ *EUROsocial II*

- The European Union's regional programme to strengthen social cohesion in Latin America.
- Work done: AEAT provided assistance to Argentina, Bolivia, Brazil, Costa Rica, Colombia, El Salvador, Guatemala, Mexico, Peru and Uruguay.

❑ *CUBA – EU Expertise Exchange Programme*

- Development Cooperation project funded by the EU
- 2014: 5 attendances and 10 expert attendees

International Relations (IV)

❑ ***Activities with other international bodies***

- Participation in:
  - ✓Skill-building activities in the PIFTE (Ibero-American Specialist Technical Training Programme) organised in Ibero-America and Spain.
  - ✓International training and courses in tax administration for the civil servants of the region's countries.

❑ ***Other activities***

- Interministerial Workgroup led by the ICEX (Ministry of the Economy and Competition) for analysing and improving Spain's position in the indicators of the World Bank's annual "Doing Business" report.

❑ ***International Relations of the Customs and Special Taxes Department:***

- Main sphere of activity: European Union (Council of Europe, European Commission and the anti-fraud office, OLAF).

- Participation in meetings and workgroups of the World Customs Organisation (WCO).

- Activities within the multilateral agreement on cooperation and mutual assistance among the Customs Departments of Latin America, Portugal and Spain (COMALEP) and in the context of bilateral agreements with third countries, and in other international forums; CCLEC (Caribbean Customs Law Enforcement Council), and FATF (Financial Action Task Force).

- **Participation in EU forums:** Including those of the Council (Customs Union, Customs Cooperation, COSI Security and Fiscal Matters) and of the Commission.
- **Participation in other technical forums: The World Customs Organization** held the **Global AEO Conference** in Madrid from 28 to 30 April 2014, jointly organised by the WCO, the Korean Customs Department and the Customs and Special Taxes Department.

Partnerships

- Information exchange and transfer
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  Professional Associations Forum

Autonomous Communities and Cities under the common system (I)

Tax Management Co-ordination Bodies (Jurisdiction over all the Taxes and Levies Transferred)

- Senior Board for Tax Management and Co-ordination
- Regional Councils for Tax Management and Co-ordination (17 in the country overall)

Autonomous Communities and Cities under the common system (II)

Senior Board for Tax Management and Co-ordination

- A collegiate body, made up of representatives from the State Tax Administration and the Tax Administrations of the Autonomous Communities and Cities with a Statute of Autonomy, charged with co-ordinating management of the transferred taxes and levies.

- Functions: Article 65.3 of Law 22/2009, of 18 December, regulating the tax and administrative measures of the new system for financing the Autonomous Communities under the Common System and Cities with Autonomy Statutes and modifying certain tax regulations.

Autonomous Communities and Cities under the common system (III)

Regional Councils for Tax Management and Co-ordination

- Collegiate bodies, made up of representatives from the State Tax Administration and the Tax Administrations of the Autonomous Communities and Cities with a Statute of Autonomy, charged with co-ordinating management of the transferred taxes and levies in their respective regions

- Functions: Article 66.2 of Law 22/2009, of 18 December, regulating the tax and administrative measures of the new system for financing the Autonomous Communities under the Common System and Cities with Autonomy Statutes and modifying certain tax regulations.

Special System Treasuries (I)

Distribution of jurisdictions: Financial Covenant (Navarre), Financial Arrangement (Basque Country)

- Jurisdiction to maintain, establish and regulate their own taxation system within their own regions, in keeping with the terms and conditions set forth in the respective Financial Covenant and Arrangement

- Principles of fiscal harmonisation: Compliance with General Tax Legislation in terminology and concepts; equivalent, effective overall fiscal pressure; guarantee of freedom of movement and establishment of persons, goods, capital and services in all of Spain; and respect for the harmonisation principles set forth in EU regulations

- They contribute to the non-transferred state charges through a sum known as quota (Basque Country) or contribution (Navarre)

Special System Treasuries (II)

Relationship, co-operation and collaboration bodies and bodies for resolving conflicts

- **Financial Arrangement with the Basque Country:**
  - Joint Committee
  - Regulatory Co-ordination and Assessment Committee
  - Arbitration Board
- **Financial Covenant with Navarre:**
  - Co-ordination Committee
  - Arbitration Board

Partnerships

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Partnerships

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Large Enterprises Forum (I)

- **Goal:** A body enabling a co-operative relationship between the Tax Agency and a limited number of large enterprises in Spain
  - **Co-operative relationship:** To foster greater collaboration based on the principles of transparency and mutual trust through a knowledge and pooling of the problems that may arise when applying the taxation system
- **Created:** 10 July 2009
  - **No. of member enterprises:** 27 organisations from different sectors
- **Make-up:**
  - **Presidency:** President of the Tax Agency
  - **Representing the Tax Agency:** Director General (Vice Chairman of the Forum) and heads of the Management, Audit, Collection and Customs Departments; heads of the Planning and Institutional Relations Department and of the Large Taxpayers Central Office.
  - **Representing the enterprises:** Members of their boards of directors

Large Enterprises Forum (II)

- **Functioning:** Plenary sessions and Working Parties

- **Plenary Sessions:**

  - Ordinary: At least once every six months
  - Extraordinary: - Called by the president
    - At the request of at least five enterprises

- **Agreements:** Always by consensus among attendees

- **Meetings Calendar:** 6-monthly meetings

- **Working Parties formed:**

  - Analysis and rationalization of indirect fiscal burdens
  - Analysis of tax legislation and conflict lessening
  - Project for the Immediate Information Supply
  - Cooperative relationship
  - Excise Taxes

  - The Working Party "Code of Tax Best Practice" was formed for the creation of the aforementioned. The Code was approved by the Plenary Session of the Forum on July, 20th 2010, meanwhile the Monitoring Committee was formed.

Large Enterprises Forum (III)

Code of Tax Best Practice

- Approved by the Plenary session of the Forum on 20 July 2010

- Drawn up jointly by the Administration and companies

- **Goal:** To improve the application of our tax system through:
  - Increased legal certainty
  - Reciprocal cooperation between companies and AEAT based on the principles of good faith and loyalty
  - Application of responsible fiscal policies by companies

- It contains **recommended** measures and practices of good governance of companies in fiscal matters, which companies can adapt to their own characteristics.

- **Commitments:**
  - Transparency, good faith and co-operation with AEAT in company tax practice.
  - Transparency and legal certainty in the application and interpretation of tax law by AEAT
  - Reduction of lawsuits and conflict avoidance

- **Subscription process:**
  - The Code is generally applicable to any company, whether or not it is part of the Forum
  - The agreement of the Board of Directors is required
  - The list of member companies is published on the website of the Tax Agency
  - 82 companies have joined to date

- **Monitoring Committee:**
  - Six members appointed annually by AEAT and companies equally
  - Meetings at least every six months. Agreements by consensus
  - Functions: Adding new matters to the Code, interpreting the recommendations, and any initiative which helps the realisation and practical use of the Code.

Professional Associations Forum (I)

- **Goal:** To improve relations between the Tax Agency and tax advisors by seeking actions to:
  - Facilitate taxpayers' voluntary compliance
  - Increase transparency in information
  - To improve social collaboration
- **Created:** 30 March 2011
  - **No. of member associations:** 10
- **Make-up:**
  - **Presidency:** Director General of the Tax Agency
  - **Representing the Tax Agency:** Directors of the Management, Audit, Collection, Customs, IT departments; and of Legal Services, Planning and Institutional Relations and the Catalonia Regional Office
  - **Representing the associations:** Presidents and Vice Presidents

Professional Associations Forum (II)

- **Functioning:** Plenary sessions and Working Parties

- **Plenary Sessions:**

  - Ordinary: At least once every six months
  - Extraordinary: - Called by the president
    - At the request of at least four associations

- **Agreements:** Always by consensus among attendees

- **Meetings Calendar:** 6-monthly meetings

- **Working Parties set up:**

  - Boost of social collaboration
  - Fraud prevention measures

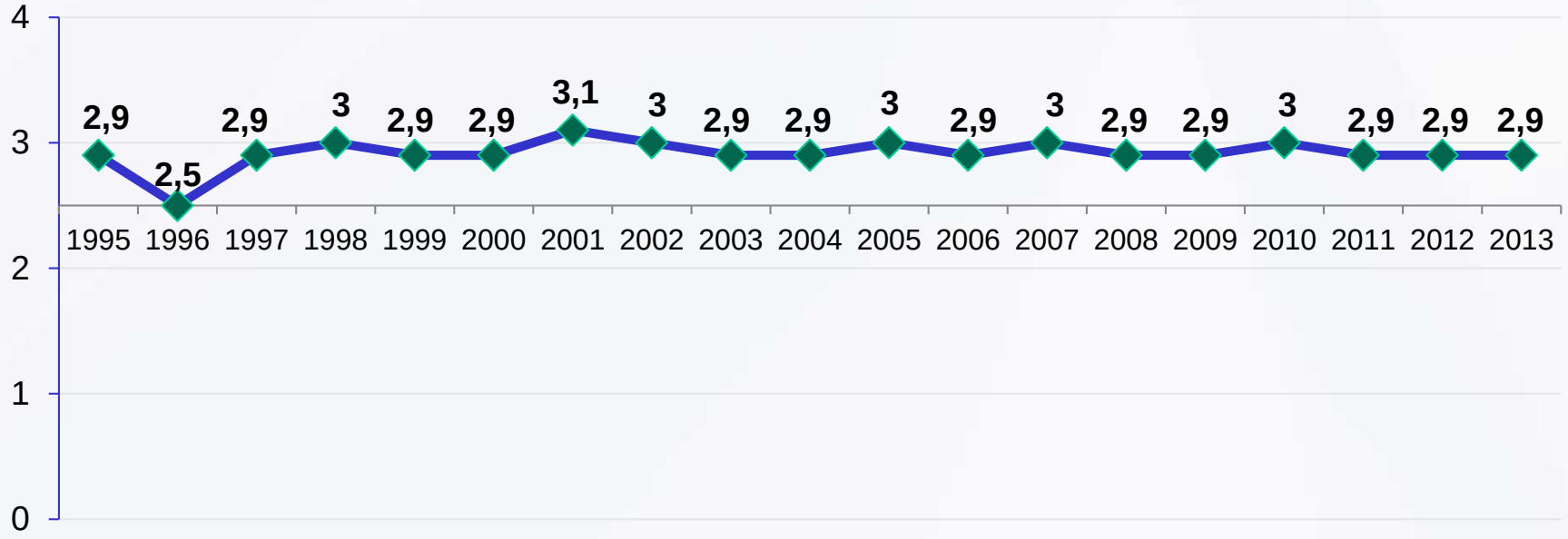
  ➢ Appoinment Service Working Party. Its creation is agreed in July 2015 Plenary Meeting. It hasn´t been formed still

CONTENTS

• Spain: General details and structure of the Tax and Customs System
• What is the Tax Agency?
• Organisation Chart
• Financial and budgetary System
• Human Resources
• Planning
• Results and actions
• Partnerships
• Public Opinion

Public Opinion (I)

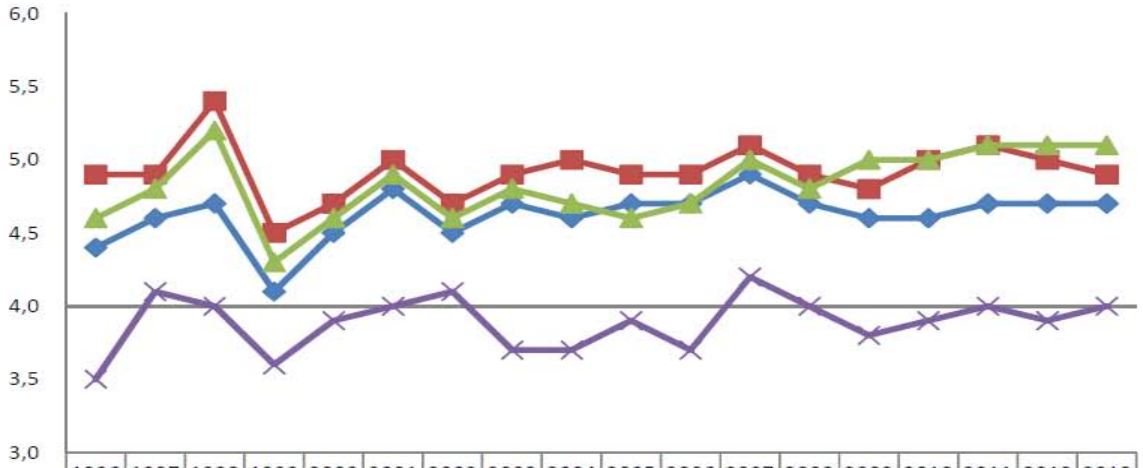
Evolution in the appraisal of Tax Agency services (1995-2013)



Source: Institute of Tax Studies (latest survey published 2013)

Public Opinion (II)

Evolution in the appraisal of Tax Agency employees (1996-2013)



	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Imparcialidad	4,4	4,6	4,7	4,1	4,5	4,8	4,5	4,7	4,6	4,7	4,7	4,9	4,7	4,6	4,6	4,7	4,7	4,7
Capacitación	4,9	4,9	5,4	4,5	4,7	5,0	4,7	4,9	5,0	4,9	4,9	5,1	4,9	4,8	5,0	5,1	5,0	4,9
Corrección	4,6	4,8	5,2	4,3	4,6	4,9	4,6	4,8	4,7	4,6	4,7	5,0	4,8	5,0	5,0	5,1	5,1	5,1
Empatía	3,5	4,1	4,0	3,6	3,9	4,0	4,1	3,7	3,7	3,9	3,7	4,2	4,0	3,8	3,9	4,0	3,9	4,0

Source: Institute of Tax Studies (latest survey published 2013)

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RISK MANAGEMENT

Athens 13 February 2017

SECURITY AND CONTROL COMMISSIONS (1)

- **Definition:** They consist in specialised Commissions, created in 1998 in the AEAT and charged of the preparation and development of the security and control corporate policies. For doing so, they review the procedures set out by the Departments.

- Their composition promote the debates and the participation: officials of different background and positions, coming from the headquarters or territorial offices; high directives, tax and customs qualified technicians, audit and security experts, IT professionals.

SECURITY AND CONTROL COMMISSIONS (2)

- The Tax Agency has a Security and General Control Commission (Order of 07.11.1997) for the whole of the AEAT and Security and Control Sector Commissions (Resolution, 26.01.1998, of the President of the AEAT,) with expertise in the different areas:
  - Tax Management.
  - Tax Collection.
  - Customs, Excises and Customs Surveillance.
  - Tax Control (Tax Inspection).
  - General Security and Economic Management.
  - Tax Information Technology.
- The quoted Resolution regulates the composition of the Commissions and their functioning.

COMPOSITION OF THE COMMISSIONS

- ✓ President: the Director of the Tax Agency's Department of the involved area.
- ✓ Vice-president: an Internal Audit Service Senior Inspector
- ✓ Secretary: a Department official.
- ✓ Members: representatives of the involved Department, one representative of the IT Department and two representatives from the territorial services.

The Commission may call for attendance other officials, according to the items in the agenda.

FUNCTIONS OF THE COMMISSIONS (1)

1) Analysing and evaluating risks related to the organisation services to develop the corresponding preventing measures.

2) Maintaining security criteria and guidelines on the functional scope of the Commission.

3) Making proposals to improve and strengthen the control and security systems.

4) Establishing an Annual Plan of Activities. The IAS elaborates an annual report the Commissions activity.

FUNCTIONS OF THE COMMISSIONS (2)

5) Detecting e investigating relevant risk areas.

6) Analyzing and evaluating the weaknesses and deficiencies of control.

7) Make operational corrective or control measures, specially implementing automatic alarms in the information system.

8) Elaborating regulations and instructions proposals and elevating them to the Department Director or the General Director of the AEAT.

DEFINITION AND MEASURE OF RISK

- RISK is defined as the possibility of incidence of an event with adverse effects on the achievement of the objectives of an organization.
- RISK is measured by the product of the probability of the event and the impact it causes.
  - Frequently, the scales of measure of the risks are qualitative and represented by different colours (red, orange, green).

RISK ANALYSIS

- The risks that can affect relevantly to the organisation objectives must be managed. The risk before (resp. after) controls is called inherent risk (resp. residual risk).
- There exists four standard kinds of treatment of the risks:
  - To avoid the activities which generate the risk
  - To reduce the risk, lowering the probability of incidence, the impact or both.
  - To transfer totally or partially the risk to a partner.
  - To accept the risk. This is a competence of the Board.

CRITICAL RISK ELEMENTS (COSO II METHODOLOGY)

- Internal environment.
- Definition of objectives.
- Identification of risks.
- Evaluation of risks.
- Response to risk.
- Control activities.
- Information y communication.
- Supervision.

SPANISH TAX AGENCY RISK MAP (1)

- The Risk Map (RM) is a tool used to identify, evaluate and prioritize groups of risks.
- The Spanish Tax Agency decided in 2005 to develop a first corporate Risk Map according with a tailor-made methodology, mainly based in the COSO II concepts (ERM).
- The Internal Audit Service design the ad hoc RM methodology, coordinated the whole process and supervised the improvement plans.
- Forms and graphic instruments were designed to present the results.

SPANISH TAX AGENCY RISK MAP (2)

- The risk analysis and the proposals for risk management were discussed and prepared in Working Groups (Risk Groups) of the Security and Control Sector Commissions of the Tax Agency.
- Each Working Group identifies and analyses the relevant operational risks corresponding to the area (*collection, control, customs and excises*,…).
- The Internal Audit Service carries out the integration of the sector risk maps, which includes risks of different scopes and origin.
- The Tax Agency Director's Board validates the work, in particular launching the different steps and approving the improvement plan aiming to reduce the selected risks.

SPANISH TAX AGENCY RISK MAP (3)

- Up to now, the Spanish Tax Agency has carried out two Risk Maps and performs the third one, but the corporate approach is to work continuously in that field.
- The results were evaluated measuring the reduction of the risk before and after the implementation of the control measures.
- Taking into account the evaluation of the first Risk Map, the second and third one were formally stated by Instructions of the General Director of the Tax Agency. Among other improvements, the scales of measurement of the risks were more granular than in the previous Map.

LAUNCHING THE THIRD RISK MAP

- The third Risk Map has recently identified 42 operational or strategic risks in any of the different domains of the Agency activity.
- The Security and Control Sector Commissions have defined 114 related measures to reduce or even eliminate the impact or probability of these risks.
- The whole work has been approved by the Board and the execution of the measures has been undertaken (2012-2014).

PROFILE OF THE RISKS

- External Risks (1)
- Information Quality Risks (1)
- Information System Risks (1)
- Strategic Risks (2)
- Information Security Risks (3)
- Finance and Economic Management Risks (3)
- Compliance Risks (4)
- Organization and Functional Design Risks (8)
- Human Resources Risks (8)
- Business Processes Risks (11)

PROFILE OF THE MEASURES

- Staff's Control Improvement (13)
- Security Policies and Plans (7)
- Communication or Quality Improvement (11)
- Procedures Standardization (20)
- Operational Activities (24)
- Coordination Activities (5)
- Analysis, Design and Evaluation (21)
- Regulation Proposals (5)
- Professional Training (8)

TAX AGENCY RISK MAP STEPS

S1) Fixing, cataloguing and prioritizing the objectives of any category of the organization.

S2) Identification of the key processes made by AEAT to meeting each objective.

S3) Identification of the risks associated with each of the key processes and objectives.

S4) Evaluation of inherent risk.

S5) Identification of the controls established by the organization.

S6) Evaluation of residual risk.

S7) Treatment. Analysis of the impact of residual risk and Identification and evaluation of treatment alternatives.

EXAMPLE OF RISKS EVALUATION

	INHERENT	RESIDUAL	% REDUCTION
CRITICAL	90	28	- 69 %
HIGH	84	72	- 14 %
MEDIUM	14	77	+ 450 %
LOW	2	13	+ 550 %
TOTAL	190	190	

EXAMPLE OF CONTROL EVALUATION

TYPE OF CONTROL	TOTAL	%
PERSONAL	125	65,79 %
AUTOMATIC	32	16,84 %
BOTH	33	17,37 %
TOTAL	190	100 %

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RISKS

RETURNS INCOME TAX REFUNDS

Athens 13 February 2017

RETURNS INCOME TAX REFUNDS

Irregularities committed with the help of some civil servant of the tax agency

- Recording false document that causes the refund. Bank account controlled by civil servant. Change domicile (address) of the supplanted taxpayer.

- Refunds of deceased people.

RETURNS INCOME TAX REFUNDS

Irregularities committed with the help of some civil servant of the tax agency

- False administrative resource by rectification of tax returns.

- Rectification tax return without revenue.

- Supplanted taxpayer: When they know personal data, Bank account opened recently.

RETURNS INCOME TAX REFUNDS

Irregularities committed with the help of some civil servant of the tax agency.

- False Refunds tax returns personal income to reduce debts.

- Returns of little money (to avoid controls or filters) to diferent banking account of the taxpayers that are no declarants.

RETURNS INCOME TAX REFUNDS

Irregularities committed with the help of some civil servant of the tax agency.

- Knowing determinate data of the tax return personal income of the previous year. They can present by internet, online returns They know for the taxpayer.

TARGET OF INVESTIGATIONS

The target is to obtain evidences of the intervention of civil servants allied with the receiver of the refunds.

Always investigate the holder (owner) of the bank accounts, in which the refunds are paid.

TARGET OF INVESTIGATIONS

RISK ANALISYS (I)

- Duplicate refunds: control more than one refund by tax and period.
- Change IBAN of the refund: May be signal of irregularity.
- Same bank account in several refunds tax.
- Delays in processing without causes, risk resolution benefit another person.

TARGET OF INVESTIGATIONS

RISK ANALISYS (II)

- Resolve records in few days or hours.
- Resolve records in holidays periods.
- Repetition refunds the same taxpayer by the same civil servant.
- Repeat the same civil servant several steps of same record (of taxrefund).

TARGET OF INVESTIGATIONS

RISK ANALISYS (III)

- A partner uses the user code of another civil servant (no screen lock).
- Change domicile (address) to another unit when a “friend” resolves the refund, and come back domicile.

TARGET OF INVESTIGATIONS

SPECIFIC TOOLS OF IAS

- Databases (zujar) only for IAS, to manage all of refunds of Spanish Tax Agency in a period.
- Assign levels of risk.
- To investigate.

