

## Collecting and Managing Tax Debt in Poland

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### Abstract

**Aim:** The paper highlights the formation of tax debt, compares it among EU member states, examines certain factors contributing to its accumulation, and evaluates measures taken to manage tax debt collection.

**Methodology:** Indicators from OECD publications were utilized to evaluate the accumulation and recovery of tax arrears. A comparative analysis juxtaposed their operational performance in EU member states, and a multiple regression model was employed to estimate the effect of independent variables on tax debt accumulation in Poland.

**Results:** Some countries continuously face the problem of skyrocketing tax arrears, while others are relatively successful in tax collection. Rapidly accumulating tax debt has, for many years, posed a challenge to the Polish tax administration, as it is relatively high in Poland compared to other EU member states.

**Implications and recommendations:** For many years, Poland has predominantly applied conventional methods to deal with tax debtors. Some EU countries have successfully introduced more innovative tools, leading to a decrease in tax debt and improvements in its structure to enhance recovery, including, inter alia, a behavioral approach.

**Originality/value:** This paper attempts to uncover a dimension of tax collection that is often overlooked in scientific research and to answer the question of what happens when tax is properly assessed but not paid to the tax authorities. Tax debt accumulation is relatively rarely discussed, and methods of its analysis are sparse in economic literature.

**Keywords:** tax debt, tax arrears, tax management

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## 1. Introduction

Taking quick and productive measures to prevent and recover tax debt is vital both for protecting public revenue as well as maintaining trust in the fairness and equity of the financial system of a country (OECD, 2020, p. 3). A well-designed legislative framework implemented in order to secure tax collection and manage tax debt is a prerequisite for the efficient functioning of every tax administration. This framework is one of many determinants affecting the stock and structure of tax arrears, which is why tax debt management strategies usually depend on socio-economic conditions both on the national and global scale and are adopted to the peculiarities of certain countries. Tax debt has a tendency for accumulation, especially in certain economies such as emerging ones that have undergone a process of transformation, amongst others Poland, where the stock of tax arrears has been rapidly increasing since 2010, and is particularly high in relation to indirect taxation.

Before the COVID pandemic, the Polish government recorded a period of increased tax collection. This was partially driven by the reforms implemented by the national government, including the introduction of new taxes, modification of the structure and functioning of the tax administration, and the adoption of legislative changes aimed at enforcing tax compliance. New measures such as split payment, standard audit file and more severe penalties for participation in fraud schemes exercised the expected effect on taxpayers' behaviour by reducing the scale of tax evasion. In particular, this is the result of cooperative achievements of all the European Union member states, which designed the instruments in question to better address VAT fraud incidences by sharing good practices and promoting the exchange of experience and knowledge.

The improved collection efficiency indicators in Poland in the period 2017–2019 were observed in relation to the most significant revenue source – value added tax. The c-efficiency ratio reached its values from the years directly following Polish accession to the European Union and exceeded 47.0% in 2018. Similarly, corporate income tax collection was higher in 2019 in comparison to 2016 by 50.0%, and of the excise duties – by approximately 37.0%. The growth in tax revenue was however accompanied by a sudden rise in the stock of tax arrears. The low efficiency of the activities aimed at the recovery of tax debt should also be treated as a disconcerting factor for tax authorities. The paper examines these areas taking a closer and focused look at the performance of tax debt collection in Poland and compares the basic indicators in this regard with the other EU member states. As there is no standard definition of tax debt and various terms such as recovery of tax, tax debt collection, collection of tax arrears and recovery of tax claims are used, the author employed these notions interchangeably (Ebraico & Rua, 2015, p. 4), and applied diversified measures to evaluate various aspects of the collection performance. Some of these measures are also used in the papers published by both the European Union and the OECD. This study builds upon a hypothesis that the contemporary methods applied in Poland to manage the tax debt are insufficient, especially in light of the existing tax debt structure. The identification and assessment of the factors affecting tax debt formation is exceedingly pertinent in the current situation of fiscal constraints due to increasing public deficits and debt. In this regard, case studies centered on particular countries and comparative analyses examining this issue from a broader global perspective are particularly valuable.

## 2. Structure and Accumulation of Tax Debt in Poland

Tax authorities are expected to sustain or even improve tax collection efficiency while operating in a challenging environment, facing a scarcity of resources, dealing with taxpayers unwillingness to fulfil tax obligations and being exposed to economic crises. In such circumstances fundamental reforms of economic systems and wide-range legislative changes may result in an increased number of cases of late tax payment regardless of the efforts made by the administration to encourage tax payment compliance. Countries undergoing the process of transformation, e.g. Poland, when compared to other – older EU member states – are more vulnerable to the risk of tax arrears accumulation.