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OVERVIEW OF CONTROL MODEL IN SPANISH TAX AGENCY

INTERNAL CONTROL AUDIT SERVICE
ATHENS FEBRUARY 2017

PRELIMINARIES ISSUES

- BIDIRECTIONAL CONTROL
  - ✓SELECTIVE CONTROL
  - ✓ EXTENSIVE CONROL

  → (INTERNAL TAX AND CUSTOM)

- ACTIONS TO PROMOTE TAX COMPLIANCE
  - ✓ INFORMATION SERVICES

    Throught INFORMA program, a databe containing the main criteria to apply for tax regulations.
    Basic tax information hotline
    Informative letters
    Website information channel
  - ✓COMPUTER HELP PROGRAMS FOR PREPARING STATESMENTS.
  - ✓CONDUCTING PROCEDURES BY PHONE
  - ✓APPOINTMENTS
  - ✓ IN-PERSON ASSISTANCE AT OFFICIES
  - ✓REGISTER OR AUTHOIRISATONS, SUCCESSIONS AND LEGAL REPRESENTATION

- COLLECTION PHASE
  - ✓ CONTROL OF OUTSTANDING DEBTS
  - ✓ DEBTS ARISING FROM THE TAX APPLICATION
  - ✓MANGEMENT OF DEBTS OF OTHER ENTITIES
- COLLABORATION OF THE AGENCY WITH JURISDICTIONAL BODIES

  Includes several ways as:

  - Support unit for the anti-corruption office
  - Collaboration in the fiel of offences against the Public Treasury (action before initiation of criminal proceeding; action during crimienal proceeding, action to ensure the possible financial liabilities declared in a criminial proceeding; actions in enforcement of criminal sentences.
  - Collaboration in other judicial processes.
  - Supply of information
- INTEGRATION AND COORDINATION BETWEEN ACTIVITY AREAS

  The coordination between areas is articulated through joint protocols:

  - Protocol Tax Audit and Collect.
  - Protocol Tax Audit and Tax management
  - Protocol Tax Audit and Custom Audit

- PERFORMANCE SUBNMITTED TO A PROCESS OF CENTRAL PLANING
  - ✓ TAX CONTROL GUIDELINES
  - ✓ PARCIAL PLANS OF TAX CONTROL

    (Tax Audit, Tax Custom, Tax collection, Tax Management)
  - ✓ YEARLY OBJECTIVES
- INTERNAL CONTROL AND RISK ANALISYS
  - ✓ STECIFIC COMPUTER APPLICATIONS
  - ✓ STANDARDIZED PROCEDURES FOR EACH AREA OF ACTIVITY
  - ✓ ELECTRONIC REGISTRATION AND MONITORING OF ALL TASKS AND ACTIVITIES
  - ✓ SCOREBOARD AND RISKS MAP
- INTERNAL AUDIT SERVICE
  - ✓ INTERNAL CONTROL:
    - Inspection activities
    - Permanent monitoring and evaluation of the internal control system risk and conducts
  - ✓ INCOMPATIBILITIES AND INVESTIGATION OF CONDUCTS
  - ✓ INFORMATION SECURITY. ACCES CONTROL

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OVERVIEW OF ELEMENTS ALIGNED

WITH THE PREVENTION OF IRREGULAR CONDUCTS IN SPANISH TAX AGENCY

Athens. 13 February 2017

- THERE IS NOT AN EXPLICIT STATEMENT. ALTHOUGH IMPLICT REFERENCE IN DIFFERENT STRATEGIC DOCUMENTS.
- THERE IS NOT AS SUCH AN ETHIC CODE. HOWEVER THERE ARE MANY GENERAL AND SPECIFYC LAWS THAT STATES RIGHTS AND DUTIES:

  FOR EXAMPLE:

  - THE LAW THAT SET UP TAX AGENCY
  - CONFLICT OF INTEREST IN PUBLIC ADMINISTRATION
  - BASIC STATUTE OF PUBLIC EMPLOYEES
  - CODE OF BEST PRACTICES FOR GOVERMENT MEMBERS AND HEAD
  - OFFICIALS IN PUBLIC ADMINISTRATION.
- INTERNAL CONTROL SERVICE:
  - HIERARCHICAL INDEPENDENT
  - INTERNAL CONTROL FOCUSED TO RISK MANAGEMENT
  - PREVENTION, DETECTION AND INVESTIGATION OF IRREGULAR CONDUCT

- TRANSPARENCY:
  - SERVICES CHARTER
  - COUNCIL FOR THE DEFENSE OF THE TAX PAYER
  - INTERACTION WITH THE TAXPAYER BY MEANS THE WEBSITE
- HUMAN RESOURCES POLICY:
  - ACCESS TO PUBLIC SERVICE
  - REGULATION OF PROFESIONAL AND ADMINISTRATIVE CAREER
  - DISCIPLINARY REGIMEN
  - RESPONSABILITY AND ADQUATE SALARY
  - SOCIAL ACTION

INTERNAL AUDIT PREFORMANCE IN THE WRONGDOING CONTROL

1. ASSESSMENT OF THE EFFECTIVENESS OF THE INTERNAL CONTROLS STATED TO ENSURE THE PROPER ACCESS TO TAX INFORMATION
2. CHECKING OF SECURITY INFORMATION AND THE INSTRUCTIONS CONCERNING.
3. CONSULTING AND TECHNICAL ASSISTANCE IN THE DEVELOPMENT OF PROGRAMAS OF INTETGRITY AND PREVENTION OF IRREGULAR CONDUCTS.
4. HE INTERNAL AUDIT SERVICE TAKES PART AT THE DIFERENTS SECURITY AND CONTROL COMISSIONS.
5. THE PERFORMANCE OF AUDIT ACTIONS DESIGNED TAKING INTO ACOUNT THE POSSIBILITY OF RISKS IN THE DEVELOPMENT OF THE PROCEDURES, PROCESSES AND FUNCTIONS IN THE APPLICATION OF TAXES.
6. ACTIONS RELATED WITH POTENCIAL CASES OF CONFLICT OF INTEREST.
7. ADMINISTRATIVE SUPPORT TO THE ACTIVITY OF THE COUNCIL FOR THE DEFENSE OF THE TAXPAYER AS A CHANNEL OF CITIZEN PROCEDURES QUALITY FOR THE APPLICATION O F TAX SYSTEM.
   - (MEMBER OF ETHIC COMMITTEE IN CIAT)

THE MAIN ASPECTS OF THE INTERNATIONAL COLLABORATION

- ✓ THE IMPORTANCE CONFERRED BY C.I.A.T. TO THE PREVENTION OF CORRUPTION.

¿WHY? HIGH PRIORITY THAT THIS ORGANIZATION ATTRIBUTED TO THE INTEGRITY, TRANSPARENCY AND ENCOURAGEMENT OF CORPORATE AND SOCIAL RESPONSIBILITY (AGREEMENT GENERAL ASSEMBLY 1996 IN DOMINICAN REPUBLIC)

¿HOW? MAKING WORKING GROUPS WITH SPECIFIC OBJECTIVES RISING TO A PERMANENT LEVEL THE

COOPERATION.

WHEN? SEVERAL STAGES IN 2003 AND CONTINUING TODAY.

STAGES AND AIM IN THE COOPERATION WITH C.I.AT.

STAGE 1: DESIGNING A PROGRAM FOR THE INTEGRITY PROMOTION IN TAX ADMINISTRATION.

STAGE 2: MAKING EASIER THE IMPLEMENTATION OF AN INTEGRITY PROGRAMME IN TAX ADMINISTRATION

STAGE 3: ENSURING AND FACILITATE CONTINUITY IN THE PROGRAMME IMPLEMENTATION

STAGE 1 : CREATING AWARENESS AND DESIGN AN INTEGRITY PROGRAM

- **STARTING POINT** — DOCUMENT APROVED BY THE GENERAL MEETING OF CIAT 1996: LOWEST REQUIREMENTS FOR A SOUND AND EFFECTIVE TAX ADMINISTRATION.
- **GENERAL OBJETIVE** — SETTING UP A GLOBAL ACTION PLAN
- **INTERMEDIATE OBJETIVES:**
  - EXPERIENCES EXCHANGE
  - DEVELOPMENT OF AN ETHIC CODE MODEL
  - IDENTIFY TOOLS USEFUL FOR THE PROMOTION OF INSTITUTUTIONAL ETHIC
  - PROMOTE A FORMAL INSTITUTIONAL DECLARATION.
- **METODOLOGY:**
  - WORKING GROUPS
- **RESULTS:**
  - INSTITUTIONAL COMMITMENT DECLARATION SIGNED BY THE UNANIMITY OF ALL COUNTRIES.
  - INSTITUTIONAL COMMITMENT ETHIC CODE.

STAGE 2: DEVELOPMENT OF TOOLS AND SUPPORT IN ITS IMPLEMENTATION.

- SELF-ASSESSMENT GUIDE
- TRAINERS WORKSHOP
- ORGANIZATIONAL INFRAESTRUCTURE
- COMMUNICATION AND TRAINING

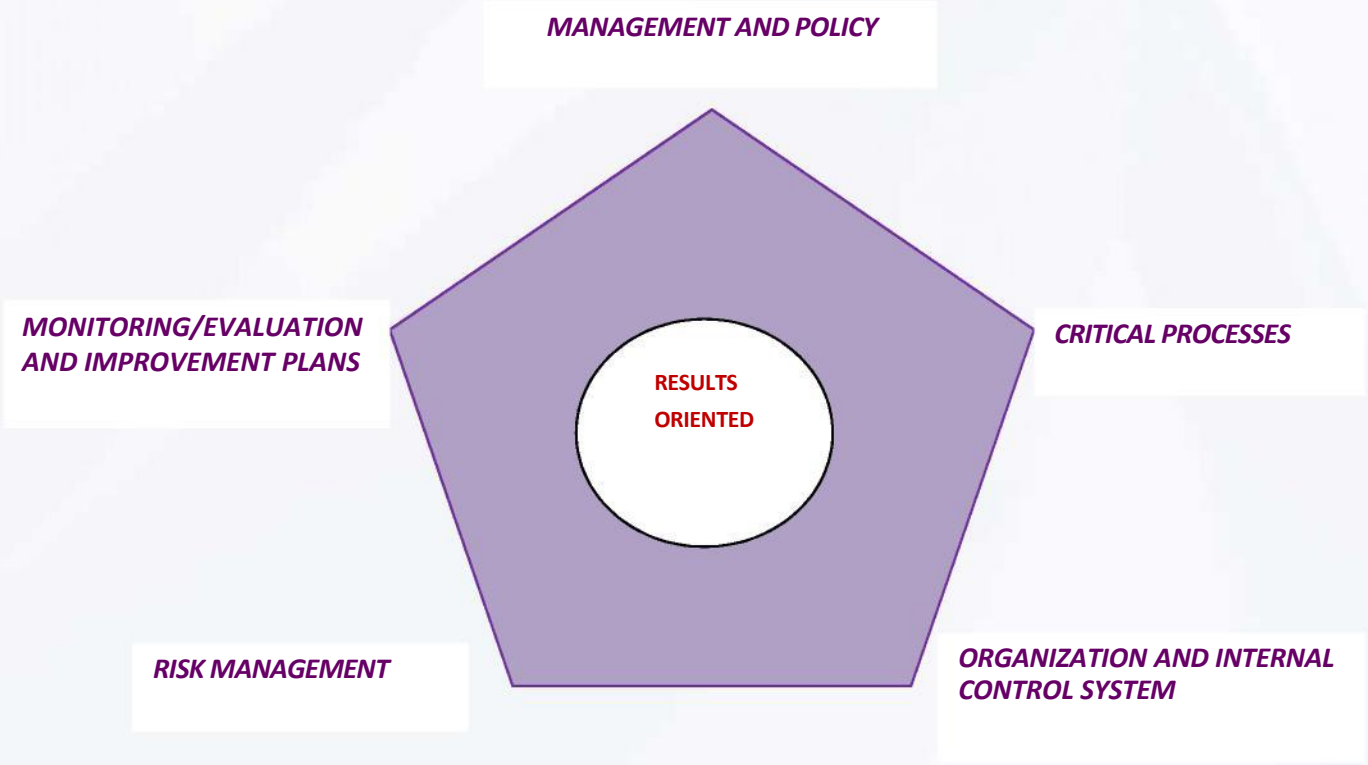
SELF ASSESSMENT GUIDE

- **IN LINE WITH:**
  - ✓ ETHIC INFRASTRUCTURE DOCUMENT
  - ✓ INSTITUTIONAL DECLARATION OF ETHIC PROMOTION
- **PURPOSE:**
  - ✓ TAKE ACOUNT THE KEY ELEMENTS
  - ✓ DETECT WEAKNESSES, STRENGTHS, RISKS AND OPORTUNITIES
  - ✓ ENCOURAGE TO DESIGN OR ADAPT A STRATEGY
  - ✓ SERVE FOR A PERIODIC REVIEW
- **KEY ELEMENTS:**
  - ✓ LEADERSHIP AND COMMITMENT
  - ✓ LEGAL FRAMEWORK
  - ✓ FAIRNESS
  - ✓ AUTOMATION
  - ✓ MANAGEMENT AUTONOMY
  - ✓ EFFICIENT ACCOUNTABILITY MECHANISMS
  - ✓ CODES OF CONDUCT
  - ✓ HUMAN RESOURCE MANAGEMENT PRACTICES

STAGE 3 : ENSURE THE CONTINUITY AND SUSTAINABILITY OF AN ETHIC PROGRAM

- CREATION OF A PERMANENT ETHIC OMMITTE
- OBJETIVE:
  - ✓ PRACTICE APPLICATION OF TOOLS
  - ✓ STRATEGIES IMPLEMENTATION
  - ✓ COMPILATION AND UPDATING OF GOOD PRACTICES
  - ✓ PILOT PROJECTS (URUGUAY AND ECUADOR)
  - ✓ COMPOSICIÓN: ENTRADA DE PAÍSES NO CIAT
- STRUCTURE:
  - ✓ TAKE PART NOT CIAT COUNTRIES (NEWZELAND, SWEDEN, HOLLAND)
- WORKING METHODOLOGY:
  - ✓ FORUMS
  - ✓ PLATFORM CIAT
  - ✓ FACE TO FACE MEETINGS
- NEW FOCUSING:
  - ✓ CORPORATE SOCIAL RESPONSABILITY AND RISK ANALYSIS OF INTEGRITY

RISK MANAGEMENT LINKED TO INTEGRITY, ETHICS AND VALUES



MANAGEMENT AND POLICY:

- Strategic Policy and Plans
- HR Policies
- Integrity and Ethical Policies
- Corporate Social Responsibility
- Communication Policies

CRITICAL PROCESSES:

- Examination
- Recovery
- Customs
- Contracting
- Human Resources

~ ı a Agencia Tributaria

TABLE BOARD

Athens. 13 February 2017

TABLE BOARD

Definition

A Table Board is an abstract synthetic activity of an organization through a set of indicators that present current situation and its temporal evolution

TABLE BOARD

Characteristics

- ✓ It facilitates the monitoring of the activity of the organization by the Directors and organs of audit and control.
- ✓ It facilitates the comparison between various units.
- ✓ Contribute detection risks or weaknesses that threaten the Organization.

TABLE BOARD SPANISH'S TAX AGENCY

- By a set of indicators obtained of Tax Agency databases, sorting offices on the basis of compliance with the national average for each indicator.

- The indicators describe quantitatively the activities of the functional areas (Tax Management, Tax Audit, Customs and Excise, Tax Collect,Tax information Security, Informatic Tax) and Units. And alerts of potential risks and problems it is necessary to investigate.

TABLE BOARD

(Automatic Process every month)

⇩

Monitoring and Control by Directors of the units

⇩

Actions to put in place in the case of risks

⇩

IAS: supervision and control

TABLE BOARD

SPANISH´S TAX AGENCY

TAX MANAGEMENT (I)

INDICATORS		
G01	Notification management	Nº Notifications carried out right to the tax payers / All notifications sent to the tax payers
G02	Modules Regime (Plan of visits)	Nº Visits current year / Visits last year
G03	General Taxpayers Census	Nº Taxpayers with incidents / Taxpayers census
G04	Refunds Tax Returns Personal Income	Nº Refunds tax returns with differences checking / All refunds tax returns with differences
G05	Refunds Tax Returns VAT	Nº Refunds tax returns with differences checking / All refunds tax returns with differences

TABLE BOARD
SPANISH´S TAX AGENCY

TAX MANAGEMENT (II)

INDICATORS		
G06	Refunds Tax Returns Tax Corporate	Nº Refunds tax returns with differences checking / All refunds tax returns with differences
G07	Total Refunds Tax Returns: Personal Income, Corporate & VAT	Total refunds Tax Returns: Personal Income, Corporate & VAT checking / Total refunds tax returns with differences
G08	Setllements Personal Income Tax	Nº Setllements Personal Income tax current year / All setllements last year
G09	Setllements VAT	Nº Setllements VAT current year / All setllements last year
G10	Setllements Corporate Tax	Nº Setllements Corporate Tax current year / All setllements last year
G11	Setllements Tax: Personal Income, Corporate & VAT	Total setllements current year / All setllements last year

TABLE BOARD

SPANISH´S TAX AGENCY

TAX AUDIT

INDICATORS		
I01	Audit Plan: notification	Nº Inquary Records per audit unit withou notification > 6 mouths / Nº Inquary records per unit audit
I02	Notification by Official Bulletin	Total setllements (A02) with notification Official Bulletin / Total setllements (A02)
I03	Inquary Records ended without Inspected reports (setllements)	Nº Inquary Records ended without inspection reports / Total inquary records ended
I04	Inspection reports without sanction	Nº Inspection reports without sanction / Total Inspection reports
I05	Inspected reports replaced	Nº Inspected reports replaced / Total Inspected reports
I06	Inquary Records ended < 2 months	Nº Inquary Records ended < 2 months / Total Inquary Records ended
I07	Selection of taxpayers	Nº Taxpayers selected subjectively / Total taxpayers ended

Record = Expedient = Tax payer audit

TABLE BOARD

SPANISH´S TAX AGENCY

TAX INFORMATION SECURITY

INDICATORS		
S01	Selected access (to Databases) to audited pending justification 3 to 6 months	Nº Access pending during 3-6 months / Total access pending
S02	Selected access (to Databases) to audited pending justification 6 to 12 months	Nº Access pending during 6-12 months / Total access pending
S03	Selected access (to Databases) to audited pending justification more than 12 months	Nº Access pending more than > 1 year / Total access pending
S04	Selected access (to Databases) to audited pending justification more than 6 months	Nº Access pending more than > 6 months / Total access pending
S05	Access justify directly by the controller assigned	Nº Access justify directly by the controler / Nº Access compliance
S06	Access declarated non compliance by the controller asigned	Nº Access nom compliance / Nº Access compliance

TABLE BOARD

SPANISH´S TAX AGENCY

CUSTOMS AND EXCISE

INDICATORS		
A01	Monitoring of the activity audit customs	Nº Current activities / Nº Activities of Plan
A02	Records selected without notification >6 months	Nº Record selected and no notify / Nº records allocate tax audit
A03	Expedient ended without inspected reports	Nº Expedients ended without inspected reports / Total expedients selected
A04	Expedient ended without inspected report with notification	Nº Record ended without inspected report with notification begin / Records notified
A05	Record ended without inspected report >365 days	Nº Records on Inspection Plan >365 days (notify or no the initiation audit) / Inspection Plan actions failure
A06	Records with slowless	Records in audit process >6 months / Nº Records notify

TABLE BOARD
SPANISH´S TAX AGENCY

TAX INFORMATIC

INDICATORS		
T01	Tax Return information (information supplied by thir parties): wrong records	Nº Wrong records / Total records
T02	Tax Return information (information supplied by thir parties): Records wrong now (control of purge records)	Nº Worng records / Total records
T03	Tax Return information (information supplied by third parties): no identify records	Nº Records no identify / Total records
T04	Tax Return information (information supplied by third parties): number of Tax Return no ended >30 days	Nº Tax retorn information no ended >30 days / Total Tax return
T05	Tax Return information (information supplied by third parties): wrongs records >30 days	Nº Wrong records >30 days / Total records

TABLE BOARD
SPANISH´S TAX AGENCY

TAX COLLECTION (I)

INDICATORS		
R01 (1)	Evolution of outstanding debt	Rate of variation per period and unit
R02 (1)	Variation outstanding debt	Outstanding debt initate period / Outstanding debt end period
R03 (1)	Analysis of management Tax Collection	Management voluntary debt / Total voluntary Debt
R04	Management of impound	Amounts in enforcement of impound / Amounts income in enforcement
R05 (1)	Rate of income	Cancelled Voluntary per income / Total voluntary cancelled
R06	Rate of annulment	Amounts annulment in a period / Amounts cancellation in a period

TABLE BOARD
SPANISH´S TAX AGENCY

TAX COLLECTION (II)

INDICATORS		
R07 (2)	Index of paralyse debts	Amounts settlements paralyse in a period / Amounts setllements outstanding debt end period
R08 (2)	Index of suspensions debts	Amounts setllements suspensions in a period / Total amounts setllements suspensions end period

(1) This indicators are divided: in voluntary period, in enforcement period, total

(2) This indicators are divided in: Audit Tax, Customs Tax, Management Tax, Collecting Tax. Total

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Elements of Internal control system in Tax Audit and Tax Custom

1.- ALL ACTIONS ARE ALIGNED WITH GENERAL GUIDELINES APROVED BY THE TAX AGENCY GENERAL DIRECTOR

- Once a year the guidelines are approved
- By legal mandate, are published and evaluated by the Internal Control Audit Service
- The guidelines containts the most relevant actions to prevent and fight against the fraud tax.

GENERAL GUIDELINES 2017

CONTROL IN PAHSE OF VERIFICATION AND INVESTIGATION

1.- UNDERGROUND ECONOMY

Its includes actions as:

- ✓ **Collection and analysis of information**
- ✓ **Enhance the presence of tax inspector in the place of development of economic activities**

2.- HERITAGE RESEARCH ABROAD

3.- TAX FRAUD IN CROSS-BORDER BUSINESS

4.- DIGITAL ECONOMY AND NEW BUSINESS MODELS.

5.- OTHER ENVIRONMENTS OF TAX RISKS

- ✓ **Profesional services**
- ✓ **VAT activities.**
- ✓ **Etc…**

6.- SPECIAL TAXES CONTROL

7.- CUSTOM TAX CONTROL

…..

....

8.- SMUGGLING AND LAUNDERING MONEY

CONTROL IN COLLECT PHASE

- ENVIRONMENT OF PREVENTION
- ENVIRONMENT OF CONTROL

COLABORATION BETWEEN DIFERENTS TAX ADMINISTRATION LEVELS

- EXCHANGE OF RELEVANT TRIBUTARY INFORMATION
- COORDINATED PLANNING AND COLABORATION IN TAX PAYER SELECTION

2.- CONTROL PLAN

- Includes all the programmed and deployed activities of tax control
- It has a reserved character
- The differents functional Departments prepare its specific plans of tax Control. Those plans are deployed to the regional units.

3.- OBJETIVES PLAN

- Aligned with strategyc control plan
- All actions are measured and overseen at all levels throughout specif computer applications
- The Plan of Targets contains the basic result to be achived, as well as a set of performances and indicators of results
- The Objetive Plan is a commitment in whose takes part the differents Department and regional bodies and is object of a limited level of difusion.
- Stability and permanence in the time to assure a reasonable continuity action.

- The objetctives Plan is structured in two big paragraphs:
  - ✓ Results (representative gross, gross net collection and fight against fraud)
  - ✓ Actions: (indicators linked to the main strategic actions lines)
- Monthly update and fullfilment rates diffusion.
- Scoreboard with different levels of detail distinguising the differents territorial units (more than tree hundred indicators and 33 support indicators)
- Continuous monitoring carried out by agents participants, planning and execution
- Activity control addresed to check whith the interemediate managers responsible for the execution of the tasks, the results achieved for comparison with the established ones with the pourpose of adopt in its case, the correct actions to put in place.

4.- TOOLS FOR INTERNAL CONTROL

4.1.- COMPUTER APPLICATION FOR THE CONTROL AND FOLOWING OFTARGETS

- This applicagion shows the reference level and the results achieved of every indicator, and when it is possible the comparison with last years achieve
- It allows comparison between the regional units
- The system is protected by means “control points”
- Connected with accounting applications and administratives files
- The update estándar is very strict, so that changes are not allowed once the monthly update is finished
- As soon as the exercise is finished, the final information can’t be in anye case changed
- The desviations on references are showed in the proper application and are analyzed every month in Direction Committee meeting.

OBJETIVE	ACCOMPLISHED 2015	REFERENCE 2016	ACCOMPLISHED 2016	% COMPLIANCE 2016	INTER-ANUAL VARIATION
I.- RESULTS					
1.- GROSS TAX COLLECTION 2.- NET TAX COLLECTION 3.- TAX AND CUSTOM FRAUD PREVENTION AND CONTROL RESULTS 3.1.- DIRECT COLLECTION 3.2. REDUCTION TAX RETURNS 3.3. TAX BASES REDUCTIONS					
II.- ACTIONS **II.1. ASSISTANCE SERVICES TO TAXPAYERS**					
4.1.- SPEEP.UP TAX AND CUSTOM MANGEMENT 4.2.- ELECTRONIC ADMINISTRATION 4.3.- ASSISTANCE IN INCOME TAX CAMPAIGN 4.4.- ASSISTANCE LEVEL TO TAX PAYER 4.5.- NOTIFICATIONS					
II.2. TAX AND CUSTOM FRAUD PREVENTION					
5.1.- CONTROL OF CENSUS AND PERIODIC DUTIES 5.2.- INTERVENTION OF SPECIAL TAXES 5.3.- INFORMATION OBTAINING ACTIONS 5.4.- IMPROVEMENT QUALITY INFORMATION					

OBJETIVE	ACCOMPLISHED 2015	REFERENCE 2016	ACCOMPLISHED 2016	% COMPLIANCE 2016	INTER-ANUAL VARIATION
II.3.- CONTROL OF TAX AND CUSTOM FRAUD					
6.1.- SELECTIVE AND INVESTIGATION CONTROL 6.2.- EXTENSIVE CONTROL 6.3.- DEBTS COLLECTION MANAGEMENT 6.4.- INTEGRATED ACTIONS FOR THE PREVENTION AND CONTROL					
SUPPORTS INDICATORS					

5.- TAX AND CUSTOM AUDIT PROCEDURE

5.1.- KEY ELEMENTS FOR THE ANALYSE

- Both Tax and Custom audit procedure are under the same legal framework regardless it specific substantive regulation. It is in consecuence a not discrectional procedure
- All actions, are registered in an electronic administrative file
- An important characteristic of this procedure consists in the fact of who decide is not the same person that initiates and instructs the procedure. There is a separation betwen instruction and liquidations acts.
- In the development of this procedure, the temporal issue is very important. Therefore, there are critical and riskly points that should be consudered

5.2.- CRITICAL STAGES OF THE AUDIT PROCEDUDE

- **TAXPAYER SELECTION**
  - ✓ Selecction has to be aligned with control plan
  - ✓ Selecction can be done:
    - a) By Central Service
    - b) By the unit belonging to the regional ambit
  - ✓ Whatever the way of selection be, it requires necessary and express confirmatory decision by the chief auditor sign and document called "Charge order in Plan"
  - ✓ This phase is named "SELECTION PHASE"

- **HOW IS THE SELECTION PHASE REALIZED?**
  - ✓ Two ways basically:
    - a) Computerized form
      - The computerized procedures a llows obtaining the knowledge of candidates with a lugh tax risk.

        Once obtained the list of those, is necessary to take a decission (risk point)
      - New instrument and software are in a development phase to make more perfect the tax risk analysis.
      - At the present, differents selection tools are being used with this porpouse. For example
        - Applications that works simultaneously with thousands of datas with the possibility of apply differents kinds of filters.
        - Data analysis based on alerts when its values overcomes a certain cuantitative limit.

b) Not computerized form

- Tax denunciation
- Analysis of information coming from Courts
- Analysis of relevan information coming from other public Administratios
- On the initiative of the own inspector
- Reception and analysis of risks cards elaborated by ONIF.

- **BEGINNING OF THE TAX INSPECTION PROCEDURE**
  - ✓ REQUIREMENTES:

    The loading order must be signed by the chief inspector assign the task to a team or unit of inspection proive all information collected in the selection phase.

  - ✓ START WAYS

    At the initiative of the selection unit with the supervision of the clief inspector

    At the initiative of the other internal units (also with the chief inspector supervision)

    At the initiative of any insector who is carrying out a tax audit procedure (risk point)

    Public tax complaint (risk point)

    At the initiative of external bodies

    Prior to star notification to the taxpayer, a series of actions must be carried out through a specific computer application (MAC)

- **PROCEDURE INSTRUCTION**

All actions of the inspector procedure are regulated (there can not be arbitrary acctions)

Inspectos are required to use all available corporative tools (Documentary bases, computer tools, protocols of action, an so on)

All action are reflected both in the electronic file and in a computer application for control and monitoring

The inspector has the power to be present at the place where the economic activity is carried aout. If it is posible, the inspector will be accompanied by people of his team or unit.

The apropiate potocols will be applied by the inspector in the development of his actions. In particular

a) Protocols of coordinated actions (Tax audit, custom audit, collect audit)

b) Protocols for location other adresses of the economic activity

c) Protocol of high-risk collection

The inspector is obliged to take into account all the information that the unit responsible for tax payer selection make avalilable.

In case the inspector observs the commission of a crime against the Public Treasury or any other, is obliged to transfer to the judicial authority. In this case a special procedure is used.

At this stage, the inspector will perform his own actions such as obtaining additional infromation, valuation of elements ot the tax duties, and interpretation and application of the tax law.

- **THE END OF THE PROCEDURE**

The inspections performances must be fully documented in the administrative file. The administrative file will be integrated by electronics documents.

Ther is a manual available for the equipments and units of audit, that attends basically to this subjects:

- The order of documnets within the administrative file
- Denomination of the various documents

This aspects have the purpose of facilitate the subsequent review.

The proceding finish with a settlement proposal that shall be put in formal knowlegde of the tax payer. At that moment, the taxpayer has access to all the elements and legal aspects that are part of the regularization

The taxpayer may agree or not the proposar. From this moment, the process has two possible solutions:

a) Inf he agrees, the proposal will be transformed into a definitive settlement (1 month)

b) If the taxpayer disagrees, can make claims within 15 days.

- **REVIEW OF PRECEEDING**

- By the chief inspector when the taxpayer has shown his agreement with the settlement.

  Within a month the chief inspector can:

  a) Rectify material errors

  b) Order to complete the file by poerforming the appropiate actions

  c) Confirm the proposed settlement

  d) Consider that in the settlement proposal there has been an error in the assessment aof the facts or improper application of the rules

- By the chief inspector with the support of a technical unit, that will take into account the allegations made by the tax payer

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THE COMPUTER APPLICATION OF MONITORING TAX AUDIT PROCESS

OBJETIVE

- It allows the moniotoring and control of all phases of inspection procedure and actions.
- It is an important working tool for decision , making
- Proper planing requires the registration of all the operations in which activity develop: Its preparation, initiation, development and completion
- It allows you to check if the plan has been executed proper ly. For this it is necessary to have and adequate computer tool.
- For the correct monitoring of the tax audit actions its imperative the inmediate capture of them.
- The application is of restricted use. It is necessary to disspose the right control point.

PHASES OF EXECUTION

- The meaning of the main phases will briefly be explained below
- There are manuals and helps screens for a proper user of this application

A. PREVIOUS PHASE: SELECTION, LOADING AND DISTRIBUTION

- PRE-SELECTION PHASE

This phase only exists in those programs action, which comes from extensive controls.

There are coordination protocol between tax management and tax and custom audit.

- SELECTION PHASE

  This phase is performed by the selection unit

  It requires the completion of a selection form and recording the corresponding data in the application

- PHASE CHARGE TO UNIT

  This phase consists on the electronic signature of the loading order by the chief inspector according to the selection specification

  It involves the commisioning to a tax audior team or unit

- PHASE: TASK DSTRIBUTION

  Consists on the assignment to one or more members of the inspection team or unit regardless the supervision and control competencies that correspond.

B. INSPECTION PHASES

- PHASE ISSUE NOTIFICATION

- ✓ The inspector has been in charge of this file is responsible for carrying out this phase
- ✓ It is necessary to complete this phase before completing the next one
- ✓ The completion of this phase is done by means of electronic signature
- ✓ It is a great relevance phase-The standaridized document otained. It can not be subjet of manual rectification

- NOTIFICATION PHASE

  - ✓ This phase must complete the inspector recording the date of receipt of the communication by the tax payer
  - ✓ In some performances before complete this phase it is necessary works previously with support (MAC)
  - ✓ From the execution of this phase the taxpayer can receive information through the Electronic-web about the status of processing of his file.

C. PHASE OF NORMAL COMPLETION OF TAX AUDITACTIONS

- LIQUIDATE/SETTLEMENT

  - ✓ This phase allows the elaboration of settlements sanctions files and report through a specific aplication

- PHASE INSTRUCT

  - ✓ This phase must be completed by the unit team once all records have been issued
  - ✓ It represents the completion of the work of the team or unit regarding the file.

- PHASE SOLVE

  This phase is completed when an act of liquidation has been carried out

  PHASE SOLVE WITH SANCTION

  This phase will be completed when a sanction file is carried out

D. COMPLETION PHASE DUE TO FAILURE INSPECTION PLAN (UNUSUAL)

- ✓ These are special cases
- ✓ Stop the performance as it they hadn´t started
- ✓ The iniatitive corresponds to the head of the team or unit
- ✓ The proposar must be acompanied by a writen report signed by the ream leader or unit
- ✓ It is up to the chief inspecto to approve it

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THE TAXPAYERS PROTECTION COUNCIL

Athens 13 February 2017

THE TAXPAYERS PROTECTION COUNCIL (1)

GROUNDS

- General concern for the quality of services.
- Existence of a published Catalogue of Rights.
- Help and assist the citizens.
- Communication channel.

THE TAXPAYERS PROTECTION COUNCIL (2)

ACCESSIBILITY

• Citizens have direct access. They don’t have to go through lawyers.

• The process is generally free of any charge or administrative burden. We can simply address a letter to the Council.

SCOPE

• The process does not:

- suspend proceedings.
- interrupt legal term.
- condition the exercise of other rights.

THE TAXPAYERS PROTECTION COUNCIL (3)

UTILITY

- The claims procedure:
  - Is a source of information that allows the social acceptance of the tax and customs system.
  - permits to improve management.
  - Is a link between administration and citizens.
  - Gives the opportunity for corrections if the administration is wrong.

THE TAXPAYERS PROTECTION COUNCIL (4)

MANDATE:

- The Council Board is responsible for ensuring the Taxpayers' rights.
  - Studying suggestions.
  - Making proposals for improvement.
  - Giving advice.
  - Suggesting improvements, and changes in laws, procedures, services, etc.
  - Dealing with service complaints related for instance with:
    - ✓ undue delays; poor or misleading information; staff behaviours; mistakes (misunderstandings, omissions or oversights).

THE TAXPAYERS PROTECTION COUNCIL (5)

ORGANIZATION

• The President is appointed by the highest authority of the Department.

• The Council Board, half of the board members come from business and academic, half come from the organization. Appointed by the highest authority of the Department. Others “ex officio” members on account of the position held.

• The Operational Unit provides technical support to the Board and prepares technical reports looking for information to solve the cases.

• The Receiving Units will be responsible for the reception of documents. There is a record for any received document.

CLAIMS PROCEDURE (1)

STEPS

• Entry. The claim is received by paper or the Internet.

• Record. The claim is registered.

• Treatment. The claim is referred to the appropriate Unit. The files are followed up by the Operational Unit to assure a good and timeline answer.

• Answer. The Unit should issue a report which must be sent to the *ombudsman* and addressed to the taxpayer. A copy of the letter sent to the taxpayer will be provided to the Operational Unit.

  – When there is a disagreement with the regulation, the answer is sometimes issued by the Legal Service.

CLAIMS PROCEDURE (2)

STEPS

• Acceptance. The taxpayer can write again saying that he is non-conforming with the given answer. The term for this proceeding must be fixed.

• Study. If the taxpayer disagrees with the answer, the Operational Unit should study the case and present it to the Council Board.

• Decision. The Council Board discuss the matter and makes a final decision. It could disagree with the answer prepared by the Unit.

– The lack of response does not mean that the taxpayer is right.

CLAIMS PROCEDURE (3)

ANSWERS REQUIREMENTS

- Polite.
- Clear, simple.
- Plain language.
- Timely.

FORMATTED RESPONSE

- Summary.
- *Thank for letting us to know the problem. Apologise for the inconvenience*.
- Answer.
- Further information.

CLAIMS PROCEDURE

TAXPAYER

RECEIVING UNIT

(one Unit for each Office open to the public)

OPERATIONAL UNIT

Claims Analysis

WORKING GROUPS

PERMANENT COMMISSION

Claims Analysis

COUNCIL'S BOARD

Proposals to the Deputy Minister
- Revocation
- New legislation

RESPONSIBLE OFFICE

Answer

Copy of the Answer

Quest for a Report

Depending on the answer

Disagreement addressed in 15 days

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THE PUBLIC TAX DENUNCIATION

1.- CONCEPT AND CHARACTERISTICS

- The public tax denunciation allows to informe the Tax Administration os facts or situations that may be constitutive of tax offenses or have significance for the application of taxes.
- The public complaint is configured as a right of citizens independent of the duty of information and the compaimant does not have the status of administration agent.

It main features are:

- To inform the Tax Administration of facts or situations that may have significance for the application of taxes
- The complainant may be any natural or legal person
- It is not a way of iniciating inspection
- The complainant hasn´t the condition of interested in the procedure

2.- INFORMATION TO THE ACCUSED

- In general, the complaint is not part of the file.

  The courts have considered in this regards that sometimes confidentiality con not be maintained. This happen when it application can produce to the denounced defenseless

3.- FORMAL REQUIREMENTS OF THE PUBLIC COMPLAINTS

- No formal requirement is required to file a public complaint
- In order to facilitatte the filing of public complaints, the selection bodies shall be at disposition of the people who want it a estándar model of complaint.
- They can be presented in any way
- Anonymous denunciations are also allowed.

4.- FORMAL REQUIREMENTS OF THE PUBLIC COMPLAINTS

- The competent body for the processing of public complaints depends on the subjet matter of the complaint.

  In case of refering to the regularization of taxes, its processing corresponds to the inspections bodies-Specifically to the selection unit.

- Once received the complaint, this wil bi sent to the slection unit to proceded with its analysis along with the documents and record provided with it.
- The examination of the complaint consitute a preliminary stage wher the administration verify its content and evaluate the information given
- The information provided may not constitute an element of evidence

- .....

- Only if there are indicators of truthfulness in the imputed facts can the inspection procedure be initiated. This is the reason why inspection procedure be initiated. This is the reason why a complaint does not entail initiation in all cases of an inspection procedure.
- If the complait is considered to be unfounded or the facts are not sufficiently materialize, the file of the proceeding will be decreed.
- If it is considered that the complaint may be founded because there is sufficient evidence of truth fulness, inspection actions my be initiated
- The selection body shall record of the reason why tax audit procedure is initiated or not.

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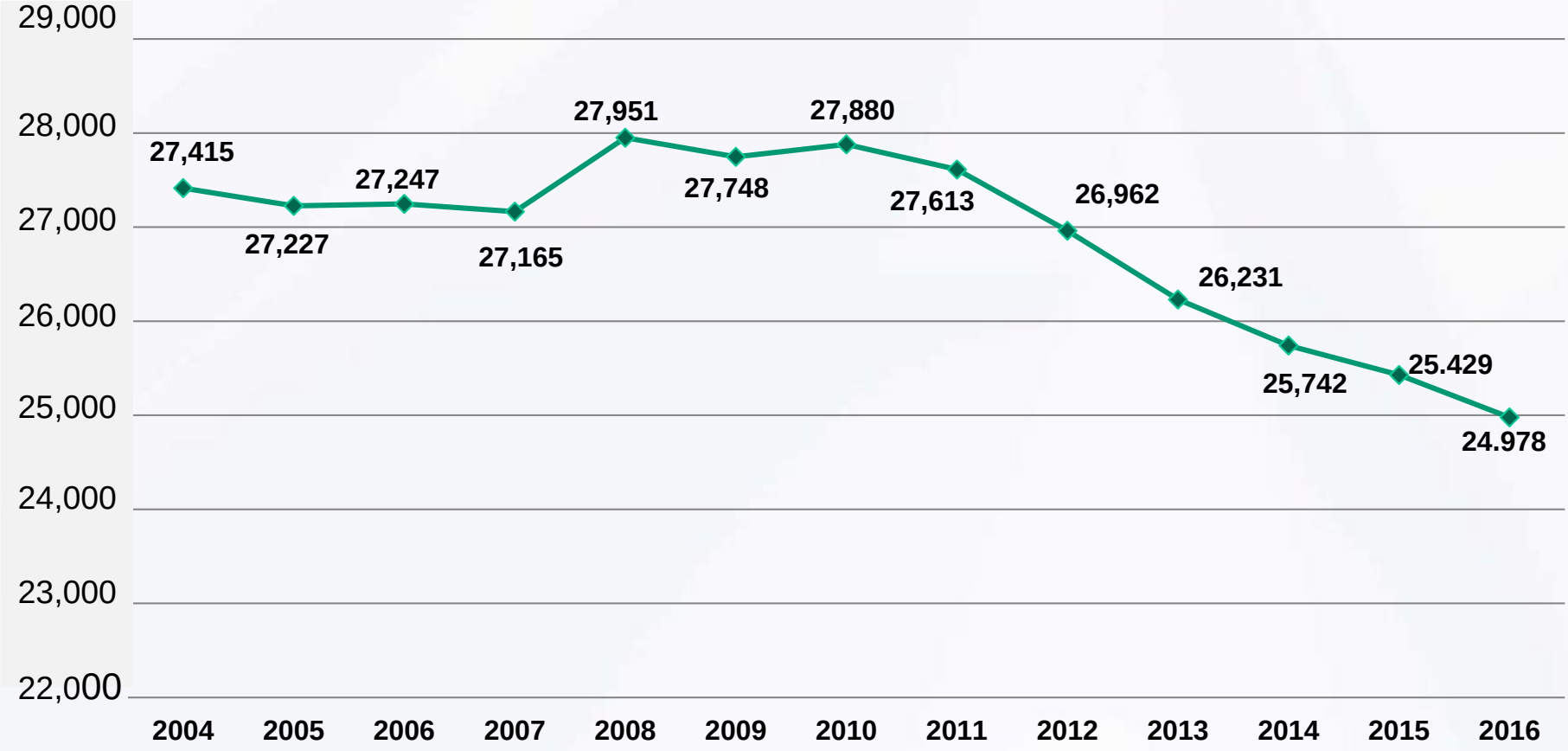
SELECTION OF TAX AND CUSTOMS AUDITORS

Athens. 13 February 2017

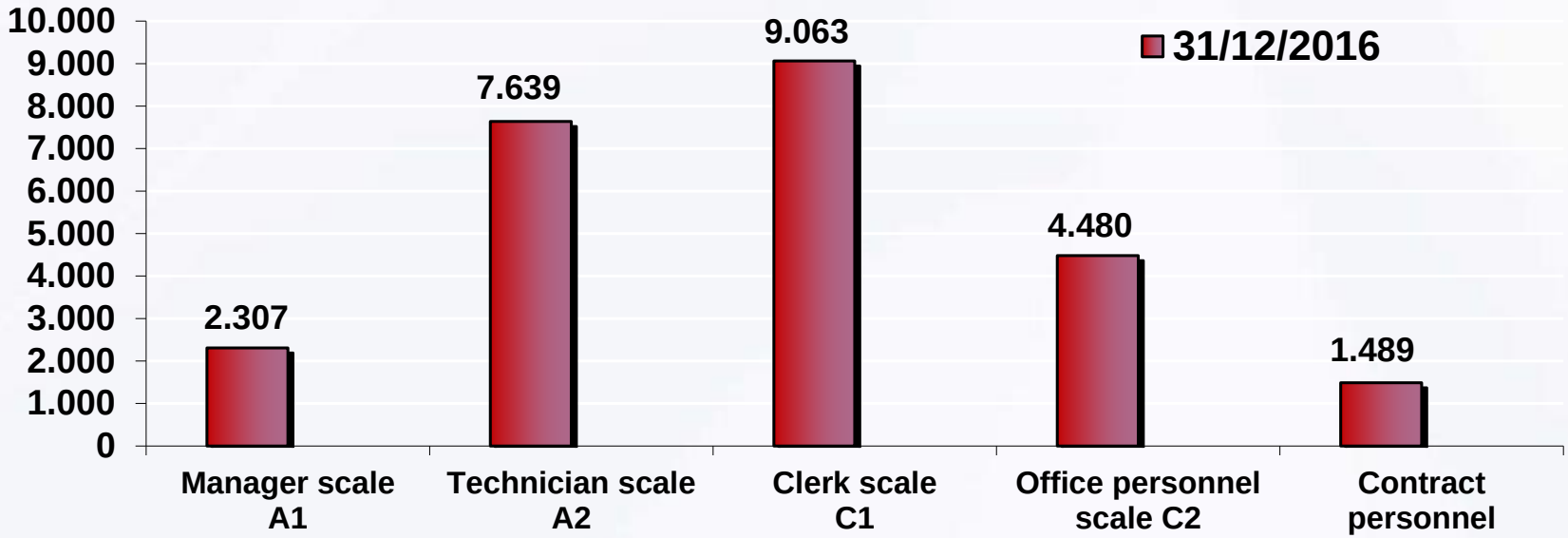
HUMAN RESOURCES SPANISH´S TAX AGENCY

Evolution in workforce numbers



HUMAN RESOURCES SPANISH´S TAX AGENCY

Distribution by Groups of Academic Qualifications 2016



STABILITY JOBS ON THE PUBLIC ADMINISTRATION

- It is necesary to maintain work stability for civil servant independence.

- Description of the cases that remove a civil servant may be effected (disciplinary procedure):

  - Bad performance
  - Failure to comply with duties
  - Committed infractions

LEVELS OF BODIES OF THE PUBLIC ADMINISTRATION

A1	Degree	2.307
A2	Degree	7.639
C1	Bachelor	9.063
C2	Bachelor	4.480
Contrac personnel		1.489
	TOTAL…..	24.978

BODIES OF LEVEL A1 IN SPANISH´S TAX AGENCY (31/12/16)

• Tax and Customs auditors	1.783
• Customs Surveillance (smugglig and laundering)	146
• Informatics	168
• Architests	50
• Chemicals of Customs Laboratories	31
• State lawyers	28
• Rest	101
	2.307

BODIES OF LEVEL A2 IN SPANISH´S TAX AGENCY (31/12/16)

• Tax and Customs Technician	6.534
• Informatics	304
• Customs Surveillance (smuggling and laundering)	563
• Rest	238
	7.639

The administrative process for recruitment to access to Public Service must be transparent, fair, objective, public and based on the Constitutional principles of equality, merit, capacity and publicity.

SELECTION

- Public competition.
- Transparency in selection process of public employees for all categories.
- Commission for each category for internal promotion and external selection.
- Public Promotion criteria.

Requirements:

- Age: 16 – 65
- Nationality: Spanish
- Degree
- To possess necessary functional capacity for work

TRAINING NEW INTAKE

Access to Public Service, of tax and customs auditors body, is achieved by passing a selection process consists of two successive and complementary phases:

- The first phase, called “oposición”, assesses the knowledge of applicants of a set of subjects through five selective oral and written tests, with some weighting in favour of internal promotion.

- The second phase requires following a selective course of twelve months at the Institute of Fiscal Studies, in order to provide sufficient training and skills for effective functioning in the respective jobs .

The First phase consist in five exams:

1.- To answer in writing 14 questions during 4 hours.

2.- To resolve problems of accounting and financial mathematics during 4 hours.

3.- a) To resolve problem practice professional during 4 hours.

b) Lenguages cognition english or french or german.

4.- Oral exposition during 1 hour:

- Administrative law.
- Public funds.
- Spanish financial System.

5.- Oral exposition during 45 minutes. Spanish Tax and Custom.

COMMISSION OF SELECTION (I)

- Composition: appointed
- All the members have to be civil servants not high charges.
- Odd number of members.
- No majority members tax Inspector.
- Incompatibilities of members:
  - Relative.
  - Professor a people who aplied to be Civil Servants.
  - Abstention/Recusation.

COMMISSION OF SELECTION (II)

- Rules of organization.
  - Puntuation the average (except the maxim and the mimal).
  - Specific procedure for claims.
  - Contesting the commission composition.

The second phase

- The Institute of Fiscal Studies is responsible for designing, organising, directing and evaluating the training course, which, as civil servants in training, must be passed by the applicants for entry in the Bodie.

- These course must be passed satisfactorily.

- During the course, students are regarded as civil servants in training, and will not be officially civil servants until they have passed the course and been appointed by the relevant authority.

THE REMUNERATION STRUCTURE FOR TAX AND CUSTOMS AUDITOR

- **Fixed Basic Salary**
  - Salary A1.
  - Triennium (antiquity)
  - Extraordinary pay (two to year).
- **Rewards of the place of work**
  - Level of the place of work for tax and customs auditor: 26 – 30.
  - Specific conditions of the place of work.
- **Variable salary according to the productivity**

TRAINING PLANS

Through the Training Division of Public Finance the content is developed for training tax and customs auditor and other staff in matters specific to Inland Revenue, including techniques of financial and tax management and administration, drawing up the appropriate long and medium term training programmes in agreement with the executive bodies of the Spanish Tax Agency according to their needs.

At the same time there are voluntary training programmes for Spanish Tax Agency.

TRAINING FOR AN ADMINISTRATIVE CAREER

- Acquiring the training needed for another specialism in their own Body or Level (functional mobility courses).
- Providing the specific technical skills needed to occupy certain jobs or to achieve a sufficient score in the selection processes for certain jobs.
- Offering the specific technical skills needed for a certain job after being appointed to it.

ADMINISTRATIVE CAREER

- Promotion on different ranks (A1: 26-30) on the same educational degree (competition, free appointment-29-30), and location changes.
- Rules: years, complementary education (etc).
- Commission for administrative career.
- Publicity and Public competition.
- Claims.
- Presence of unions representatives in the Commisions for administrative career.

TRAINING FOR INTERNAL PROMOTION

The aims of this Training Plan are:

- Supporting and favouring the access of civil servants to higher Bodies and Levels (internal promotion courses).

TAX AND CUSTOMS AUDITORS AT THE SERVICE OF THE SPANISH TAX AGENCY HAVE A SET OF RIGHTS AND DUTIES IN THE PERFORMANCE OF THEIR TASKS

- Administrative career within a promotion superior jobs.
- Remuneration.
- Working calendar
- Holidays…..

INCOMPATIBILITIES SYSTEM

- Control to IAS the incompatibilities for the Civil Servants in the Spanish Tax Agency.
- Control by others remunerations supplied by third parties to de Spanish Tax Agency.

SENIOR AUDITORS PROFILE

- The profile of a **Service Inspector (internal audit)** is that of an employee with experience in legal, economic and fiscal matters, who belongs to the Group A1 bodies and has achieved a managerial professional level in the Administration (minimum 5 years in the Group A1).

- The Service Inspectors manage audit teams and are responsible for the monitoring of territorial zones (Special Delegations) and functional areas.

- The Service Inspectors maintenance level (30 for competition) of the place of work by the independence of the function.

STAFF SELECTION PROCESS

- In order to be eligible for the position of IAS's Service Inspector, you should hold a specific Diploma, which implies to pass a merits contest and a selection course (of 6 months of duration) at the Public Finance School, where the candidates perform:

  - ✓ Written tests on matters related to the Ministry of Finance and auditing activities.