At the time of accession to the European Union, the ratio of total tax debt (tax arrears) to tax collection in Poland was oscillating around 9.0%, and decreased slightly by approximately one percentage point in the period 2007–2009, whilst it was rising since 2010 and in 2015 exceeded 21.0% (Figure 1). After a substantial increase by 5.3% in 2016 it showed a tendency for stabilisation in the following years. According to the information provided by the Ministry of Finance, the stock of tax arrears outstanding at the end of the calendar year amounted in 2016 to nearly PLN 85.2 billion. The tax debt in that year was predominantly composed (by 76.6%) of the VAT arrears, whose share in total tax arrears increased between 2012 and 2020 from 55.5% to 80.2%. The stock of VAT arrears in relation to VAT collection grew sharply in particular in 2016 to 51.6%.

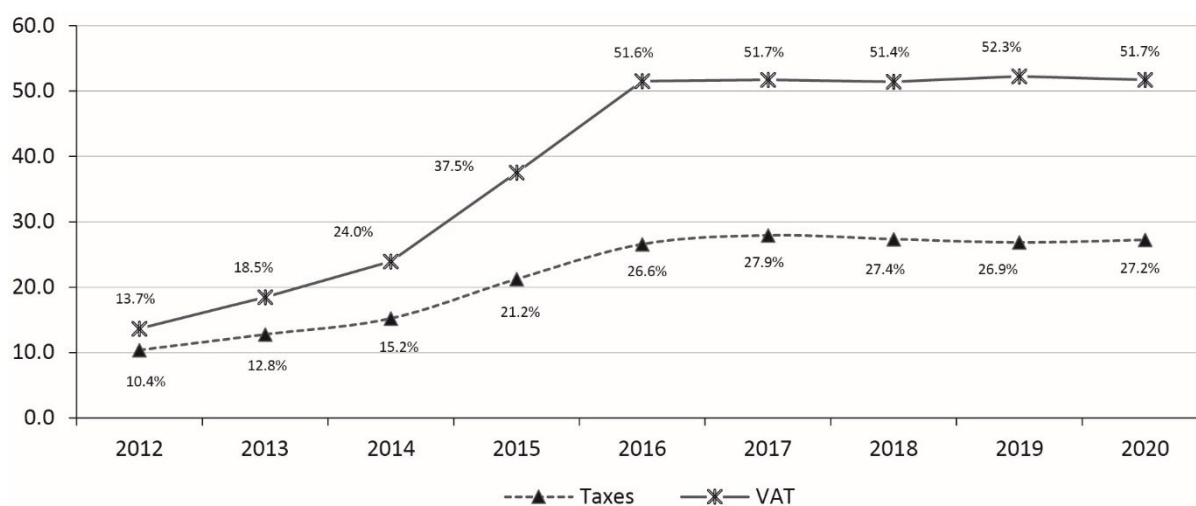


Figure 1. Tax debt in relation to tax collection in Poland in 2012–2020 (taxes in total and VAT; at the end of the tax year)

\* Taxes do not include social security contributions and import duties.

Source: (Ministerstwo Finansów, 2013a–2021a, 2013b–2021b).

The rapid growth of VAT arrears – according to the Ministry of Finance – was the result of the government strategy aimed at exercising sanctions for fraud. The tax authorities claim to be relatively competent in this field since 2016 due to the improved audit and verification techniques. In consequence, they were able to detect taxpayers' non-compliance reaching PLN 22.2 billion (an increase of 19.7% over the previous year) and assessed PLN 8.3 billion in additional taxes with interest and penalties (an increase of 41.4% over the previous year). The assessed tax was however hardly collectable as the tax debtors usually did not possess any assets. For that reason many tax enforcement procedures initiated as a result of tax felonies related to fictitious activities or documents forgery proved to be relatively ineffective (Najwyższa Izba Kontroli, 2017, pp. 13–14).

Since 2012 a clear upward trajectory was also recorded for corporate income tax arrears. Its ratio to tax collection grew sharply until 2016. After reaching its peak at 12.5%, it fell continuously until 2019 and then increased by 0.9% in 2020 (Figure 2). Note that the share of corporate income tax arrears in total tax arrears was comparably insignificant, and in the period under consideration did not exceed 5.0%. A more profound effect on the formation of total tax arrears was exerted by excise duties, however the share of excise duties tax arrears in total tax debt showed a propensity for decline and dropped from 21.9% in 2012 to 8.1% in 2020. The ratio of tax debt to tax collection for excise duties was more stable than in the case of VAT and CIT (it increased by only 0.9%), and the ratio for personal income tax decreased steadily from 2015 until it bottomed out at 6.1% and then went up in the last year by 0.8%. Figure 2 highlights the noticeable decrease in the ratio of tax arrears to tax collection for other taxes. Its remarkable downward trend in 2016 could be explained by, among others, the introduction of new taxes, especially the tax on financial institutions, which resulted in an increase in collection of other taxes.