  - ✓ An Audit Memo or Report subject to a public assessment process by the rest of the course participants.

- The validity of the Diploma is conditioned by the effective performance of the duties of Service Inspector for at least two years, except special services or *force majeure*.

SOCIAL ACTION PLAN FOR CIVIL SERVANTS IN SPANISH'S TAX AGENCY

SUPPORT ECONOMIC FOR:

- Care children under 3 years.
- Studies for workers.
- Health treatments.
- Internal promotion.
- Disability civil servants.
- Retirement. Inability to absolute.
- Death or severe disability.

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CONFLICTS OF INTEREST

Athens. February 2017

CONFLICTS OF INTEREST: DEFINITION

CONFLICTS OF INTEREST

1. INTRODUCTION
2. DEFINITION
   a. OECD definition/COUNCILOF EUROPE definition
   b. Other wider approach
   c. Definition in croatian legal framework
3. PUBLIC DUTY-PRIVATE INTEREST
   a. Eventual conflict: for or *against the citizen (recusation; inhibition)*
   b. Continuated conflict: private incompatibility
4. PUBLIC DUTY-ANOTHER PUBLIC DUTY: *public incompatibility*

LEGAL FRAMEWORK

LEGAL FRAMEWORK SUBSTANTIVE ANALISYS

1. CONSTITUTION: Art. 103 Spanish Constitution; impartiality
2. ELECTED OR POLITICALLY APPOINTED (Spanish act about conflict of interest)
3. HIGH LEVEL CIVIL SERVANTS AND OTHER CIVIL SERVANTS (Spanish laws/Civil Servants Act –recusation and incompatibilities).
4. SPECIFIC LEGISLATION (Customs service act –recusation and incompatibilies)

PROCEDURE FRAMEWORK

PROCEDURE FRAMEWORK ANALYSIS

1. PREVENTIVE PROCEDURES
   a. PROCEDURE IN ORDER TO AUTORISE ENGAGING IN OTHER PRIVATE WORK
   b. PROCEDURE IN ORDER TO AUTORISE ENGAGING IN OTHER PUBLIC TASK
   c. PROCEDURE LEADING TO A RECUSATION

2. REACTIVE PROCEDURES
   a. DISCIPLINARY PROCEDURE (remision)
   b. CRIMINAL PROCEDURE (remision)

ABSTENTION/RECUSATION

SPANISH LAW

- LEGAL PREVISION: CAUSES
- PROCEDURE
- PRACTICE
- GUARANTEES AND CONSEQUENCES
- INVESTIGATION

DISCIPLINARY SYSTEM

1. APPLICABLE DISCIPLINARY REGULATION
2. SUBSTANTIVES ASPECTS:
    1. INFRACTIONS: TYPES
    2. DISCIPLINARY MEASURES: TYPES AND DEGREES

DISCIPLINARY PROCEDURE: INITIATION

1. INTRODUCTION: two differents procedures

2. INITIATION

a. RELEVANT OFFICES TO INITIATE THE DISCIPLINARY PROCEDURE

b. WAYS TO INITIATE THE DISCIPLINARY PROCEDURE (official initiation, previous superior order, inferior proposal, third´s claim and its consequences)

c. RELATION WITH CRIMINAL PROSECUTOR (posibility of both procedures and sanctions)

d. CONSECUENCES FOR THE CIVIL SERVANT INVESTIGATED IN A DISCIPLINARY PROCEDURE (provisional suspension and its consequences)

DISCIPLINARY PROCEDURE: DEVELOPMENT

2. DEVELOPMENT

RELEVANT OFFICES TO DEVELOP THE DISCIPLINARY PROCEDURE (two differents offices: development and resolution of the procedure)

Instructor and secretary: nofitication and roles: guarantees, evidences, reports; “pliego de cargos”, a sort of accusation

INVESTIGATION OF THE CONFLICT OF INTEREST: EVIDENCES (remision)

DISCIPLINARY PROCEDURE: RESOLUTION

3. RESOLUTION

After the evidence phase: allegations

Proposal of resolution

Nex allegations

RELEVANT OFFICES TO IMPOSE SANCTIONS (eventual new term of evidences; resolution; motivation)

STATISTIC AND MORE USUAL TYPES OF SANCTIONS IMPOSED

DISCIPLINARY PROCEDURE: APPEALS

4. APPEALS

TYPES, DATES, EFFECTS

JUDICIAL REVIEW OF THE ADMINISTRATIVE RESOLUTIONS BY THE COURTS

CRIMINAL ANSWER AGAINST CRIMES RELATED WITH CONFLICTS OF INTEREST

APPLICABLE CRIMINAL REGULATION

a. European legislation against corruption

   Criminal convention about corruption of the European council 27.1.99

   Convention over art k3.2.c UE Treaty related with corruption of UE or State members civil servants

b. spanish legislation: criminal code and its recent modification (LO 5/2010)

CRIMINAL TYPES RELATED WITH CORRUPTION

1. BREACH OF LEGAL DUTY (404 CP, inhabilitation 7 to 10 years)
2. ABSTENTION OF THE DUTY OF PROSECUTE CRIMINAL OFENSES (408 CP, inhabilitation 6 months to 2 years)
3. DISCLOSURE OF SECRETS (413 CP, prison 6 months to 2 years)
4. BRIBERY (419 CP, several types and sanctions until prison for 6 years. Particular involved)
5. INFLUENCE PEDDLING (428 CP, prison 6 months to 2 years)
6. EMBEZZLEMENT OF FUNDS (433 CP, prison 3 to 6 years)
7. OFFICIAL DOCUMENTS´ FALSIFICATION AND ITS RELEVANCE

REFERENCE TO SMUGGLING L.O. 12/1995 (prison 6 months to 3 years)

CRIMINAL PROCEDURE: INITIATION

1. INITIATION

RELEVANT OFFICES TO INITIATE THE CRIMINAL PROCEDURE

WAYS TO INITIATE THE CRIMINAL PROCEDURE

RELATION WITH CRIMINAL PROSECUTOR. OTHER PROSECUTORS

CIVIL SERVANT´S LAWYER: OPTIONS

DISCIPLINARY PROCEDURE: DEVELOPMENT

2. DEVELOPMENT

RELEVANT COURTS TO DEVELOP THE CRIMINAL PROCEDURE

INVESTIGATION AND EVIDENCES

DISCIPLINARY PROCEDURE: RESOLUTION

3. RESOLUTION

RELEVANT COURTS TO IMPOSE SANCTIONS

THE JURY: AN INUSUAL OPTION LO 5/95

DISCIPLINARY PROCEDURE: APPEALS

4. APPEALS

TYPES, DATES, EFFECTS

JUDICIAL REVIEW OF THE RESOLUTIONS BY THE COURTS

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INCOMPATIBILITY SYSTEM

ATHENS. 13 February 2017

GENERAL PRINCIPLES I

- Dedication of the civil servants to an alone place of work in the public sector.
- The only remuneration in the public sector.
- It is incompatible to be employed at the public sector and to receive retirement pension.

GENERAL PRINCIPLES II

- Fulfillment of the duty:
  - It is forbidden work in the sector publish or private that can prevent the fulfillment duties of civil servant
- Impartiality and independence:
  - It is forbidden work in another place publish or private that engage the impartiality and independence in his work

SPECIAL INCOMPATIBILITY CIVIL SERVANTS TAX AGENCY

- FOR SPECIALS BODIES A1 AND A2 OF SPANISH TAX AGENCY
- ONLY COMPATIBILITY (with conditions):
  - Associate university teacher.
  - Activities of investigation or advising

COMPATIBLE ACTIVITIES WITH THE EXERCISE AS CIVIL SERVANTS AND THEY DO NOT NEED AUTHORIZATION I

- Administration of your own personal or familiar patrimony
- Imparticion (teaching) of courses, conferences, seminars in official centres of formacion of civil servants
  - That they do not have permanent or habitual character
  - Dedication lower than 75 hours year

COMPATIBLE ACTIVITIES WITH THE EXERCISE AS CIVIL SERVANTS AND THEY DO NOT NEED AUTHORIZATION II

- Members of Commissions Selections for civils servants
- Production and literary creation artistic and technical(as well as the publications)
- Occasional participation in colloquies and programs
- Collaboration and occasional assistance to congresses and seminars of professional character

COMPATIBLE ACTIVITIES WITH THE EXERCISE AS CIVIL SERVANTS AND THEY DO NOT NEED AUTHORIZATION III

- Professor tutor in university centres to distance (UNED) less than 75 hours a year
- Teach to be civil servant, less than than 75 hours a year

PUBLIC ACTIVITIES: THAT THEY CAN AUTHORISE THE COMPATIBILITY

- Investigation and advice for concrete cases exceptional (remunerative limitation)
- Associate university teacher (remunerative limitation)
- Elective charges in city councils town halls in regions

PRIVATE ACTIVITIES: THAT THEY CAN AUTHORISE THE COMPATIBILITY

- Criteria incompatibility:

  - Salary

  - Working time

  - Impartiality and independence. Activities relationated with tax Agency, lawyer……

PROCEDURE

- Application to fill in form with documentation
- Resolution: Office Conflict of Interests in a period (3 months)
- Appeals

FAILURE TO COMPLY WITH THE INCOMPATIBILIES

- Breach of the norms of incompatibilities applicable disciplinary regulation
- Types of infractions (serious, very serious)
- Disciplinary measures (dismissal, occupation suspension for six months)
- Relevant offices to initiate the procedure and impose sanctions

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INFORMATION SYSTEM

AUTOMATIC CONTROL OF ACCESSES TO INFORMATION OF TRIBUTARY NATURE

Athens 13 February 2017

INFORMATION SYSTEM

- The Spanish Tax Agency Information System is a critical aspect of the organization activity because:
- The Agency captures massively **(supplied by tax payers and third parties)** and use intensively a lot of **information** to perform its management, collect and control activities.
- The tax and customs procedures are **highly computerised**.
  - The officials' work is done trough the IT system.
  - The taxpayers has a complete Virtual Office at their disposal
  - The "no paper policy" has been established trough the "Electronic File" project

Í N D I C E

1. INFORMATION SYSTEM SECURITY POLICY

2. INFORMATION TECHNOLOGY SECURITY AND CONTROL COMMISSION

3. CONPUTER USERS MANAGEMENT

4. DATA ACCESS CONTROL

5. INFORMATION DISCLOSURE

6. THE ROLE OF THE INTERNAL AUDIT SERVICE

1. INFORMATION SYSTEM SECURITY POLICY

OBJECTIVES

- The Spanish Tax Agency has **Approval Security Policy Tax Information in the Tax Agency (BOE 29/11/2012).**
- whose objectives are the following ones:
  - To ensure the **confidence** in the IT systems of the external and internal IT users.
  - To keep on the **strategic decision** of the organisation to base its procedures in the IT systems and especially in the Internet website.
  - To comply with the different **regulations** on information security set up in the Spanish and EU legislation.

1. INFORMATION SYSTEM SECURITY POLICY

INFORMATION SECURITY ACTIVITIES

- The Spanish Tax Agency Security activities are designed to:
  - Guarantee the information assets **PROTECTION,** specifically the access and use of the tax and customs information.
  - Preserve the **CONTINUITY** of the services rendered by the IT services to the internal and external users.
  - Improve the **QUALITY** of the tax and customs information.

1. INFORMATION SYSTEM SECURITY POLICY

INFORMATION SYSTEM SECURITY MANAGEMENT

- Different partners participate in the Security Policy:
  - The INFORMATION TECNOLOGY DEPARTMENT (DIT), rules the Information Security Policy and provide the technical guidelines.
  - The TAX INFORMATION SYSTEM SECURITY AND CONTROL COMMISSION (CSCIT), fixes and maintains the criteria on Information Security, approves directives, order controls, solves general security incidents, etc.
  - The INTERNAL AUDIT SERVICE (IAS), supervises the compliance with the Information Security regulations and try to improve the whole system. For this purpose, it carries on, trough specialised personnel, ad hoc security and information systems audits.

1. INFORMATION SYSTEM SECURITY POLICY

"TAX AGENCY SECURITY DOCUMENT" CONTENTS

- The scope of the Document.
- Security measures, procedures, rules and standards aiming to achieve the adequate level security.
- Staff functions and duties.
- The structure of the personnel data files and the description of the information systems which processes them.
- The procedure to notify, manage and respond to the security incidents.
- Procedure to obtain security database copies and recover them.
- Measures to convey documents and other data storage devices, to destroy documents and data storage devices, or reuse them.

1. INFORMATION SYSTEM SECURITY POLICY

TAX AGENCY SECURITY DOCUMENT

- The AEAT approved, by the Resolution 5/2001 of the General Direction modified by the Resolution 4/2004, the **Security Document of the Files containing Personnel Data**, which includes the main aspects of the security policy.
  - The Document compiles and systematises the Agency's security measures with the purpose not only to protect the citizens' rights in the electronic media but also the taxpayers' right to the tax information's reserve.

1. INFORMATION SYSTEM SECURITY POLICY

SCOPE OF THE DOCUMENT

- The Security Document regulations apply to the information of all the computer files of the Tax Agency, organised or not in databases,
- These regulations are mandatory for all the staff working in the Agency, independently from their job status (civil servants, other Agency employees, outsourcing companies employees, etc.).
- The Security Document is also compulsory for the personnel which does not works in the Agency but has access to its databases.

1. INFORMATION SYSTEM SECURITY POLICY

SECURITY POLICY ROLES (1)

- **SECURITY RESPONSIBLES**. Department and Services Directors, and Special Delegates and Delegates of the AEAT. They are responsible of the information security and of the compliance with the Security Document and other related regulations.

- **AUTHORIZERS**. They decide and maintain the access profiles of the computer users, trough the computer application USUARIOS.

- **CONTROLLERS.** They control the data accesses of the computer users which are assigned to them, trough the computer application CONTROLA.

1. INFORMATION SYSTEM SECURITY POLICY

SECURITY POLICY ROLES (1)

- **SECURITY OFFICERS.** They are information security managers and advisers in a regional or functional level. They coordinate and control the security procedures and measures, they supervise the computer users management and the data access control and they prepare the *non compliant accesses* reports.

- **IT DEPARTMENT SECURITY OFFICER**. This Officer coordinates the security officer's activity, distributing the security procedures and communicating the security tools which facilitate the computer users management and the data access control. The Officer develops the directives and plans of the Security and Control Commission.

1. INFORMATION SYSTEM SECURITY POLICY

SECURITY POLICY MILESTONES (1)

- Creation in 1998 of Tax IT Security and Control Commission, with antecedent in a previous Database Access Working Group.
- Approval and deployment of the Tax Agency Security Document (2001-2004).
- Declaration to the Data Protection Agency of the files containing personal data.
- Setting up of a network of Security Responsible Persons and Security Officers.
- Implementation of an integrated computer application to manage the computer users access codes and their profiles and authorizations to the corporate IT system (single sign on).

1. INFORMATION SYSTEM SECURITY POLICY

SECURITY POLICY MILESTONES (2)

- Implementation of an integrated computer application for the control and audit of the data accesses, which are systematically registered.
- Setting up of a corporate disclosure information system, based on strict policies for the supply of data files (*web services*) and the access to the Agency databases by external end users of other Administrations.
- Creation of a Information Systems Audit Team in the Internal Audit Service, with specialized and certified auditors which develop audits, programmed in the Audit Plan of the SAI.
- Approval of an Instruction for the management and control of the data **storage devices**.
- Technical regulation of the procedures for the IT audits or activities, which are carried out during the tax audits or inspections.

1. INFORMATION SYSTEM SECURITY POLICY

SECURITY POLICY MILESTONES (3)

- Creation of a Information System Security Unit in the IT Department.
- Communication activities: Guidelines for the Implementation of rhe Security Policy and Protocol of Use of the Computer Resources.
- Risk Map of the Tax Agency: Analysis and management of the risks related with the Information System.
- Elaboration of an Information Security Balanced Scorecard, with the aim to prevent operational system risks.
- Diagnose in the Tax Agency of the compliance with the National Security Scheme (ENS), supervised and audited by the Internal Audit Service.
- Execution of an Adaptation Plan to the ENS, spread into 7 projects of large scope.
- Approval Security Policy Tax Information in the Tax Agency (2012)

2. TAX INFORMATION SECURITY AND CONTROL COMMISSION

FRAMEWORK

- Since 1998, the AEAT disposes of Security and Control Commissions for each of the areas of the organisation, one of them devoted to the IT matters.
- The existence of such a IT Security Commission or Committee is a best practice, recommended by international organisations as ISACA.

2. TAX INFORMATION SECURITY AND CONTROL COMMISSION

COMPOSITION

- President: Director of the Tax Information Technologies Department.
- Vice-president: Senior Service Inspector of the Internal Audit Service.
- Secretary: Chief Security Officer of the Tax Information Technologies Department.
- Members: Representatives of all the Departments and Services of the Agency and at least three Regional Delegations.

2. TAX INFORMATION SECURITY AND CONTROL COMMISSION

FUNCTIONS (1)

- Analysis and evaluation of the operational risks in order to detect control weaknesses and threatens and set up the corresponding preventive measures.
- Establishment and updating of the information security directives and criteria.
- Elaboration and submit to the Direction proposals for improvement and strengthening of the security and control systems, especially trough the inclusion of automatic alerts in the information system.
- Preparation of the IT Risk Map of the Tax Agency, to be integrated in the corporate Risk Map.
- Supervision of the computer users management, data access control and tax information disclosure subsystems.

2. TAX INFORMATION SECURITY AND CONTROL COMMISSION

FUNCTIONS (2)

- Updating of the Tax Agency Security Document.
- Preparation of the declaration to the Data Protection Agency of the files containing personal information.
- Communication activities, for instance of the "*Protocol for utilisation of the computer resources by the Tax Agency end users*".
- Coordination of the network of Security Officers.
- Programming of the annual plan of activities, according to the priorities of the general security and control strategy, and preparation of an annual report on their results.

2. TAX INFORMATION SECURITY AND CONTROL COMMISSION

FUNCTIONING OF THE COMMISSION

- The Commission Plenary meets quarterly.
- The Commission receives the control and audit reports related with information security.
- The Plenary discusses suggestions and queries from the Commission members or any Tax Agency's security manager. It also deals with the relevant security incidents.
- The relevant issues are previously analysed in specific Working Groups (renewal of the CONTROLA computer application, use of computer instruments, LANs, electronic mail, etc.), whole proposals are submitted to the Plenary.

3. COMPUTER USERS MANAGEMENT

COMPUTER USERS MANAGEMENT (1)

- The purpose of the **computer user management** is to assign to the Agency's employees the adequate data access which permits a good performance in their jobs, besides preserving the security of the Information System and the confidentiality of the tax data. Hence, this establishes an a priori control.
  - Every official has a **unique access code** and a corresponding **personal password**.
  - The **procedures** to manage computer user and to give authorizations are clearly defined and known by the officials, and auditable.
  - The **Information Security Officer** of each Region of Department supervises the operation of the system.

3. COMPUTER USERS MANAGEMENT

COMPUTER USERS MANAGEMENT (2)

The Agency's employees have to receive and sign that they know the :

"*Protocol for utilisation of the computer resources by the Tax Agency end users*" (security policy,use of email, internet access...)

when they receive access code and a corresponding personal password.

Because is very important for the disciplinary proceedings.

COMPUTER USERS MANAGEMENT (3)

- The code is **suspended** under certain conditions as some incorrect attempts to logon and **cancelled** when the employee leave the Agency.
- The authorizations are given by the network of **authorisers** and includes one or various **profiles,** I.e. the frequent options that the official uses in the daily tasks. The Departments maintain the profiles.
- Further **authorizations** are given to the computer user by the corresponding authoriser.
- The authorisations can be **cancelled** if the user does employ for a period the related options of the Information System.

4. DATA ACCESS CONTROL

DATA ACCESS CONTROL

- The data access control is the process consisting in the record of the accesses to tax information, the storage which enables analysis and recovery, and finally the audit of the accesses in order to establish whether they are related with the officials duties and compliant with the security policies. Hence, this establishes an a posteriori control.
  - The **procedures** to register, control and audit data accesses are clearly defined and known by the officials, and auditable.
  - The **Information Security Officer** of each Region of Department supervises the operation of the system.
  - Whenever a computer user consults or manages tax information**,** the **motivation of the access** should be declared.

4. DATA ACCESS CONTROL

CONTROL STEPS (1)

- ACCESS RECORD
  - For every tax data access, a **trace** is recorded automatically with a set of administrative and technical data, useful to enable the late control.
  - Every fortnight, the record of the data access traces for the different subsystems is **consolidated** in a unique computer application, called **CONTROLA.**
- ACCESS SELECTION
  - The computer application CONTROLA selects the **most risky and incoherent** accesses to tax information, applying risk filters.
  - The networks of Security Officers and controllers can add manually other access to the selection.

4. DATA ACCESS CONTROL

CONTROL STEPS (2)

- The IT Security and Control Commission fix the optimum general percentage of accesses to be selected, balancing **risk and efficiency**. In any case, each official should be controlled **at least** once a year.

- ACCESS AUDIT
  - The selected accesses are audited by the controller assigned to the computer user. Although the controller is generally familiarised with the work of the user, the controller can **justify directly** the access in view of the user's common tasks, or ask for **further explanation** using the CONTROLA application.
  - Finally, the controller should declare the **compliance** or the **non compliance** of the access. In there is non compliance, the Security Officer analyses the access and the Security Responsible can start a disciplinary procedure.

4. DATA ACCESS CONTROL

QUALIFICATION CRITERIA

- The qualification of the non compliant accesses is not easy to provide in an uniform way for all the Agency. Nevertheless, the Security Officers and controllers use the following general criteria to qualify the accesses and graduate the possible fault:

  a) Relations with the official's work.

  b) Conflict of Interest.

  c) Type of the accessed information.

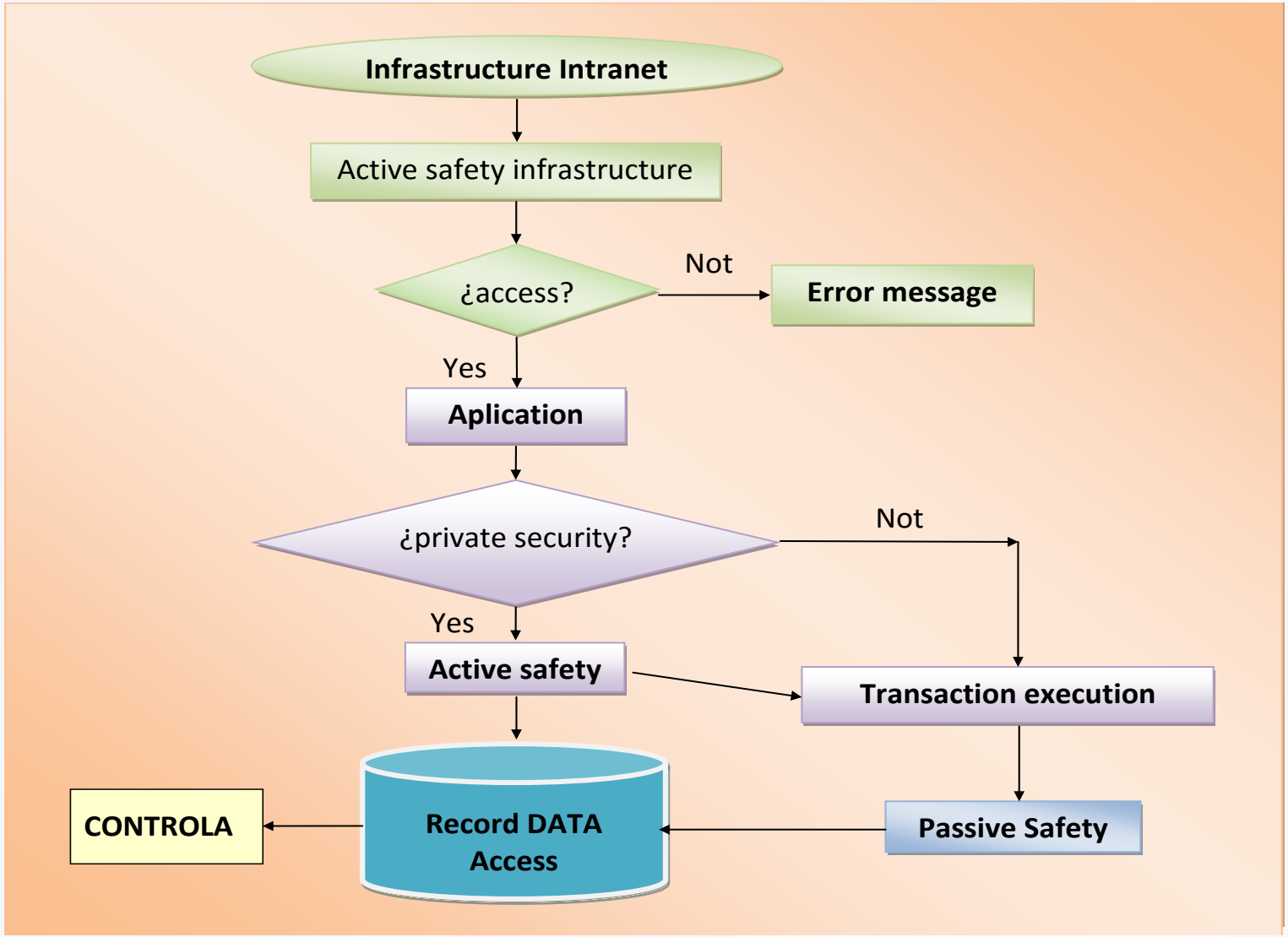
  d) The consent of the accessed taxpayer.

  e) Repetition and reiteration.

  f) Negligence and intentionality.

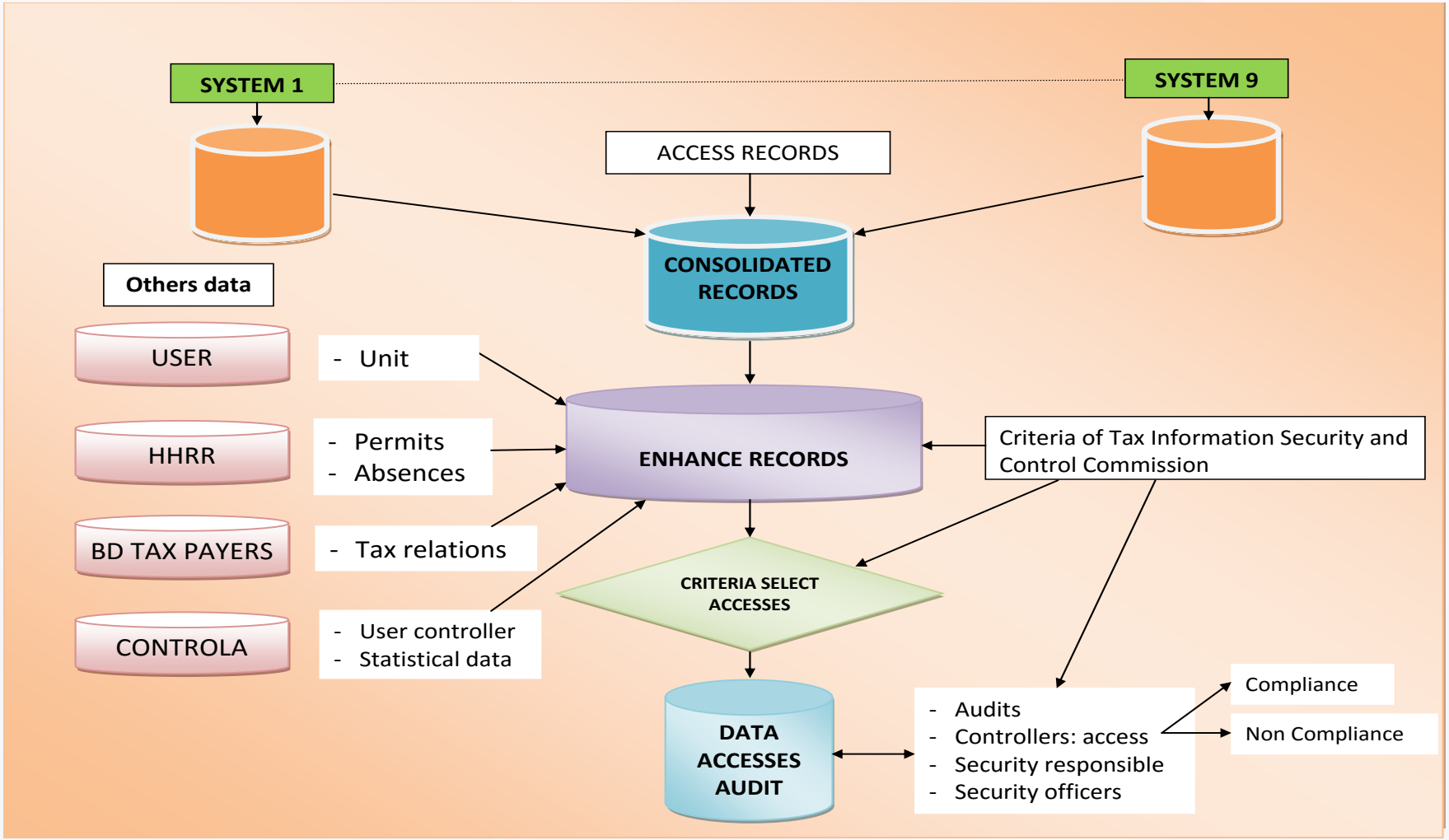
4. DATA ACCESS CONTROL

STEP 1 – DATA ACCESSES ARE RECORDED



4. DATA ACCESS CONTROL

STEP 2a – DATA ACCESSES ANALYSIS



4. DATA ACCESS CONTROL

STEP 2b – DATA ACCES ANALYSIS

SELECTION OF A PERCENTAGE OF THE WHOLE DATA ACCESSES FOR THE CONTROL AND AUDIT

CRITERIUM 1: RAMDOM SELECTION MADE BY CONTROLA

CRITERIUM 2: RISK SELECTION MADE BY CONTROLA

CRITERIUM 3: SELECTION DECIDED BY THE SECURITY OFFICERS, AFTER THE ANALYSIS OF THE ACCESSES

4. DATA ACCESS CONTROL

STEP 3 –ACCESSES AUDIT

ACCESS JUSTIFICATION		
THE CONTROLLER JUSTIFIES DIRECLY THE ACCESS	THE CONTROLLER ASKS FOR FURTHER INFORMATION	
	THE USER GIVE SOME INFORMATION OR MOTIVATION	
	THE CONTROLLER DECLARES THE COMPLIANCE	THE CONTROLLER DECLARES THE NON COMPLIANCE

ACCESS REVISION	
THE JUSTICATIONS ARE REVISED BY THE SECURITY OFFICER	THE SECURITY OFFICE DECIDES ON THE NON COMPLIANT ACCESSES

AUDIT	
THE INTERNAL AUDIT SERVICE SUPERVISES THE WORK OF THE SECURITY OFFICERS	THE IIAS REPORTS THE CURRENT SITUATION OF THE DATA ACCESS CONTROL TO THE IT SECURITY COMMISSION

5. INFORMATION SECURITY CONTROL SUBSYSTEMS

INFORMATION DISCLOSURE

- The AEAT tax information cannot be disclosed to other organisations of the public sector without the permission of the taxpayer, except when a specific law authorises the transfer: essentially to fight against fraud.
- The data exchanges are computerised. In the frequent data supplies, for example in the on line database accesses, an agreement (MOU) between the two partners is compulsory. Before the disclosure, the other government body must reach a level of security and control equivalent to that established in the AEAT.
- The Internal Audit Service of the Tax Agency supervises the compliance of the other body with the conditions of the supplies and of the exchange agreement. The IAS can conduct audits in that field.

6. INTERNAL AUDIT SERVICE

INTERNAL CONTROL AND INFORMATION SYSTEM

- For the Internal Audit Services, the AEAT Information System is at the same time:
  - A tool to develop an effective and efficient supervision and control of the procedures and business processes of the organisation.
  - The direct target of information systems audits, which verify the secure and accurate IT performance and the proportionate use of information, and contribute to the better knowledge of risks and to their reduction.

6. INTERNAL AUDIT SERVICE

METHODOLOGY

- The internal auditors of the SAI can access without restrictions (in consult mode) to the computer systems and applications of the Tax Agency. This faculty need to be permanent maintenance.

- The collected information is used in all the phases of the audit process (planning, development, communication of the results and follow-up of the recommendations).

- The information systems auditors use the same regulations and framework as the other internal auditors of the SAI, but they also refer to different specific standards and methodological tools, namely COBIT (ISACA), MAGERIT (Spanish Public Administration), ITIL, ISO norms on IT Security, etc.

6. INTERNAL AUDIT SERVICE

TYPES OF ACTIVITIES

- The control activity of the Internal Audit Service over the IT System can be categorised into thee big issues:
  - VERIFICATION AND SUPERVISION ACTIVITIES.
    - **Information Security Audits.**
    - **Information System Audits**.
  - ADVISE AND CONSULTING.
  - PARTICIPATION AND PROMOTION of the **Tax Information Security and Control Commission**.

6. INTERNAL AUDIT SERVICE

SUPERVISION BY THE INTERNAL AUDIT SYSTEM

- Supervision and control of the effective compliance with the regulations stated in the Security Document and the directives of the Commission.
- Improvement of the computer applications CONTROLA, USUARIOS.
- Obtaining follow-up reports of the internal and external computer users of the corporate information system.
- Proposing directives and criteria to the Commission:
  - Filters which determine the degree of risk of the access.
  - Specials controls, to be applied by the Security Officers.
  - Security incidents treatment.

6. INTERNAL AUDIT SERVICE

INFORMATION SECURITY AUDITS

- The Internal Audit Service carries on information security audits for:
  - Verifying the access codes management, the data access control and the performance of the Security Officers, controllers and authorisers.
  - Verifying the adequate cession and use of the disclosed information to other government bodies.
  - Analysing the non compliant accesses and the consequent disciplinary proceedings.
  - Checking the exhaustive and accurate recording of the data access traces in the CONTROLA subsystem.

6. INTERNAL AUDIT SERVICE

INFORMATION SYSTEMS AUDITS (1)

- The Internal Audit Service carries on information system audits in order to verify the organisation and functioning of the IT area (headquarters and periphery), especially on the following issues:
  - Development of computer applications.
  - Operation of the corporate computer system.
  - Training of the personnel.
  - Information reliability.
  - Safety copies and recovery of the data.
  - Business Continuity Plan.

6. INTERNAL AUDIT SERVICE

INFORMATION SYSTEMS AUDITS (2)

- Management and maintenance of the computer equipment.
- Establishment of new applications and users assistance.
- Incidents management
- Local Area Network Management.
- Physical security.
- Data storage devices control.
- Data quality (Tax campaigns process with information supplied by third parties).
- Register and Electronic Files security.

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INVESTIGATIONS ACTIVITIES

ATHENS. February 2017

INTERNAL AUDIT SERVICE

INTRODUCTION

The investigation activities are comprised within the scope of:

- Internal Affairs
- Internal investigations / internal verifications
- Fight against the corruption

INTERNAL AUDIT SERVICE

THE REASON FOR THE INCORPORATION IN THE IAS

- Confidenciality of proceedings
- Independence with regard to the hierarchical character that is predominant in the remaining parts of the institution
- Proximity with the techniques tipical for the service inspection

INTERNAL AUDIT SERVICE

IAS ACTIONS

- Process control (legality)
- Compliance with the objectives
- Control of organisational units
- Risk analysis techniques

When in the course of an action an irregularity related to a civil servant or a group of civil servants is discovered

↓

INVESTIGATION UNIT OR SPECIAL METHODS

INTERNAL AUDIT SERVICE

INVESTIGATION ACTIVITIES

A posteriori

- Private complaints
- At request by other AEAT bodies
- At request by other IAS units
- At request by the civil servants

Others: Preventives

- Risk analysis
  - Sectorial
  - Zones
  - Own
- Establishment of data banks

INTERNAL AUDIT SERVICE

PROTECTED INTERESTS

- AEAT
- Public Administration
- Of the civil servants: image and reputation particularly:
  - relation between Administration / administrated
  - incompatibilities
  - conflict of interest

INTERNAL AUDIT SERVICE

LEGAL BASIS

Royal Decree 1733/1998, of 31 July, on proceedings for the actions of service inspection

Order of 4 June 1998, that develops it

Legal Service Report of 28 September 2004

Protocol of actions of the investigation unit (for those not regulated in the IAS legislation)

INTERNAL AUDIT SERVICE

ROYAL DECREE 1733/1998

Item 2.d) Para 11

Prevention and detection of irregular behaviours, coordination of activities related to them and their investigation, in the manner determined by the AEAT Director

INTERNAL AUDIT SERVICE

ORDER OF 4 OCTOBER 1998

Para 3,3: knowledge of a possible irregular activity of the stuff

Para 9: widening of the activities once the existence of possible irregularities has been confirmed

Para 11: insight of a responsible person into the report, when the responsibilities for concrete persons can be derived

INTERNAL AUDIT SERVICE

FUNCTIONAL AREA OF INVESTIGATION

Aim: Prevention, detection and investigation of risky and irregular situations

INTERNAL AUDIT SERVICE

CONTENTS

According to the aim:

- Investigation activities
  - preventive: profiles and irregular situation (all IAS Units)
  - for evaluation: methodologies and manuals for application (all IAS units)
  - corrective: obtaining of information (exclusively Investigation Unit)
- According to the information:
  - ordinary, information from the AEAT, from public registries, derived form the complaints or spontaneous information
  - special, other means

INTERNAL AUDIT SERVICE

MEANS

Personnel: Assigned in RPT of IAS

Those gathered form other Departments and Services (Delegations)

Material: Registries, Reproduction machines, etc.

INTERNAL AUDIT SERVICE

THECHNIQUES

MONITOR FACILITIES

- Verify the economic activity
- Discover the existence of property
- Conform the ownership of property
- Obtain proof of activity, relations with responsible persons or employees

INTERNAL AUDIT SERVICE

INVESTIGATION AND TRACKING OF PEOPLE

- Identification of domicile, telephones and cars
- Obtaining of photographic, video or audio proof in public places or offices accessible to the public

INTERNAL INFORMATION

- Phone calls from official telephones
- Control of access to the IT data
- Control of working hours

ACCESS TO THE INFORMATION IN THE AEAT DATA BASE OR DATA BASE OF OTHER BODIES WITH THE CONVENTION WITH AEAT

OTHERS AUTHORISED

INTERNAL AUDIT SERVICE

PROCEDURE

Order to the IAS Service ⟶ knowledge or signed by the AEAT Director or president

Rights and obligations of the Service Inspections of the remaining areas/zones

Confidential character of the activities and reports

INTERNAL AUDIT SERVICE

LIMITATIONS

Events constituting a crime → Agency Legal Service
↓
Ministry of Fiance

(in case of the Second Book of Penal Code, the investigation shall be suspended until the judicial resolution: crimes of the public servants in the exercise of their duties)

Right to honour, personal intimacy or secrecy of communication

As regards religious beliefs, ideologies, political and other activities (.....)

INTERNAL AUDIT SERVICE

DOCUMENTING ACTIVITIES

1. Confidential reports
   - History: - Order
     - Object of activity
   - Confirmed facts: Enumeration and presentation of proof
   - Conclusions (proposals, as appropriate)
2. Notifications
   - IAS Director. Draft → Final version

     Final version → AEAT Director, Head of Department and/or Delegate

INTERNAL AUDIT SERVICE

As appropriate, the inicialization of the disciplinary proceeding is the responsibility of the respective Director or Delegate

The proof is obtained by the examining magistrate for the case, which should overlap with those from the report, as appropriate

Due to the confidencial character of the report, it is not mandatory to incorporate it in the case

In case of a possible penal responsibility ⟶ Legal Service for the notification to the State Attorney´s Office

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COLLABORATION OF THE TAX AGENCY WITH JURIDICTIONAL BODIES

1.- OVERVIEW

The Tax Agency performs the duty of collaboration with the jurisdictional bodies, by way of various functions, including judicial assistance and expert testimony for offences against the Public Treasury, the supply of telematic and customised tax information to jusrisdictional bodies and to the Public Prosecutor's office and the exercise of the function of judicial police by Customs Surveillance officials.

2.- DIFFERENTS WAYS OF COLLABORATION

- SUPPORT UNIT FOR THE ANTI CORRUPTION OFFICE

The Tax Agency has a support unit for the Special Prosecutors Office against corruption and Organised Crime (Anti Corruption Office) whose functions consist on executing the reports, audities and activities required of it by the Chief Prosecutor of the Special Prosecutor´s Office.

This Unit reports organically and functionally to the General Director of the Tax Agenct and is equipped and financed by the Agency.

- COLLABORATION IN THE FIELD OF OFFENCES AGAINST THE PUBLIC TREASURY

✓ ACTIONS PRIOR TO INITIATON OF CLIMINAL PROCEEDING:

The verification activities carried out by the Tax Agency by means of the inspection procedure con reveal facts which way constitute offenc es against the Public Treasury.

In such a case, once the Tax Agency´s action has been completed a detailed report, is then drafted by the clerk and the corresponding charges and prosecutions are submmited.

Additionaly, the Tax Agency also present carges for the exercise of indications of tax fraud following the performance of investigation by the inspection bodies , without a verification procedure having been commenced.

- ✓ ACTIONS DURING CRIMINAL PROCEEDING:

  During criminal proceeding the Tax Agency recives many requests for collaboration from jurisdictional bodies, either via judicial assistance or by expert testimony, in case of offences against the Public Treasury, a matter in which its officials are fully competent.

- ✓ EXPERT TERSTIMONY AND JUDICIAL ASSISTANCE ACTIONS DURING CRIMINAL PROCEEDINGS

  In addititon, the court clerk the inspector who has reported on tax offences, the basis of the clarges presented by the Tax Agency, participate in the criminal proceeding ratifying these reports, either in the examination phase or in oral hearing, as witnesses

- ✓ ACTIONS TO ENSURE THE POSSIBLE FINANCIAL LIABILITIES DECLARED IN THE CRIMINAL PROCEEDING:

  The Tax Agency can adopt precautionary measures to guarantee any possible liabilities which may be declared in the judicial procees, both before the imitiation of the proceeding and after against the Public Treasury, in which case the must be submitted to the juzge.

  In addition, the Tax Agency collections bodies maintain the competence for investigating, under the supervision of the judicial authority, the assets which may be subject to the payment of the monetary amounts associated with the offence

- ✓ ACTIONS IN THE ENFORCEMENT OF CRIMINAL SENTENCES

  The Tax Agency assists the judges and courts in the enforcement of sentences against the Public Treasury demanding by the compulsary process the penalty of fine and civil hability declared in sentence.

- ✓ COLLABORATION IN OTHER JUDICIAL PROCESSES

  The tax Agency´s officials carry out other collaboration task in judicial processes, actingo as judicial admininstrators, valuation architects, liquidators, bankrupty

- ✓ SUPPLY OF INFORMATION

  With regard to transfer of tax information by the Agency to the courts, is allowed to the jurisdictional bodies the direct access to the Tax Agency databases by way of telematic connection through the "Judicial Neutral Point" managed by the Superior Governing body of Judges and Courts Within the framework defined by the Tax Agency.

  In addition, for the cases not includes in the agreement individual requests for information are processed.

Agencia Tributaria

INTERNAL AUDIT SERVICE

ATHENS. 13 February 2017

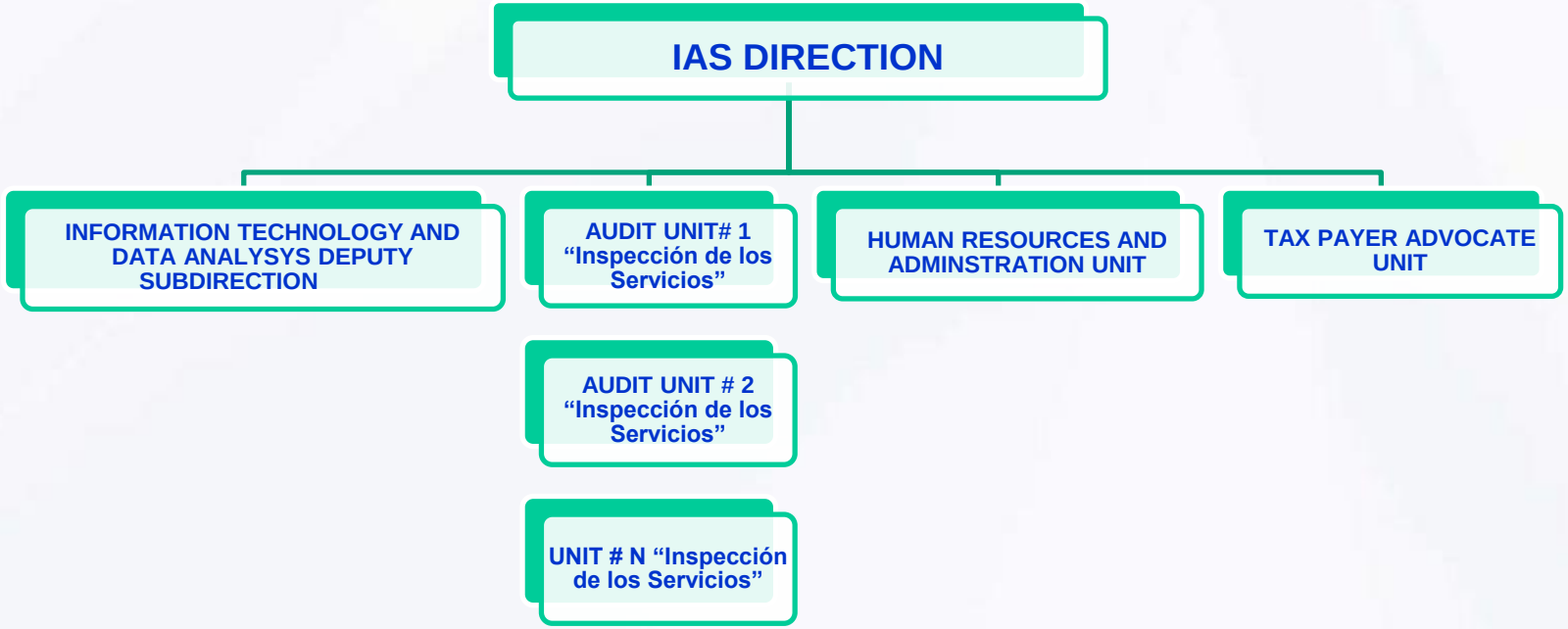
INTERNAL AUDIT SERVICE

- The Internal Audit Service (SAI, or IAS in English) is a **Deputy General Directorate** specialized in internal control which depends directly from the President and the Director of the Spanish Tax Agency.

- **Mission Statement**:

  ✓ "To assist the Agency Directorship, in particular, and the organisation, in general, in reaching its objectives efficiently, promoting the improvement and the quality in the organisation, preventing risks and misconducts, and verifying the compliance with law and regulations."

ORGANIZATION CHART



RESOURCES AND OUTCOMES

- **Current employees** **96**
  - ✓ Taxpayer´s Advocate Office 19
  - ✓ Information Technology 11
  - ✓ Audit Units (12) 52
  - ✓ IAS Direction and Human Resources and Administration 14
- **Reports per year** **125**

CHARACTERISTICS (1)

- **Long tradition** within the Ministry of Finance: the Service Inspection function exists since 1832.
- With the creation of the Spanish Tax Agency in 1992, the Internal Audit Service was established as an **independent internal audit and control** Service whose main task is to carry out audits of any type and nature, and any functions entrusted by the Directorship.
- It **differs** from other Public Administration internal controls, in that its control activity is not specifically financial, accounting or budgetary, although it does not exclude them.

CHARACTERISTICS (2)

- The Internal Audit Service has **evolved**, through time, into a new concept:
  - ✓ The audit function is now a **management process** integrated into the organizational activity.
  - ✓ It pursues efficiency, effectiveness, quality, and the **improvement** of management.
  - ✓ It aims to identify and **reduce risks** within the organization.

CHARACTERISTICS (3)

- The Internal Audit Service is an **instrument** to be used by the Directorship.
- It is **independent ,** with a specific way to recruit the auditors.
- It promotes and coordinates the development of the **organization's own control** mechanisms.

INTERNAL AUDIT MODEL

- In the Spanish Tax Agency, the Internal Audit Service (IAS or SAI), detached from the General Inspectorate of the Ministry of Economy and Finance, has been set since 1992 as a specialized body of internal control. The IAS adopted the model of internal audit consisting in ***supervision of the internal control***, as promoted by the COSO I Report (1992).

- The control experience accumulated by IAS and its relevant participation in the AEAT's Control and Security Commissions, which are focused in risk analysis and risk management, led to a more formalized ***risk management process*** (Risk Map), aligned with the current paradigm of internal audit raised by COSO II Report (2004).

STAFF CHARACTERISTICS

- **Independence and Objectivity**, *due to the fact that the Service Inspectors (Senior Auditors) are chosen by means of a selective process, which grants a Diploma of Auditors, and they hold their positions with a permanent character.(maintance level-30 for competition-of the place of work).*

- **Relevance and Experience.** *The Service Inspectors have the administrative category of Assistant Director, and they are required to have a previous experience of more than five years in the upper level of the Public Administration.*

- **Expertise and Specialization.** *The audit officials have multidisciplinary backgrounds and degrees: economists, lawyers, engineers,…. The training program of the IAS is focused on tax, customs and audit issues.*

SENIOR AUDITORS PROFILE

- The profile of a **Service Inspector** is that of an employee with experience in legal, economic and fiscal matters, who belongs to the Group A1 and has achieved a managerial professional level in the Administration (minimum 5 years in the Group A1).