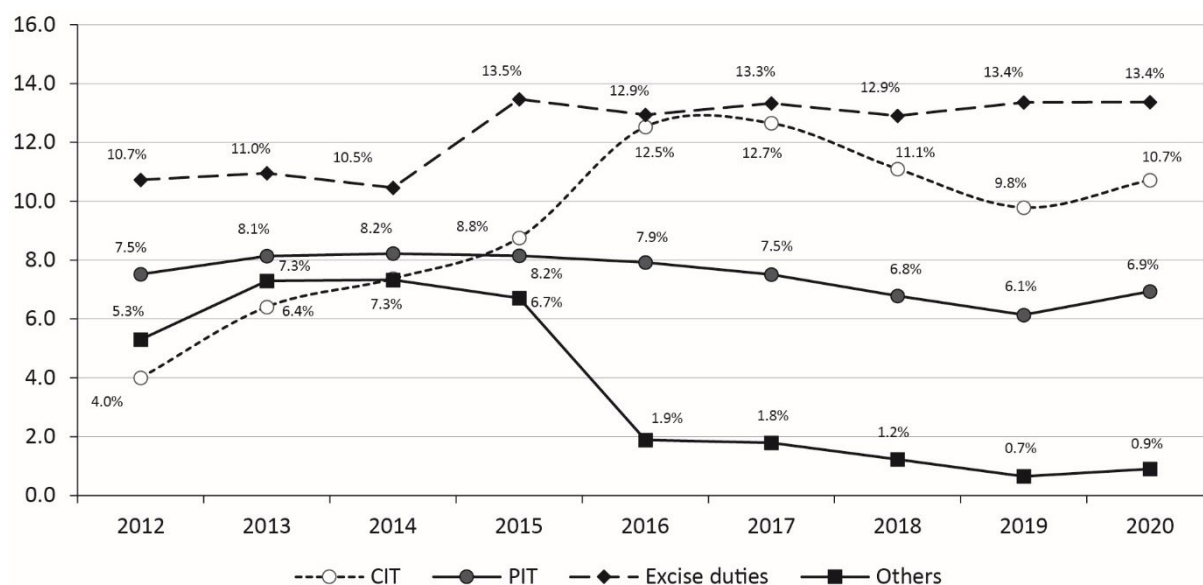


Figure 2. Tax debt in relation to tax collection in Poland in 2012–2020 (selected taxes; at the end of the tax year)

Source: (Ministerstwo Finansów, 2013a–2021a, 2013b–2021b).

The statistical data enabled the identification of some tendencies regarding tax debt formation. A fairly high percentage of tax debt was carried forward from one year to another (Table 1); this proclivity was especially noticeable in the last four years. While in 2015 approximately 59.5% of the value of tax arrears remained from the previous years, in 2020 this figure reached as much as 85.3%. Tax debt accumulation seemed to be a particular problem in the case of excise duties, and this tendency was manifested in the entire period presented in Table 1.

Table 1. Tax debt remained from the previous years (in %; at the end of the tax year)

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020
Total	66.5	65.9	65.7	59.5	65.8	75.0	86.8	84.5	85.3
PIT	69.4	69.4	76.4	78.3	79.5	80.5	75.0	79.9	76.6
CIT	64.5	48.1	72.7	67.2	60.0	72.8	87.6	84.0	62.0
VAT	59.8	61.4	59.1	54.7	63.2	73.8	87.4	85.0	86.9
Excise Duties	81.5	82.1	82.7	67.5	76.4	82.6	91.3	83.2	90.9

Source: (Ministerstwo Finansów, 2013a–2021a).

It has to be underlined that the term total tax debt (total tax arrears) as considered in this section is defined as total tax that is overdue for payment at the end of the tax year including interest and penalties (before an enforcement action and write-off procedures has been initiated). It also covers tax arrears whose collection has been deferred, among others, as a result of payment arrangements (OECD, 2019, p. 94). Moreover, this tax debt may be divided into undisputed and disputed (OECD, 2015, p. 231) – for this reason certain percentage of the presented total tax debt is still subject to dispute resolutions.