- The Service Inspectors manage audit teams and are responsible for the monitoring of territorial zones (Special Delegations) and functional areas.

STAFF SELECTION PROCESS

- In order to be eligible for the position of IAS's Service Inspector, you should hold a specific Diploma, which implies to pass a merits contest and a selection course (of 6 months of duration) at the Public Finance School, where the candidates perform:

  - ✓ Written tests on matters related to the Ministry of Finance and auditing activities.

  - ✓ An Audit Memo or Report subject to a public assessment process by the rest of the course participants.

- The validity of the Diploma is conditioned by the effective performance of the duties of Service Inspector for at least two years, except special services or *force majeure*.

SCOPE OF THE AUDIT FUNCTION (1)

- During the audits, the **supervision and verification activities** of the Internal Audit Service include the following aspects:

  - ✓ The efficiency reached in the **compliance and achievement with the objectives** which have been set up in the different Agency's plans and programs.

  - ✓ The effectiveness, quality and timeliness of the **procedures carried out by the Agency's offices**.

SCOPE OF THE AUDIT FUNCTION (2)

- ✓ The quality of the processes to **help and assist the taxpayers** and to preserve their rights.
- ✓ The compliance of the audited Units performance with the due **regulations, procedures and time limits**.
- ✓ The accuracy and efficiency of the **decisions**, the **processes** and the **resources**.

SCOPE OF THE AUDIT FUNCTION (3)

- ✓ The possible **misconducts of employees**.
- ✓ The level of physical and logical **information security**, specially in sensible information.
- ✓ And, in general, the suitability of the audited **Units functions**.

PLANNING

- The audit activities are subject to **annual planning.**
- The **Audit Plan** has to be **approved by the President** of the Agency.
  - **Validity**. The plan is annual.
  - **Obligatoriness**. In the mandatory audit report, it should be quoted that the activity responds to one of the Annual Plan programs: "*The visit shall be included in the IAS Action Plan for 201X within the Program.....*".

REQUISITS FOR THE AUDIT PLAN

- Aligning the Audit Plan with the AEAT's strategic objectives.
- Attending the high management requests and considering the proposals of the Departments and Regional Offices.
- Intensifying the actions in the previously detected risk areas.
- Ensuring a permanent presence of the Internal Audit Service in the whole organisation.

BASIC OBJECTIVES

- Evaluating any deviation in the effective implementation of relevant measures or programs.
- Verifying the effectiveness, efficiency and compliance with the standards and instructions stated by the Administration Services.
- Strengthening the corporate security.
- Detecting and controlling risks.
- Promoting institutional collaboration.

COMMUNICATION POLICIES

PLANNING CONSULTATION

- In order to develop the Plan, various consultations are provided to the Departments and Territorial Entities.

RESULTS COMMUNICATION

- Final conclusions of the Plan are communicated to the Department.

AEAT PLANNING INSTRUMENTS

- The AEAT planning instruments constitute the coordinates for the IAS Action Plan. The audit planning is aligned with the organization planning.
- Over the last years, the main planning instruments of the Spanish Tax Agency have been the following:

1. Tax Fraud Prevention Plan.
2. AEAT's System of Objectives.
3. Tax Control Plan.
4. Commitments of the Central Services.

PROGRAMMES

- The IAS's Annual Audit Plan contains groups of programs:
  - a) ***Control and verification*** of central and territorial units: regional, provincial and local.
  - b) ***Risk and sensible areas control*** in the following areas: Returns Management, Taxpayers Audit, Collection, Customs and Excise, IT, Economic Administration and Human Resources.
  - **c**) ***Security***: Access to databases with tax information and employees misconducts investigation.
  - d) ***Others***.

CHART AND REGULATION (1)

- The Internal Audit Service has an updated regulation of its functions, scope, and all rights and duties involved.
- The regulation contains a definition and development of its basic activity procedures.

CHART AND REGULATION (2)

- Duties under the Chart;
  - Confidentiality
  - Identification.
  - Compliance with the orders.
  - Documentation of the results.

CHART AND REGULATION (3)

- Rights of the Auditing Staff.
  - Special ID card.
  - Act as an authority representing those who have appointed them for the audit (Delegates of the Ministry of Economy and Finance and the AEAT Director).
  - Free access to every AEAT installation.
  - Assistance and collaboration of the audited units managers.
    - Data collection.
    - Extraction of files.
    - Organization of documentation.
    - Preparation of reports.
    - Assignment of personnel for assistance.

THE AUDIT PROCESS

STAGES

- The audit process includes the following four phases:
  - Planning
  - Development (Fieldwork)
  - Communication of the Results: Audit Report
  - Audit Follow-up

PLANNING

- The Audit Script outlines the fieldwork necessary to achieve the audit objectives.
- Collection of Information.
- Schedule.
- Selection of Samples.
- Types of Tests.
- Questionnaires.

DEVELOPMENT (FIELDWORK)

EMERGE FROM THE COMPARISON BETWEEN:

CRITERION

(WHAT MUST BE)

REALITY

(WHAT IS)

CAUSE

Reason for the difference.

EFFECTS

Risk that an organization is subject to due to the differences between “what must be” and “what is”.

DEVELOPMENT (FIELDWORK)

- During the audit fieldwork, Internal Audit gathers information, performs audit testing, including detailed testing via review of transactions, and examines documents and other records, in order to:
  - Collect evidence to ensure internal controls are in place.
  - Gain an understanding of internal controls.
  - Evaluate compliance with laws and adherence to internals regulations.
- The fieldwork stage concludes with a list of significant findings from which the auditors will prepare a draft of the audit report.

COMMUNICATION OF THE RESULTS – THE AUDIT REPORT (1)

- THE AUDITOR COMMUNICATE THE RESULTS AND SUGGEST RECOMMENDATIONS.
- THIS COMUNICATION IS CARRIED OUT BY MEANS OF AN AUDIT REPORT.
- THE REPORT IS A FINAL PRODUCT OF AN AUDIT, AND THE QUALITY OF THE AUDIT PERFORMED IS JUGDED BY THE QUALITY OF THE REPORT THAT REFLECTS IT.

COMMUNICATION OF THE RESULTS – THE AUDIT REPORT (2)

- THE AUDITOR REPORT IS BASED ON EVIDENCE, INDICATING OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS.
- THE REPORT PROVIDES TO THE READER A CLEAR VISION OF REASONS WHY THE UNITS ACTIVITIES HAVE BEEN INSPECTED AND WHAT THE RESULT IS.
- QUALITY OF STANDARDS APPLICABLE TO ALL REPORTS = QUALITY ASSURANCE.

STANDARD REPORT

BASIC STRUCTURE AND CONTENT

- INTRODUCTION
- OBJECTIVES, SCOPE AND METHODOLOGY
- RESULTS
- CONCLUSIONS
- PROPOSALS

  - Instructions
  - Motions
  - Other proposals

SUMMARY REPORT

FORMAT, MARGINS, TITLES, ANNEXES

INSTRUCTION ON STRUCTURE AND CONTENT

STANDARDIZED

CONTENT OF THE REPORTS

THE CONTENT OF REPORTS MAY VARY DEPENDING ON THE TYPE OF WORK.

A STANDARD REPORT COULD INCLUDE:

- Title and reference number.
- Introduction.
- Object of Audit.
- Scope.
- Used methodology.
- Preliminary information, history.
- Observations.
- Conclusions.
- Recommendations.
- Summary report or executive report.
- Allegations, defense and opinion of the audited entity.
- Signature and date.
- Annexes.

REPORT: INTRODUCTION

IT IS SPECIFIED:

- DESCRIPTION OF THE ENTITY OR SERVICE AUDITED.
- REASON FOR THE AUDIT.
- WORK ORDER OR SERVICE ORDER.
- COMPOSITION OF THE AUDIT TEAM.
- INITIAL AND FINAL DATE OF ACTIVITY.
- CHARACTER OR TYPE OF REPORT.
- RECIPIENT/S OF THE REPORT.

REPORT: SCOPE

DEFINES THE NATURE AND THE SCOPE OF THE AUDIT

- THE TERRITORIAL AND FUCTIONAL SCOPE OF THE ENTITY TO BE AUDITED.
- THE AUDITING PROCEDURES AND CONCRETE ASPECTS OF THE PROCESSES TO BE AUDITED.
- TIME PERIOD TO BE AUDITED.
- LIMITATIONS TO THE SCOPE.

REPORT: OBJECT

COMMUNICATION OF THE OBJECTIVES OF THE REALIZED WORK IN A CLEAR AND NEUTRAL WAY

- IF IT'S ENSHRINED IN A PROGRAM OR SECTION OF THE ANNUAL PLAN, GENERIC OBJECTIVES OF THE PROGRAM AND THOSE SPECIFIC ONES FOR THE WORK MUST BE INDICATED.

REPORT: METHODOLOGY

EXPLAINS THE METHODOLOGY USED TO ACHIEVE STATED OBJECTIVES

- SOURCES OF INFORMATION (ANALYSIS OF FILE SAMPLES, INQUIRIES, INTERVIEWS, ETC.) USED.
- DATA BASE FROM WHICH THE DATA IS COLLECTED (SPECIFIC APLICATIONS).
- METHODOLOGY OF SAMPLING AND GRADE OF REPRESENTATIVITY.
  - RANDOM SAMPLING
  - DISCRETIONARY SAMPLING

REPORT: PRELIMINARY INFORMATION

IF NECESSARY:

HISTORY AND PREVIOUS CLARIFICATIONS

- ABOUT THE ENTITY OR SERVICE AUDITED
  - Economic information
  - Bussines operations volume, staff, etc.
- ABOUT THE ACTIVITY OR THE PROCESS TO BE AUDITED.
- HISTORY ON FORMER AUDITS OR ANY OTHER ASPECT CONSIDERED TO BE IMPORTANT.

REPORT: OBSERVATIONS (FINDINGS)

STATEMENTS REGARDING THE FACTS

- ARE NOT VALUE JUDGEMENTS.
- STATEMENTS ON FACTS SUPPORTED BY SUFFICIENT, RELEVANT AND COMPETENT EVIDENCE.
- THEY MUST BE PRESENTED IN A PROPER WAY WITH THE APPROPRIATE PERSPECTIVE AND CONTEXT.
- THE MOST SIGNIFICANT ONES ARE STATED IN THE REPORT.

REPORT: OBSERVATIONS

EMERGE FROM THE COMPARISON BETWEEN:

CRITERION

(WHAT MUST BE)

REALITY

(WHAT IS)

CAUSE

Reason for the difference.

EFFECTS

Risk that an organization is subject to due to the differences between “what must be” and “what is”.

REPORT: CONCLUSIONS

OPINIONS AND ASSESSMENTS OF THE AUDITOR ON THE OBSERVATIONS AND ITS EFFECTS

- MUST BE CLEARLY STATED.
- THE EXISTENCE OF ILLEGAL ACTIONS OR FRAUDE OR MISCONDUCT OF THE STAFF MUST BE INCLUDED, IF DETECTED
- IF THERE IS A PARAGRAPH WITH GENERAL CONCLUSIONS: extract of the principal observations and auditor's opinions.

REPORT: RECOMMENDATIONS

MUST EMERGE IN A LOGICAL WAY FORM THE OBSERVATIONS AND CONCLUSIONS STATED IN THE REPORT

OBSERVATIONS (facts)

CONCLUSIONS (auditor's opinions)

RECOMMENDATIONS

- Solutions to the detected problems
- Improvement of provided public service

REPORT: OPINIONS OR ALLEGATIONS OF THE AUDITED ENTITY

VIEWPOINTS OF THE AUDITED ENTITY ON THE AUDIT RESULTS

- IF THE OPINION OF THE AUDITED ENTITY IS PREPARED DURING THE VISIT, IT SHALL BE STATED IN THE PRELIMINARY REPORT, EVEN THOUGH IT IS COMMONLY STATED AFTER THE FIRST DRAFTING.
- THE FINAL REPORT SOULD ALSO INCLUDE THE OPINION OF THE MANAGEMENT LEVELS OF THE AUDITED ENTITY.
- IF THE AUDITOR AGREES WITH THOSE ALLEGATIONS, THE AUDITOR SHOULD MODIFY THE PROVISIONAL REPORT.

REPORT: SIGNATURE AND DATE

- THE AUDIT REPORTS MUST BE SIGNED BY THE AUDITING DIRECTOR OR A PERSON THAT ACTS ON HIS BEHALF.
- IT CAN BE AN AUTOGRAPH SIGNATURE ON THE REPORT ITSELF OR SIGNED ON A LETTER OR A FORMAL COMMUNICATION.
- THE DATE OF REPORT IS THE DATE WHEN THE DIRECTOR OF IAA SIGNED THE REPORT.

REPORT: ANNEXES (1)

FUNCTION:

COMPLEMENT OR EXPAND THE DATA CONTAINED IN THE REPORT.

- EDITED IN AN INDEPENDENT VOLUME OR FILE.
- INCLUDE ENTIRE RANGE AND LIST OF DOCUMENTS RELATED TO THE REPORT AND TO WHICH THEY ARE REMITTED AND REFER TO IN THEIR CONTENT

REPORT: ANNEXES (2)

MAY CONTAIN, FOR INFORMATIVE PURPOSES:

- Action order.
- Communication about the visit to the responsible person of the Service to be audited.
- Previous reference to the samples of documents, if any.
- Detailed description of the audited processes.
- Printouts of the screens of information technology applications showing states or general situations.
- Contacts or initial lists obtained for sampling.
- Detailed observations related to each file that is a component part of the sample.
- Documentary history requested or facilitated by the inspected entity.
- Etc.

EXECUTIVE REPORT

SUMMARY REPORT

- CAN BE INCORPORATED AS A PART OF THE REPORT OR PRESENTED AS A SEPARATE REPORT.

REPORT FORMAT

THE REPORTS ARE ISSUED IN A FORM WHICH IS SUITABLE FOR ITS USE AND PURPOSE.

FORMAT:

- ELECTRONIC, PREFERENTIAL BEFORE 2011.
- ELECTRONIC, COMPULSORY SINCE 2011.
- THE AUDIT PAPERS CONSTITUTE AN ELECTRONIC FILE.

QUALITY OF REPORTS

REQUISITS FOR QUALITY

CLEAR

PRECISE

CONCISE

OBJECTIVE

CONSTRUCTIVE

TIMELY

COMPLETE

CUSTODY AND RETENTION OF REPORTS

THE IAA MUST KEEP ISSUED REPORTS DURING THE PERIOD AND UNDER CONDITIONS FOR SECURITY ESTABLISHED BY THE LAW OR RULES OF TAX ADMINISTRATION, AND IN ANY CASE, WHILE BEING USEFUL TO THE AGENCY.

TYPES OF REPORT

- AUTONOMOUS OR INDEPENDENT. Reflect results of one concrete audit performed on a single entity or service.
- INTEGRATED OR COMBINED.
  - All results obtained through various audits performed on different entities in the same field or aspect and with the same objective, documented in their respective independent reports, shall be compiled in a single report.
  - It is not a simple reproduction of autonomous reports from which it derives.
  - Specific general conclusions must be elaborated for the entire field included in the audit.

ORDINARY PROCEEDING (1)

THE PRELIMINARY REPORT IS THE FIRST REPORT PREPARED BY THE AUDIT (DRAFT) AND MUST CONTAIN ALL THE ELEMENTS OF THE FINAL REPORT, OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS.

ORDINARY PROCEEDING (2)

COMMUNICATION OF THE PRELIMINARY REPORT TO THE UNIT OR DEPARTMENT AUDITED

OBJECTIVES OF PRELIMINARY REPORTS

- INFORM THE AUDITED ENTITY AND THE HIERARCHICALLY SUPERIOR ENTITY ON THE RESULTS OF THE AUDIT PRIOR TO ISSUING THE FINAL REPORT.
- MAKE SURE THAT IN THE AUDIT THERE ARE NO INCORRECT OR FALSE INTERPRETATIONS OF THE FACTS.
- PROVIDE THE AUDITED ENTITY AND THE SUPERIOR ENTITY WITH THE OPPORTUNITY TO CLARIFY SPECIFIC DETAILS AND EXPRESS THEIR VIEWPOINTS.
- FACILITATE THE FOLLOW-UP OF THE RECOMMENDATIONS.

ORDINARY PROCEEDING (3)

IT IS SENT TO THE AUDITED ENTITY AND/OR SUPERIOR ENTITIES, IN ORDER FOR THEM TO MAKE OBSERVATIONS, COMMENTS, DEFENSE AND/OR ALLEGATIONS

ORDINARY PROCEEDING (4)

THE IAA MUST EVALUATE OPINIONS, COMMENTS AND ALLEGATIONS MADE BY THE AUDITED ENTITIES AND/OR SUPERIOR ENTITIES.

- IN CASE THAT THE ALLEGATIONS ARE CONSIDERED VALID, THE PRELIMINARY REPORT MUST BE MODIFIED.
- IF AN AGREEMENT ON THOSE VIEWPOINTS CANNOT BE REACHED, THE REPORT IS KEPT IN ITS INITIAL FORM.
- IN ANY CASE, THE FINAL REPORT MUST STATE OPINIONS, COMMENTS AND THE REMARK IF IT HAS BEEN ACCEPTED PARTIALLY OR TOTALLY OR HAS BEEN REJECTED, INDICATING THE RASONS FOR IT.

EVALUATION OF THE ALLEGATIONS

DRAFT REPORT	OBSERVATIONS BY THE AUDITED ENTITY AND/OR SUPERIOR ENTITY	EVALUATION OF ALLEGATIONS BY THE IAS

DISTRIBUTION OF REPORTS

PRINCIPAL OR NATURAL RECIPIENTS

AUDIT COMITTEE

TAX ADMINISTRATION MANAGEMENT

CREATED ENTITIES IN FIELDS OF CONTROL, SECURITY OR RISKS

AUDITED ENTITY

HIERARCHICALLY SUPERIOR ENTITY AND/OR RESPONSABLE ENTITY FOR RESOLUTION

OTHER STAKEHOLDERS

OTHER ENTITIES OF INTERNAL OR EXTERNAL CONTROL

OTHER POSSIBLE INTERNAL OR EXTERNAL INTERESTED PARTIES

TYPES OF RECOMMENDATIONS
EXAMPLE. SPANISH INTERNAL AUDIT SERVICE

INSTRUCTIONS

MOTIONS

OTHER PROPOSALS

TYPES OF RECOMMENDATIONS (1)

INSTRUCTIONS

- **ADDRESSED TO THE INSPECTED ENTITY.**
- **CONTAIN RECOMMENDATIONS CONSIDERED TO HAVE HIGH IMPORTANCE FOR THE GOOD RUNNING OF THE SERVICE, PROCESS OR AUDITED ACTIVITY.**
- **ARE SENT TO THE AEAT DIRECTOR FOR ENDORSEMENT, WHO IMPOSES THEM TO THE INSPECTED ENTITY AS AN OBLIGATION.**

TYPES OF RECOMMENDATIONS (2)

MOTIONS

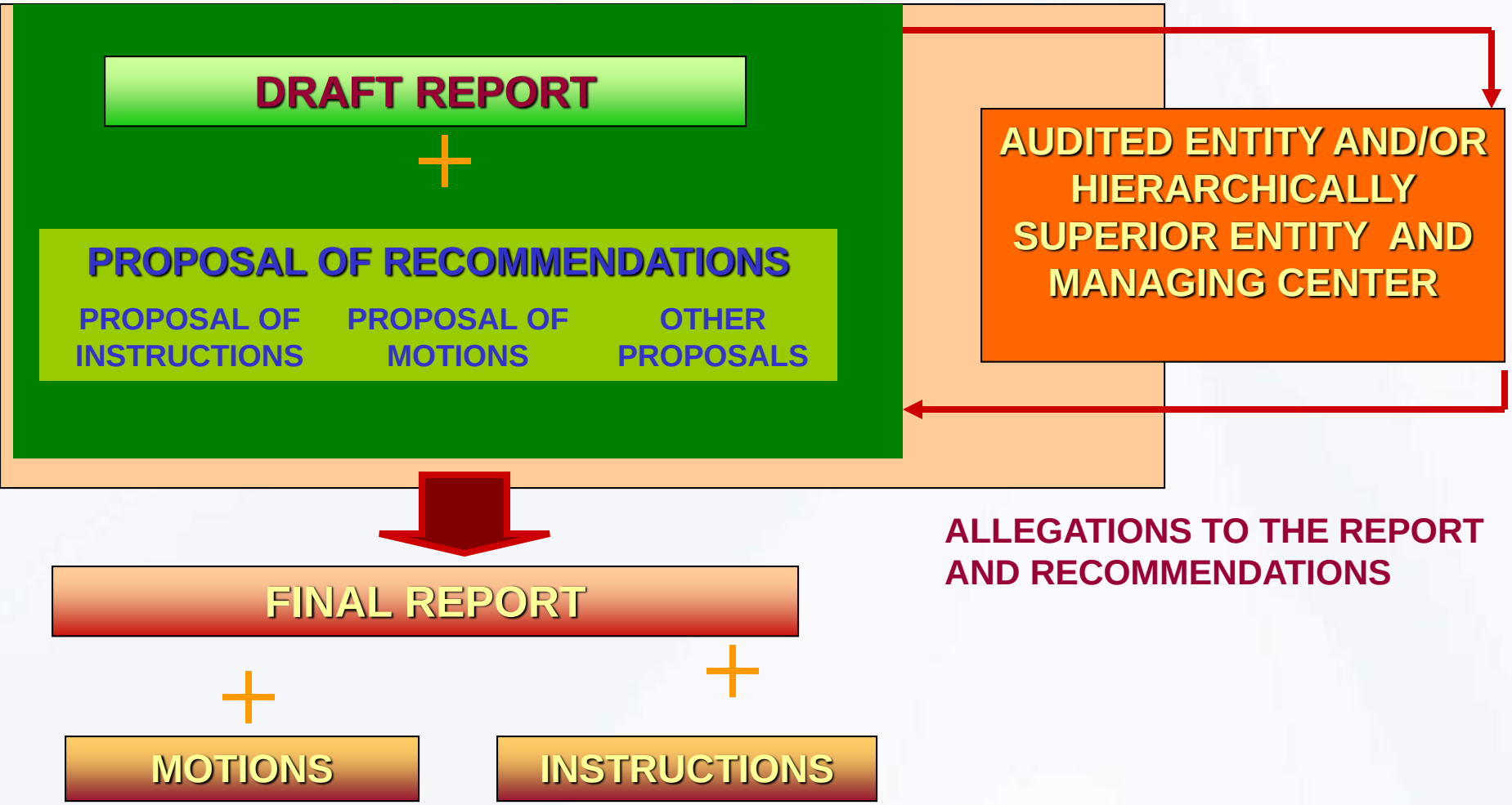
- RECOMMENDATIONS EXECUTED IN THE MANAGEMENT CENTERS OF AEAT.
- USUALLY HAVE LARGE SCOPE AND THEIR PUTTING INTO PRACTICE IS THE COMPETENCE OF CENTRAL ENTITIES.
- INCLUDE REGULATORY, ORGANIZATORY ASPECTS OF COORDINATION OF FUNCTIONES, CONFORMITY OF CRITERIA, ETC.
- ARE NOT OF OBLIGATORY CHARACTER.
- ARE SENT TOGETHER WITH THE FINAL REPORT.
- SHALL INFORM IAA ABOUT THEIR COMPLIANCE.

TYPES OF RECOMMENDATIONS (3)

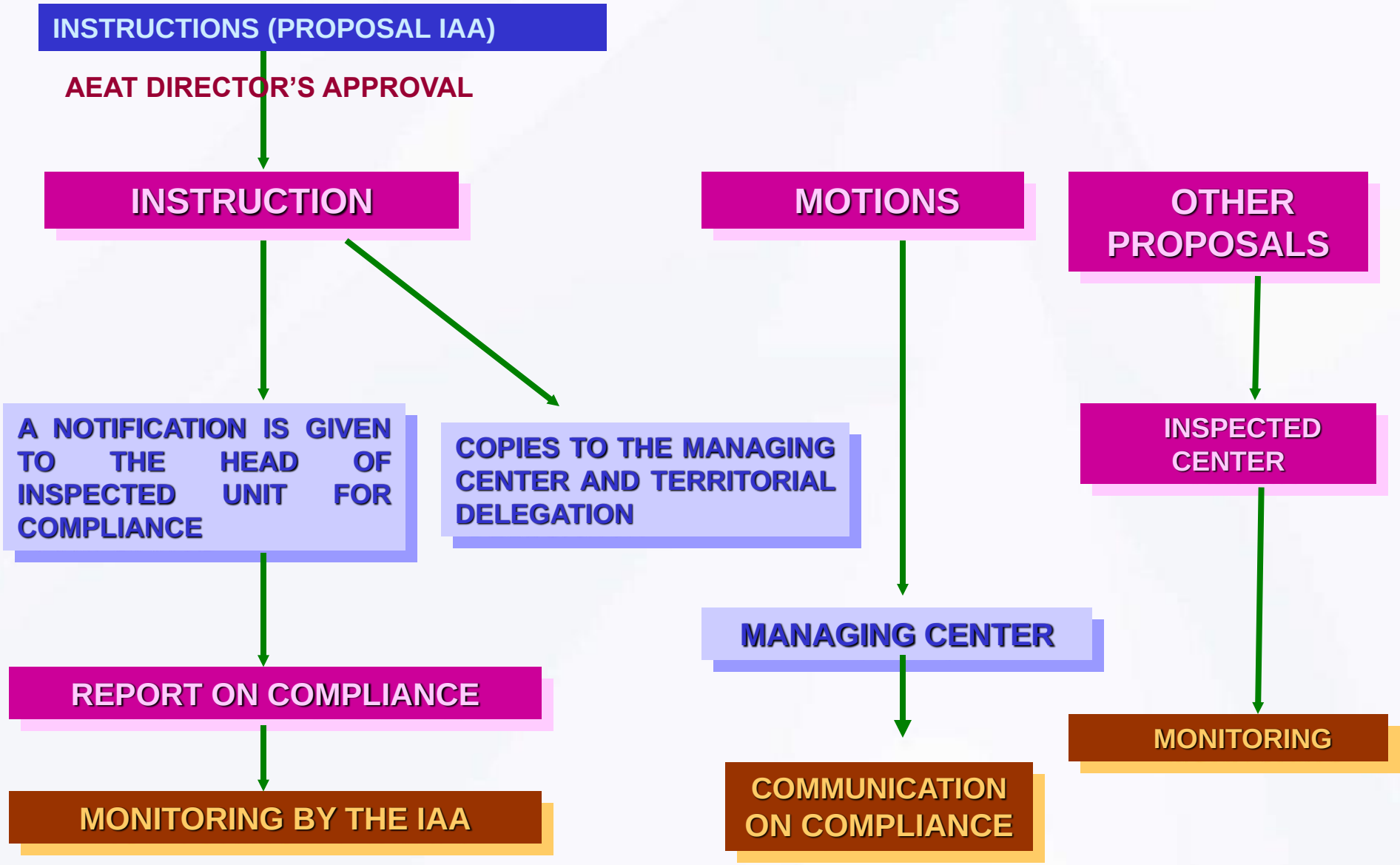
OTHER PROPOSALS

- ADDRESSED TO THE INSPECTED ENTITY.
- ARE FORMULATED IN THE DRAFT REPORT.
- HAVE NO OBLIGATORY CHARACTER.
- DEMAND THE CORRECTION OF ERRORS OF MINOR SCOPE OR INTRODUCTION OF SPECIFIC IMPROVEMENTS.
- IF THE INSPECTED ENTITY ACCEPTS THEM, IT SHOULD BE COMMUNICATED TO THE IAA IN THE RESPONSE TO THE DRAFT REPORT.
- THE FINAL REPORT SETS OUT THOSE RECOMMENDATIONS AND THEIR ACCEPTANCE BY THE INSPECTED ENTITY.
- IF THEY ARE NOT ACCEPTED, THEY MAY BE CONVERTED INTO A PROPOSAL FOR INSTRUCTIONS IN THE FINAL REPORT.

TYPES OF RECOMMENDATIONS (4)



PROCESSING OF RECOMMENDATIONS



FOLLOW-UP

PROCESS BY WHICH INTERNAL AUDITORS ESTABLISH THE APPROPRIATE NATURE, EFFICACY AND TIMELINESS OF THE MEASURES TAKEN BY THE RECIPIENT OF THE RECOMMENDATIONS.

BY MEANS OF THE FOLLOW-UP, THE VALUE WHICH IS CONTRIBUTED BY THE AUDITING ACTIVITIES IS CONSOLIDATED, ESSENCIALLY THE RECOMMENDATIONS, MULTIPLYING THEIR IMPACT AND FACILITATING THEIR CIRCULATION

Agencia Tributaria

www.agenciatributaria.es

HM Revenue
& Customs

Communications and compliance

Stephen Hardwick

Director of Corporate Communications, HMRC

14 February 2017

About HMRC and communications

HM Revenue
& Customs

About HMRC

- UK tax, customs and payments authority
- 60,000 staff
- 50 million individual customers
- 5 million business customers
- £537 billion in revenues in 2015-16
- £26.6 billion in compliance yield in 2015-16
- 6.5% (£36 billion) tax gap in 2014-15

HM Revenue
& Customs

HMRC's three strategic objectives

- **Maximise revenues due and bear down on avoidance and evasion**
  - Increase voluntary compliance, making it harder for the minority to cheat their taxes and reducing the tax gap
- **Transform tax and payments for our customers**
  - Make it easier for customers to serve themselves digitally
- **Design and deliver a professional, efficient and engaged organisation**
  - Achieve this with a smaller, more highly-skilled and productive workforce, and at lower cost

HM Revenue & Customs

HMRC’s approach to compliance

- **PROMOTE** voluntary compliance among the honest majority, designing upstream compliance into the system to make it easier for taxpayers to understand and comply with their obligations
- **PREVENT** honest and deliberate error at the point of transaction, with alerts and checks built into the system for both HMRC and customers
- **RESPOND** to deliberate non-compliance with the full array of analytical and enforcement interventions

HM Revenue
& Customs

Communications and compliance

- **PROMOTE** voluntary compliance by using direct customer correspondence, media, social media, marketing, partnership and stakeholder communications to simplify, clarify, explain and nudge customers to the right actions
- **PREVENT** non-compliance by warning of the legal, financial and public reputation consequences of cheating
- **RESPOND** to non-compliance by exposing cheats who have been prosecuted or against whom we have won tribunal cases through the media

HM Revenue
& Customs

What communications does

- Supports policy and business colleagues to improve **direct communications** to customers by letter, email, SMS and via the gov.uk website by:
  - simplifying and clarifying the messages
  - removing unnecessary information
  - improving the design and readability of communications
  - including a clear call to action so that customers know what to do

HM Revenue & Customs

What communications does

- Uses national, regional and local print, broadcast and specialist **media** to:
  - launch, explain and promote new services to customers, agents and stakeholders
  - remind customers, agents and stakeholders of deadlines
  - explain changes in the tax system
  - publicise prosecutions and convictions of tax cheats
  - publicise legal wins against tax avoidance schemes

HM Revenue & Customs

What communications does

- Uses **social media** to:
  - amplify everything we are doing with the media
  - reach customers, agents and stakeholders without media intermediation
  - reach customers via their preferred channels
  - provide more creative content (pictures, videos, animations) to connect with customers

HM Revenue
& Customs

What communications does

- Uses **stakeholder engagement** to reach professional bodies, representative groups and other third parties, to:
  - explain changes in the tax system
  - seek their endorsement and advocacy for initiatives, both with their members and publicly
  - remind them of deadlines to share with their members
  - amplify our own messages with their own

HM Revenue & Customs

What communications does

- Uses **paid-for marketing** to:
  - amplify everything we are doing in other channels and reach both a targeted and wider audience via:
    - television
    - radio
    - print
    - digital – search, advertising, boosted social media
    - out-of-home (billboards)

HM Revenue & Customs

What communications does

- Uses **partnership marketing** to:
  - reach target and wider audiences with messages delivered to them via trusted organisations:
    - their employer
    - local government and housing bodies
    - membership organisations, eg trades unions

HM Revenue & Customs

What communications needs

- A clear set of **business objectives**
  - what are we trying to achieve?
  - what actions do we want people to take?
- **Defined audiences** who we can target, with good insights
  - number, age, income, occupations, geography etc
- Timely **measurement of outcomes** against objectives
  - to check on effectiveness and make adjustments to communications if needed

HM Revenue
& Customs

Promoting voluntary compliance through customer communications

Using nudge theory in letters

HM Revenue
& Customs

What is nudge?

- Nudge theory is focused on influencing behaviour by understanding that:
  - people do not always make decisions rationally
  - instincts, mental short cuts and past experiences have a significant influence on the decisions they make
- HMRC seeks to apply nudge theory to influence customers to act differently and be more compliant
- We test and learn small, analyse results and can then apply on a bigger scale

Example: tax credits ‘undeclared partner’

- These are customers who say they are single, but have a partner who they fail to tell us about
- Costs £400 million a year in fraud and error losses
- Behavioural trial – four different letters, each sent to 10,000 customers to ask them if they are really single:
  1. simple and clear (short and punchy)
  2. personalised (informal, from a named HMRC person)
  3. questionnaire (answer questions, tick some boxes)
  4. case studies (real life examples to compare)

Simple and clear

Questionnaire

HM Revenue & Customs

Tax Credit Office
Preston
PR1 4AT

Web
www.gov.uk

Phone
0345 300 3900

National Insurance number

Date

Your tax credit award: should you be making a joint claim for tax credits?

You're currently claiming tax credits as a single person. We want you to consider your current circumstances and check if you should be claiming as part of a couple.

When deciding if you need to be in a joint or single claim for tax credits, you need to consider if you're currently in a relationship and your personal situation. Real life situations are often complex and may not be straightforward.

Below are some key questions you need to ask yourself. Please tick the boxes that apply to you.

	Joint claim*	Single claim
Are you married or in a civil partnership? Answer 'Yes' even if you aren't living together but are not legally separated	Yes ☐	No ☐
Are you in a relationship? Answer 'Yes' even if your relationship is on/off and you live together sometimes, but not all of the time	Yes ☐	No ☐
Do you share expenses? Answer 'Yes' if are financially dependent on one another, for example you share rent, food, water or electricity payments	Yes ☐	No ☐
Do family or friends see you as a couple? Answer 'Yes' if family or friends consider the other person your partner	Yes ☐	No ☐

* You may still need to make a joint claim even if your partner is away for long periods (for example, if they work away, are in hospital, or in prison. This is not a full list.)

If you answered 'Yes' to any of the questions above, you might qualify for a joint claim for tax credits, or if you are unsure, contact us immediately to discuss your situation with an advisor who will be able to help.

If you do have a partner and you've already told another government department, for example the Department for Work and Pensions, you still need to report this to us separately. Also make sure you let us know as soon as possible if your circumstances change in future. Penalties (of up to £3,000) may apply and overpayments will happen if you're not claiming correctly.

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AS3 HMRC 08/16

Personalised

Case studies

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When deciding if you need to be in a joint or single claim for tax credits, you need to consider if you're currently in a relationship and your personal situation. Real life situations are often complex and may not be straightforward.

Below are some examples of real life situations. Can you tell if they are single or joint claims?

Lisa has a relationship with Tom and they just moved to live together.

At the moment they are not sure if this will be a long term arrangement.

Their family and friends have seen them together and know they are a couple.

Sarah and Michael have an on/off relationship and sometimes live together.

At the moment they are living together and both contribute to household expenses.

Andy and Luke are in a relationship and normally live together, but because of his work, Luke lives away for long periods of time.

John and Salma are married but have split up.

They live apart but have not taken any steps to separate legally.

Their family and friends know they have split up.

How many of the 4 examples do you think should be joint claims? The correct answer is all of them. If similar situations apply to you, you may need to make a joint claim for tax credits. A joint claim may also apply even if your partner is away for long periods (for example if they work away, or are in hospital, or in prison). This is not a full list.

If you think that you qualify for a joint claim or are unsure, contact us immediately to discuss your situation with an advisor who will be able to help.

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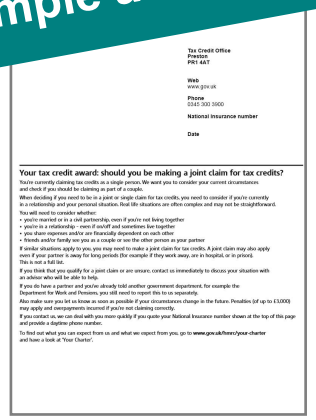
Results: increase in single claims ended

Simple and clear



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You're currently claiming tax credits as a single person. We want you to consider your current circumstances and check if you should be claiming as part of a couple.

When deciding if you need to be in a joint or single claim for tax credits, you need to consider if you're currently in a relationship and your personal situation. Real life situations are often complex and may not be straightforward.

You will need to consider whether:

- you're married or in a civil partnership, even if you're not living together
- you're in a relationship – even if on/off and sometimes live together
- you share expenses and/or are financially dependent on each other
- friends and/or family see you as a couple or see the other person as your partner

If similar situations apply to you, you may need to make a joint claim for tax credits. A joint claim may also apply even if your partner is away for long periods (for example if they work away, are in hospital, or in prison). This is not a full list.

If you think that you qualify for a joint claim or are unsure, contact us immediately to discuss your situation with an advisor who will be able to help.

If you do have a partner and you've already told another government department, for example the Department for Work and Pensions, you still need to report this to us separately.

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+248%

Personalised

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Preston
PR1 4AT

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Your tax credit award: should you be making a joint claim for tax credits?

Dear

I work in HM Revenue and Customs (HMRC) tax credits team. It appears that you're currently claiming tax credits as a single person. I want you to consider your current circumstances and check if you should be claiming as part of a couple.

When deciding if you need to be in a joint or single claim for tax credits, you need to consider if you're currently in a relationship and your personal situation. I know real life situations are often complex and may not be straightforward. Below I have shown some key factors that HMRC takes into account. you'll need to consider these when deciding if your claim is correct.

You'll need to consider whether:

- you're married or in a civil partnership, even if you're not living together
- you're in a relationship – even if on/off and sometimes live together
- you share expenses and/or are financially dependent on each other
- friends and/or family see you as a couple or see the other person as your partner

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Yours sincerely

Anthony Crompton
Benefits and Credits Operations

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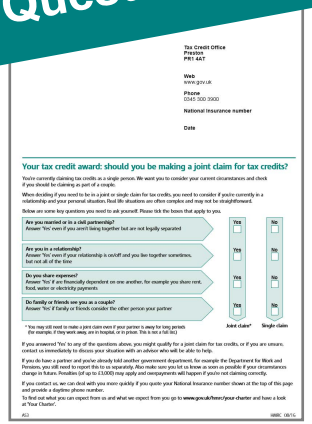
+264%

Questionnaire



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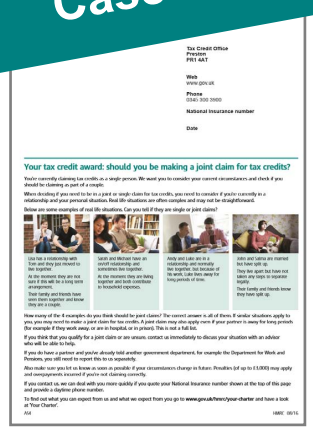
A13 HMRC 08/14

+221%

Case Studies



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Below are some examples of real life situations. Can you tell if they are single or joint claims?

Liz has a relationship with Tom and they just moved to live together. At the moment they are not sure if this is a long term arrangement. Their family and friends have seen them together and know they are a couple.	Sarah and Michael have an on/off relationship and sometimes live together. At the moments they are living together they also coordinate a household expenses.	Andy and Luke are in a relationship and normally live together because of his work. Luke lives away for long periods of time.	John and Jamie are married but have split up. They live apart but have not taken any steps to separate legally. Their family and friends know they have split up.

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A14 HMRC 08/14

+191%

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What we learned

- Nudge letters are a low-cost way to move people from non-compliance to compliance
- We can scale up from a trial to wider audiences
- We can apply techniques to a wide range of issues and audiences
- We can save millions in error and fraud simply by rewriting some letters!

HM Revenue & Customs

Promoting voluntary compliance through media and marketing

Understanding audiences and clear calls to action

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Tax credits campaign

- Tax credits top up incomes of people on lower wages
- 6 million people must renew their entitlement by 31 July
- They can renew by post, phone and online
- It’s our second-biggest operational peak
- Online is the quickest and cheapest channel
- People automatically lose tax credits if they don’t renew
- If they are still entitled, we have to restore their benefit – an expensive manual intervention
- Our objective is to get people to renew **on time** and **online**

HM Revenue & Customs

Communications plan

- Make it as simple as possible for audiences to understand
- Understand the audience
- Create messages that audiences identify with
- Use channels that reach the target audience:
  - where they are, and
  - when they can take action
- Use multiple channels to reinforce the messages

HM Revenue
& Customs

Making it simple

- Communications took over responsibility for writing letters and guidance from policy experts
- Revised letters and guidance to make them simple and easy
- Removed all but essential information
- Included clear signposts to the online digital service
- Included clear call to action
- Tested new letters and guidance with customers and stakeholders

HM Revenue & Customs

Understanding the audience

- 48% are low and middle-income couples with children
- 39% are single parents with children
- 13% are lower-income working individuals/couples without children, and aged 25+
- Most live in London, North West and South East England
- 52% need help to understand – and worry
- Most are ‘time poor’ and leave it until the last week to act
- They are high users of television, radio and the internet
- Most have a smartphone

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Creating message people identify with

- Recognise that the audience are time poor
  - they lead busy and chaotic lives and can’t find the time to fill in a form or call us
- Recognise that they worry about getting things wrong
- So our messages directly refer to their busy lives and reassure them about how quick and simple it is:

We know your life isn’t 9 to 5, so neither’s ours.

Renew your tax credits online, day or night.

We’re ready when you are.

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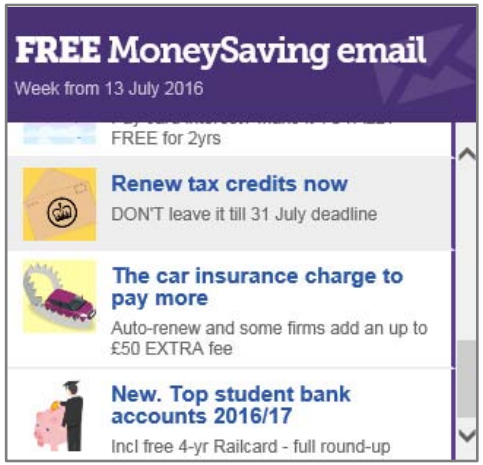
Using channels that target audiences

- Media – national, regional and local newspapers, radio and television
  - news releases and interviews
- Social media – Facebook and Twitter (free and paid-for)
- Marketing – television, radio and digital display adverts
  - when the audience are watching, listening and browsing
  - programmatic digital ads follow target audience around
- Partnership marketing – big employers with low-income staff
- Stakeholder – targeting audiences via trusted third parties

Media

- We wrote to finance guru Martin Lewis; he appeared on daytime TV to promote tax credits renewals
- This led to the promotion in moneysavingexpert.com and in their weekly email



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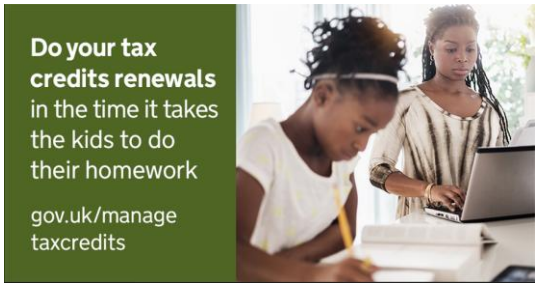
Social media

- 88 Tweets and 31 Facebook posts
- 1 million impressions
- Real-time marketing during Wimbledon and Euro 2016
- Used ‘themes’ on Facebook ranging from family activities to word play in pictures
- Use weekly feedback to create and amend activity



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Marketing

- TV, radio and digital display adverts
- Paid search campaign on Google and Bing
- Paid for Facebook and Twitter posts

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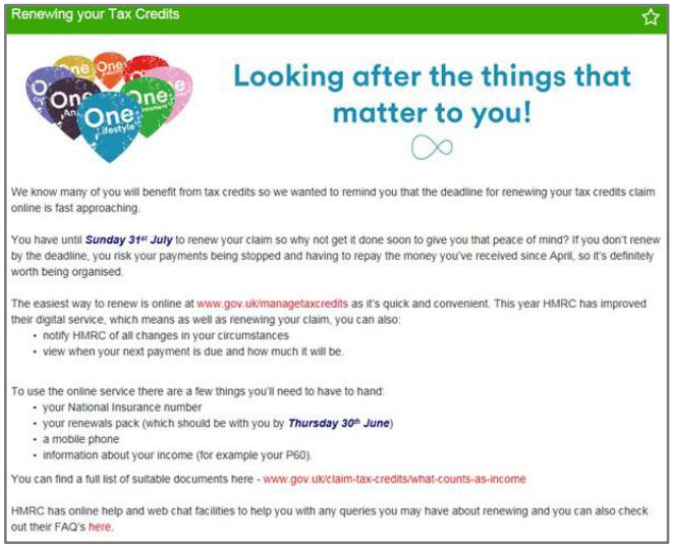
Partnership marketing

- Partners included employers, corporate organisations (eg Virgin Media) and local housing organisations
- Reach of 1.5 million
- Provided content for partners to use



Renewing your Tax Credits

Looking after the things that matter to you!

We know many of you will benefit from tax credits so we wanted to remind you that the deadline for renewing your tax credits claim online is fast approaching.

You have until ***Sunday 31st July*** to renew your claim so why not get it done soon to give you that peace of mind? If you don't renew by the deadline, you risk your payments being stopped and having to repay the money you've received since April, so it's definitely worth being organised.

The easiest way to renew is online at www.gov.uk/managetaxcredits as it's quick and convenient. This year HMRC has improved their digital service, which means as well as renewing your claim, you can also:

- notify HMRC of all changes in your circumstances
- view when your next payment is due and how much it will be.

To use the online service there are a few things you'll need to have to hand:

- your National Insurance number
- your renewals pack (which should be with you by ***Thursday 30th June***)
- a mobile phone
- information about your income (for example your P60).

You can find a full list of suitable documents here - www.gov.uk/claim-tax-credits/what-counts-as-income

HMRC has online help and web chat facilities to help you with any queries you may have about renewing and you can also check out their FAQ's here.

My Hyde Home @MyHydeHome · Jul 4
Has your #taxcredits renewal pack arrived? If so, don't delay, head on line today goo.gl/xS5sTS

HM Revenue & Customs

Outcomes

- 80% renewed on time
- 39% renewed online (up from 27% in 2015)
  - online up by 230,000
  - phone calls down by 140,000
  - post down by 260,000
- 20% click-through rate for digital search (industry norm =1%)
- 817,000 Facebook views

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Responding to non-compliance in sectors and trades

Publicising taskforces

HM Revenue & Customs

HMRC Taskforces

- Bring together different teams to deliver a coordinated response
- Focus on specific trades and business sectors where the risk of non-compliance is the greatest
- >140 taskforces launched since 2011 bringing in >£500 million

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HMRC Taskforces: background

- Sectors include:
  - dog breeders
  - adult entertainers
  - grocery suppliers
  - retail outlets
  - people hiding wealth
  - double glazing sales
  - imports and tax fraud

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Communications objectives

- Deter rule breakers and potential rule breakers
- Reassure the compliant that we are tackling those who cheat the system

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Communications activity focuses on

- Launch of new taskforces
- Significant milestones, such as yield targets
- Significant taskforce operational activity
- Taskforce performance, such as yield achievements
- Successful prosecutions

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Communications channels

- National and regional print, broadcast and trade media
- Social media (primarily Twitter)
- External stakeholder networks to target hard-to-reach trade sectors
- Internal HMRC channels, particularly the newsroom

Different approach for different taskforces

- Tax Fraud ‘day of action’: we targeted criminals who were abusing the system
- Twitter activity focused on the arrests and amounts recovered
- Traditional press release was picked-up by national, local and trade press

HM Revenue & Customs

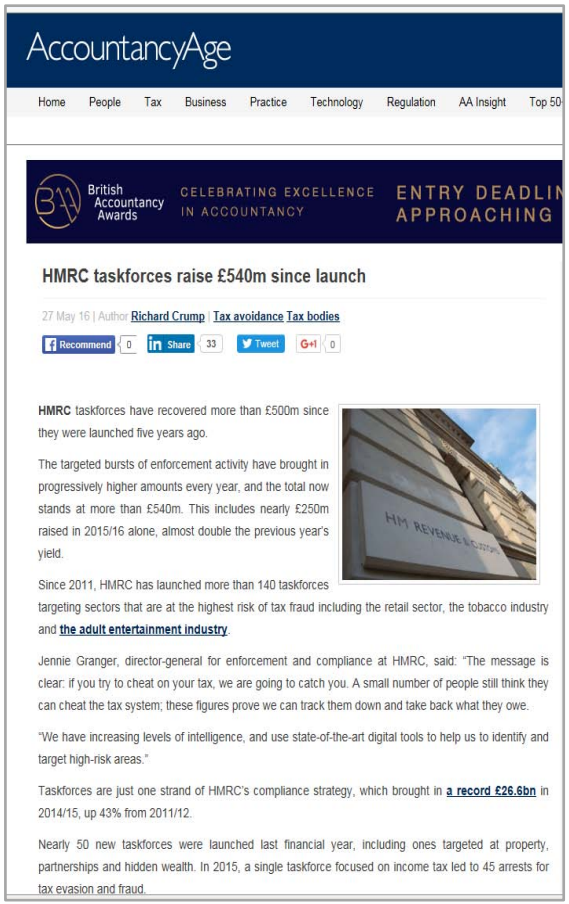
Different approach for different taskforces

- Adult entertainment – great coverage at the launch, including an interview with a senior HMRC officer
- Very newsworthy – covered by BBC TV and radio, Sky News and national and local print media

HM Revenue & Customs

Different approach for different taskforces

- Double glazing – focused on trade media aimed to deter people in the trade from cheating
- Highlighted the cost of being caught



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HMRC taskforces raise £540m since launch

27 May 16 | Author: Richard Crump | Tax avoidance Tax bodies

Recommend 0 | Share 33 | Tweet | G+1 0

HMRC taskforces have recovered more than £500m since they were launched five years ago.

The targeted bursts of enforcement activity have brought in progressively higher amounts every year, and the total now stands at more than £540m. This includes nearly £250m raised in 2015/16 alone, almost double the previous year's yield.

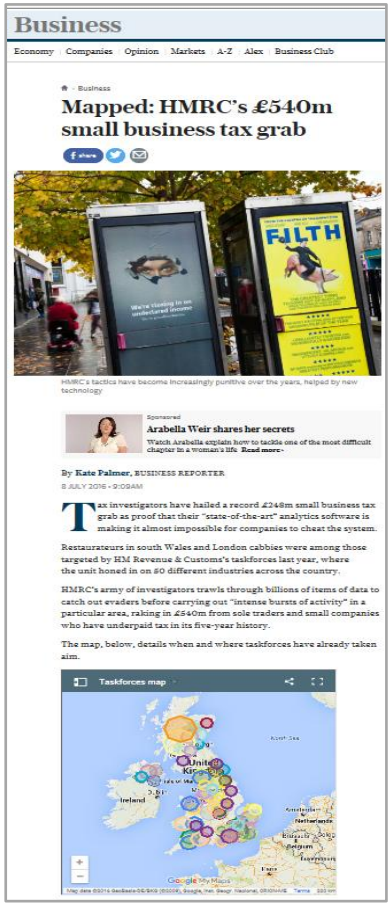
Since 2011, HMRC has launched more than 140 taskforces targeting sectors that are at the highest risk of tax fraud including the retail sector, the tobacco industry and **the adult entertainment industry**.

Jennie Granger, director-general for enforcement and compliance at HMRC, said: "The message is clear: if you try to cheat on your tax, we are going to catch you. A small number of people still think they can cheat the tax system; these figures prove we can track them down and take back what they owe.

"We have increasing levels of intelligence, and use state-of-the-art digital tools to help us to identify and target high-risk areas."

Taskforces are just one strand of HMRC's compliance strategy, which brought in **a record £26.6bn** in 2014/15, up 43% from 2011/12.

Nearly 50 new taskforces were launched last financial year, including ones targeted at property, partnerships and hidden wealth. In 2015, a single taskforce focused on income tax led to 45 arrests for tax evasion and fraud.



Business

Economy | Companies | Opinion | Markets | A-Z | Alex | Business Club

Mapped: HMRC's £540m small business tax grab

Tax investigators have hailed a record £248m small business tax grab as proof that their "state-of-the-art" analytics software is making it almost impossible for companies to cheat the system.

Restaurateurs in south Wales and London cabbies were among those targeted by HM Revenue & Customs's taskforces last year, where the unit honed in on 80 different industries across the country.

HMRC's army of investigators trawls through billions of items of data to catch out evaders before carrying out "intense bursts of activity" in a particular area, raking in £540m from sole traders and small companies who have underpaid tax in its five-year history.

The map, below, details when and where taskforces have already taken aim.

Taskforces map

HM Revenue & Customs

Responding to non-compliance with tough warnings

Offshore evasion campaign

HM Revenue
& Customs

Background

- HMRC is getting tougher on offshore tax evasion
- We were closing offshore disclosure facilities on 31 December 2015 and replacing them with tougher terms
- In 2016 we would be receiving information on offshore accounts from 90 countries around the world
- This information would identify people who had not paid the correct amount of tax in the UK

Communications campaign objectives

- Promote the closure of the facilities on 31 December 2015
- Make people aware it would be the last opportunity to disclose under such favourable terms
- Encourage disclosure of any outstanding tax liabilities
- Help achieve 650 disclosures by 31 December 2015

HM Revenue
& Customs

Audience

- Wealthy individuals with £50,000+ annual income
- Average age 65; 61% are retired
- 93% married/divorced – just 6% have children at home
- 73% socio-economic group ABC1
- Likely to live in London, South East and East Anglia
- 89% read a daily national newspaper
- 48% consider themselves financially knowledgeable
- Like culture – 58% go to the theatre

HM Revenue
& Customs

Communications campaign

- Tough message warning that HMRC is getting offshore information
- Proactive national media aimed at quality newspapers and financial magazines
- Social media messaging on Twitter
- £130,000 advertising campaign in national press and on search engines for just four weeks

HM Revenue & Customs

The message

If you have money or a property abroad, you could owe tax on it.

From next year, we will begin to receive offshore account and trust information from over 90 jurisdictions.

If you've declared all your income, you have nothing to worry about.

Come to us before we come to you

Visit gov.uk/offshoreincome

HM Revenue & Customs

Over 90 jurisdictions will soon be sharing financial information with us...

Albania
Andorra
Anguilla
Antigua and Barbuda
Argentina
Aruba
Australia
Austria
Barbados
Belgium
Belize
Bermuda
Brazil
British Virgin Islands
Brunei Darussalam
Bulgaria
Canada
Cayman Islands
Chile
China
Colombia
Costa Rica
Croatia
Curaçao
Cyprus
Czech Republic
Denmark
Dominica
Estonia
Faroe Islands
Finland
France
Germany
Ghana
Gibraltar
Greece
Greenland
Grenada
Guernsey
Hong Kong (SAR of China)
Hungary
Iceland
India
Indonesia
Ireland
Isle of Man
Israel
Italy
Japan
Jersey
Latvia
Liechtenstein
Lithuania
Luxembourg
Macau (SAR of China)
Malaysia
Malta
Marshall Islands
Mauritius
Mexico
Monaco
Montserrat
Netherlands
New Zealand
Niue
Norway
Panama
Poland
Portugal
Qatar
Republic of Korea
Romania
Russian Federation
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Samoa
San Marino
Saudi Arabia
Seychelles
Singapore
Sint Maarten
Slovak Republic
Slovenia
South Africa
Spain
Sweden
Switzerland
The Bahamas
Trinidad and Tobago
Turkey
Turks and Caicos Islands
United Arab Emirates
Uruguay

...on UK residents with money, trusts or assets overseas.

If you have money abroad, you could owe tax on it. From next year we will begin to receive offshore account and trust information from over 90 jurisdictions. If you've declared all your income, you have nothing to worry about.

Come to us before we come for you.
Visit gov.uk/offshoreincome

HM Revenue & Customs

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Outcomes

- 270 news articles – 83% positive
- Tweets generated
  - 348 link clicks
  - 146 retweets
  - 1,000 post engagements
- 38,000 hits to the website over four weeks (previous average just 400 hits per week)
- **7,000 declarations, generating £100 million in yield**

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Preventing non-compliance through media coverage

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Benefits of using media stories

- High media consumption by public – among the highest readership of newspapers in the world
- It’s free – just the cost of press office staff
- It’s quick – especially if you use social media for alerts
- It can be targeted – locally, regionally and nationally
- It can be segmented – tabloid, broadsheet, specialist
- It exposes cheats to reputational damage where they live and in their profession or trade
- It demonstrates that HMRC is taking action and winning

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How HMRC uses media for compliance

- We publicise raids, arrests, prosecutions and convictions
  - we try to get as many hits out of a case as possible
- We keep the media informed on progress of cases
- We assess the news value of every case and try to reach as many levels as possible:
  - local/regional – small case, no unusual aspects
  - national – bigger case, known individuals, unusual aspects of the case
  - specialist – case related to trades or professions

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What increases the profile of a case

- Photos or videos – of defendants, raids, money, property, seized goods and lifestyle (holidays, champagne, cars)
- Using photos in social media to promote the story
- Any quirky details about the case or defendant
- Interesting use of statistics
- If it is part of a wider campaign or crackdown
- Strong and newsy written statement by HMRC
- HMRC case lead making statement outside court

Some headlines in 2016

HMRC wins £635 million for the public in landmark case against Eclipse 35 avoidance scheme

From cellar to cell for wine trader conman

Spark goes out on electrical fraudster's VAT scam

Male stripping bosses' tax and benefit crimes laid bare

Bus operator jailed as £1m scam hits the skids

HMRC's win over Ernst & Young scheme protects more than £30m

Offshore win nets £365 million in billion pound week for HMRC

Jail for pizza driver who stole the dough

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Some words of warning

- Publicity of prosecutions to discourage non-compliance requires a large volume of prosecutions, because the risk of being caught and publicly exposed have more impact that the size of the fine or prison sentence
- There is a risk that publicity for prosecutions will reinforce perceptions of widespread non-compliance, and undermine public trust among the honest majority
- So publicity for prosecutions must be balanced with reassurance messages for the honest majority

HMRC compliance media activity 2016

- We issued
  - 112 prosecution press notices in 2016
  - 84 news briefings direct to local/regional media
  - 11 press notices for tax tribunal wins
- We generated 7,244 pieces of news coverage
  - 73% positive and just 2.4% negative
  - 28% broadcast, 48% print, 34% digital
  - 16% national, 84% regional

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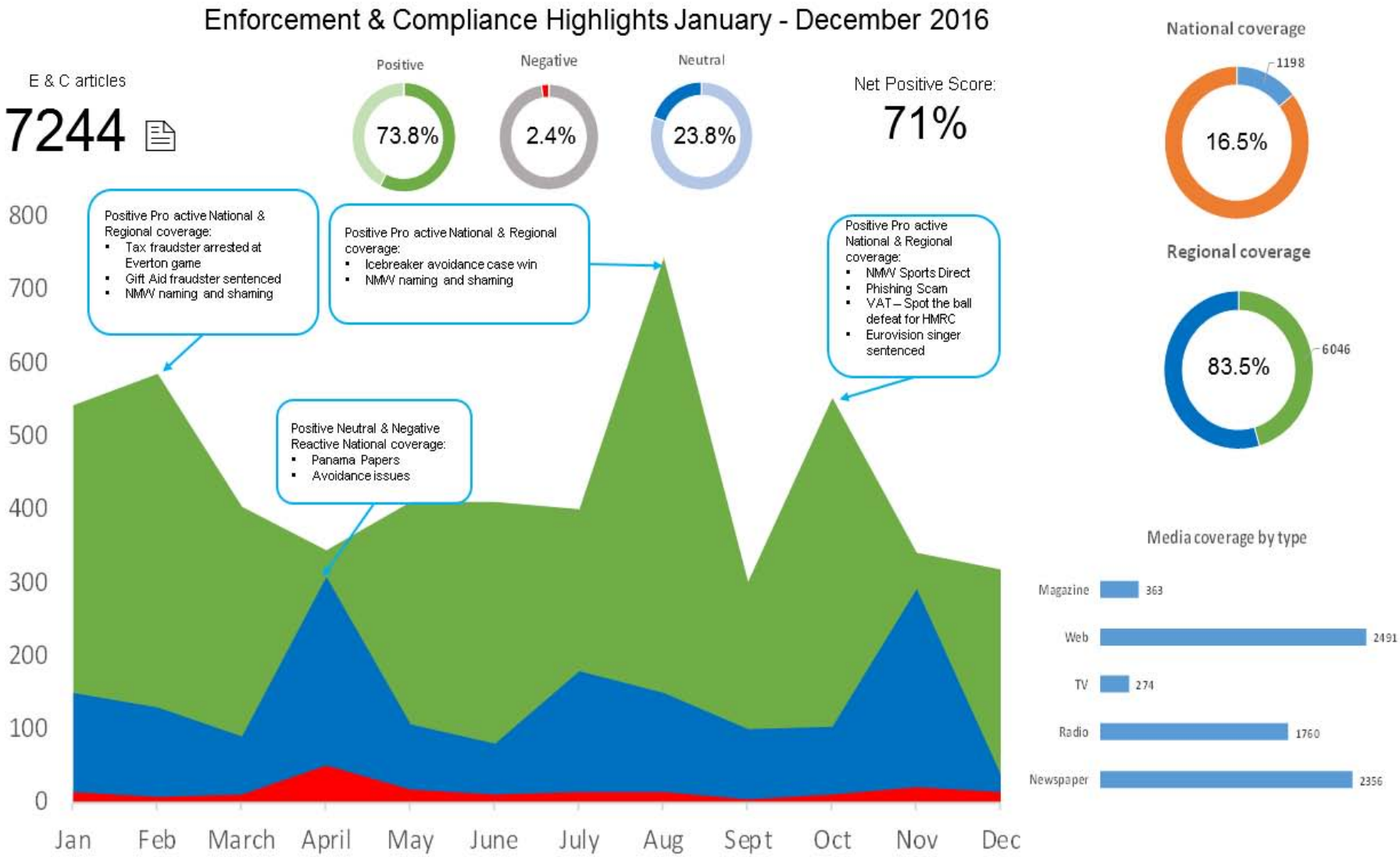
HMRC compliance media coverage



Questions?

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Anti-Corruption Training Athens

13th – 15th February 2017

HMRC - Internal Governance

Tim Entwistle

Senior Intelligence Officer

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HMRC collects £537 billion in tax from over 50 million customers

- HMRC is a non ministerial department
- We have around 60,000 employees in 170 offices
- Our budget is £3.3bn (Resource DEL)
- We administer 39 different tax and duties, collecting £536.8 billion 15/16
- We are responsible for policies and activities for collecting revenues at the border
- As well as tax credits, child benefit, the administration of student loans and tax free childcare

- 2,100 large businesses customers (each with an annual turnover of more than £200 million)
- 170,000 medium-sized businesses (annual turnover of between £10 million and £200 million, or who employ 20 or more people)
- 5+ million small businesses (annual turnover of less than £10 million and which employ fewer than 20 people)
- We collect tax and duties from 45 million individual UK taxpayers
- 5 million families claim Tax Credits
- Child benefit provided to 13 million children

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Our achievements in 2015-16

Total tax revenues

£536.8bn

2014-15 | 2015-16

↑ 3.7% INCREASE

£19.1 billion more than last year

We brought in record total tax revenues for the sixth consecutive year.

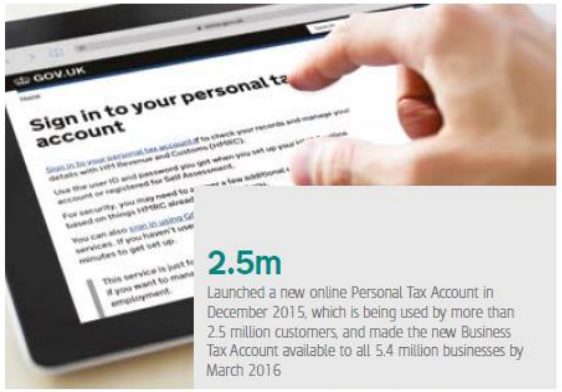
754,900
tax credits customers renewed online using our digital service, almost double the 2014 figure

£14.9bn
tax protected through successful litigation

£26.6bn
compliance revenues secured – making a total of more than £110 billion since 2011-12

£210m
annual sustainable cost savings, exceeding the target set by the government

46,500+
staff attended 616 Building our Future events across 84 locations to discuss our transformation



2.5m
Launched a new online Personal Tax Account in December 2015, which is being used by more than 2.5 million customers, and made the new Business Tax Account available to all 5.4 million businesses by March 2016

89%
of Self Assessment returns done online by 31 January deadline – a record

537
apprentices recruited, including 198 Surge apprentices – a cross-government resource managed by HMRC, who help to deal with peaks of work

94%
of all customs clearances for trade cleared within two hours

Why Does HMRC Take Corruption Seriously?

- It threatens our operations
- Impedes aims to reduce crime and prosecute offenders
- Diverts hard pressed resources
- Puts sensitive information at risk
- Damages morale, undermines trust in each other
- Generates unwelcome and negative publicity
- Corrodes the reputation of HMRC

“the impact of corruption is disproportionate to the level and frequency at which it occurs and often has serious ramifications in terms of public confidence across the public and private sectors.”

(UK National Strategic Assessment of Serious and Organised Crime 2014)

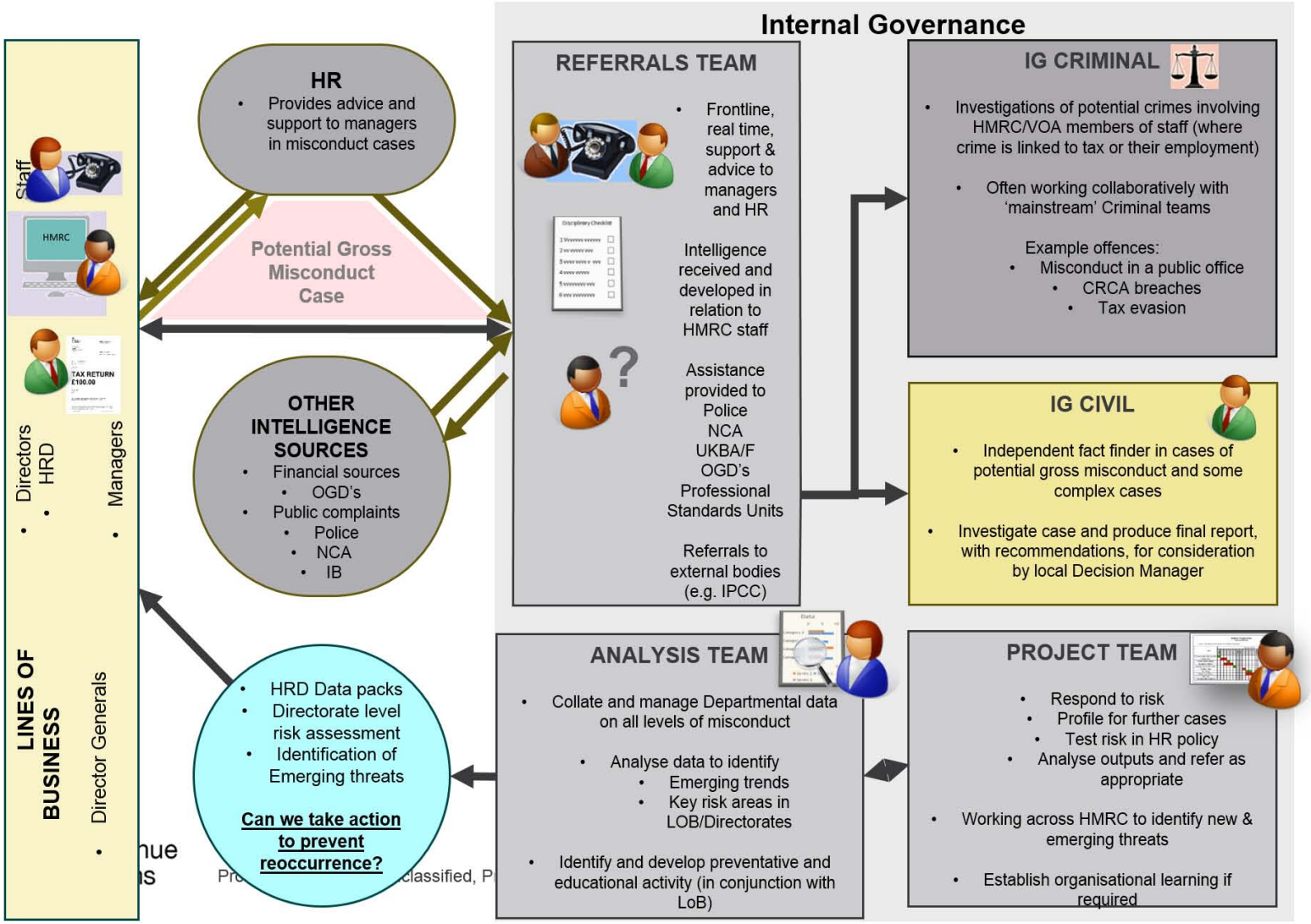
Why does HMRC's Internal Governance Department exist?

- **Provide reassurance –** swift, consistent, professional and independent response to serious allegations and complaints.
- **Deterrence –** Skilled resource with published results.
- **Cross-Government co-operation -** Promotes confidence & co-operation with police and other partner agencies.
- **Operational integrity –** Independence helps manage risk of compromised investigations.
- **Cost savings / Efficiency –** Able to deal quickly with serious disciplinary issues.
- **Organisational learning –** helps ensure key lessons are learned.

Promote, Prevent, Respond

- Promote – Effective communications
- Prevent – Strategies and projects to uncover fraud and corruption
- Respond – Planned interventions

Internal Governance – *Supporting Lines of Business in Dealing with Wrongdoing*



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What does Internal Governance deliver for HMRC?

- Currently structured to deliver four roles:
  - Serious disciplinary investigations
  - Internal criminal investigations
  - Intelligence
  - Picture of risk
- About 95 people in total

What are the numbers?

Content removed

Principal Sources of Intelligence

- Line management referrals
- HMRC staff (including via whistleblowing reporting systems)
- Complaints and HumInt (public – Crime Stoppers and Tax Evasion Hotlines etc.)
- Suspicious Activity Reports from financial institutions
- Covert Human Intelligence Sources (informants)
- Other covert and technical operations (including Lawful Interception)
- Police and Government agencies
- Anti-Fraud Assurance Team (AFAT)

Anti-Fraud Assurance Team Activities

- Uses operator generated audit data to proactively detect internal fraud and computer misuse by HMRC staff using tax administration systems
- Profiles combine data matching and sequential events
- Staff internet usage monitored for access to inappropriate sites
- Emails sent to non HMRC addresses monitored using risk rules to protect against data loss and fraud
- Staff access to social media monitored using similar risk rules
- Team provides audit data to support disciplinary and criminal investigations by Internal Governance.

Causes of Corruption

As with all large organisations, a minority within HMRC may abuse their position of trust to commit fraud. Reasons for this are:

- Financial difficulties
- Personal greed / advantage
- Grudge against the organisation.
- Misplaced loyalty - Family loyalty
- Criminal associations
- Poor supervision or ineffective controls
- Growing cynicism about the work or becoming disillusioned
- Seeing others get away with their crimes or benefiting from light touch control methods
- Fear or intimidation

What specific risks does HMRC face?

- Misuse of customer data
- Revenue Attacks
- IT security
- Management distraction
- Pressure to increase productivity
- Malicious leaking of information to inflict reputational damage

Prevention is Key

- Management awareness
- Proportionate risk assurance and controls
- Communication / deterrent effect
- Recruitment and vetting
- Induction, probation and appropriate training
- Culture of reporting concerns without fear
- Learning lessons when things go wrong

External Scrutiny Arrangements

ipcc independent police complaints commission

Ensures serious conduct related complaints against the police and HMRC are dealt with effectively.
By law entirely independent of the police, interest groups and political parties. Decisions on cases are free from government involvement.

HMIC Inspecting policing in the public interest

Charged with examining and improving the efficiency of the Police. They now have responsibility for certain parts of HMRC.

HMRC Internal Governance

Anti-Corruption Training
Athens

13th – 15th February 2017

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Internal Governance

Geeta Sankla
Higher Investigation Officer
IG Criminal

When are criminal investigations undertaken:

An assessment is made on a case by case basis. Relevant factors include:

- A significant abuse of position
- Links to organised crime
- Tax evasion, fraud or theft – involving significant loss or gain
- Serious breach of confidentiality - unlawful disclosure
- Other serious offences: misconduct in public office, bribery, perjury, perverting the course of justice, money laundering etc.

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Criminal Investigation Powers

Criminals, including organised crime groups, seek to attack the UK's tax and duty systems to steal taxpayer's money. To counter this HMRC has criminal investigation powers similar to the police and other law enforcement agencies.

Criminal Investigation Powers

A broad range of powers including the ability to:

- apply for court orders requiring information to be produced - production orders
- apply for warrants to enter and search premises
- undertake surveillance
- arrest and search suspects
- enter and search premises following arrest

Intrusive surveillance

For investigations involving **serious** crime, HMRC can apply to use intrusive surveillance powers in the Regulation of Investigatory Powers Act 2000 (RIPA) and the Police Act 1997. The most significant powers are:

- the interception of post and telecommunications
- intrusive surveillance (inside residential premises or in private vehicles)
- property interference (including covert entry and search)