### 3. Efficiency of Tax Debt Enforcement Procedures in Poland

Payment tax compliance is a relatively less common topic in the international economic literature than other forms of compliance, which may be due to the fact that tax debt collection operates predominantly within the legal framework laid down by a particular country which is usually a mix of tax specific rules and general law governing debt collection, e. g. liquidation processes (OECD, 2014, p. 79).

Selected determinants of on time-payment performance and tax debt recovery are however mentioned in the OECD publications series devoted to tax administration. Some of them are directly related to the tax system design and take the form prevention and deterrence measures which include the use of tax withholding at source, regimes of advanced payment, application of electronic payment methods, interest and penalties for late payment.

Other factors in this group concern the organisation of tax administration itself or are quite often based on mutual cooperation between the taxpayer and the tax authorities, such as the number and quality of the staff responsible for tax collection and enforcement, entities in charge of tax enforcement and their competencies, and implemented information technologies. Another group of the factors takes into account in particular risk management strategies and early intervention systems, advanced analytics applied to target tax debtors, debt treatment schemes (e. g. taxpayers support and education programmes, enforcement actions, debt write-off procedures), international assistance and mutual cooperation between countries (OECD, 2017, p. 105).

The statistical data included in this analysis regard aggregate tax debt, however in accordance with Article 239f of the Tax Ordinance, tax authorities suspend the enforcement procedures related to the tax decision issued until the case is resolved by the administrative court (Ustawa z dnia 29 sierpnia 1997...). For that reason some valuable insights into the tax debt formation may be provided by reviewing the ratios of tax debt still subject to dispute resolutions/litigations. These ratios varied slightly depending on the year, oscillating between 0.9 and 2.4% (Table 2).

Table 2. Tax debt subject to dispute resolution and whose payment has been deferred (in % of total tax debt; at the end of the tax year)

Numerator	2012	2013	2014	2015	2016	2017	2018	2019	2020
Disputed tax debt	0.9	1.9	1.7	1.6	2.4	2.2	2.3	2.2	1.9
Tax debt deferred	1.4	1.6	1.6	1.4	1.2	1.0	1.1	1.1	1.8

Source: (Ministerstwo Finansów, 2013a–2021a).

The payment of tax debt may be deferred due to different arrangements. Article 67a of the Tax Ordinance provides for a few types of tax payment relief. The payment of tax as well as the payment of tax debt (with interest and penalties) may be postponed or divided into instalments. The tax authorities are empowered to remit tax debt (with interest and penalties), which may be granted either ex officio or at the request of the taxpayer. Table 2 shows that the tax ratio of the tax debt deferred to the total tax debt in the period 2012–2020 ranged from 1.0 to 1.8%.

Table 3. Tax debt enforcement in Poland in 2012-2020 (in %; at the end of the tax year)

Year	Taxes		PIT		CIT		VAT		Excise Duties		Others	
	A	B	A	B	A	B	A	B	A	B	A	B
2012	55.2	10.1	67.6	14.2	49.4	10.1	59.8	12.5	34.6	0.5	49.4	8.8
2013	56.1	8.7	66.2	13.0	61.2	5.1	60.8	10.1	31.1	1.6	43.6	7.4
2014	53.2	6.7	62.7	10.9	38.7	5.6	57.0	7.0	31.0	1.6	60.8	2.7
2015	52.5	4.6	59.8	10.2	39.2	4.4	57.2	4.5	25.2	0.6	34.5	0.4
2016	51.2	3.7	57.3	9.8	35.4	3.2	54.5	3.5	28.8	0.5	33.1	0.8
2017	51.1	3.6	55.4	12.1	29.5	5.1	52.9	3.2	43.4	0.2	24.0	0.3
2018	49.2	3.8	53.5	13.1	36.0	3.7	50.6	5.1	38.9	0.3	24.3	0.1
2019	47.5	4.3	53.4	16.2	34.7	4.4	49.7	3.7	27.5	0.4	29.7	0.2
2020	46.0	2.8	49.6	10.2	30.9	2.6	48.7	4.4	25.3	0.1	17.9	0.2

A – the ratio of total tax debt under tax enforcement procedures to total tax debt (disputed and undisputed) at the end of the year

B – the ratio of tax debt recovered as a result of tax enforcement procedures to tax collection

Source: (Ministerstwo Finansów, 2013a–2021a, 2013b–2021b).

In relation to the outstanding tax debt, the tax administration is entitled to initiate enforcement activities. Their performance is a significant factor affecting tax debt formation. Tax authorities are equipped in diversified standard legal enforcement powers, among others, the entitlement to demand information and assets disclosure, the right for seizure of assets (including sometimes those of third parties) and securing the enforcement of tax debt. Whatever the type of enforcement procedure, the amount collected is used first to cover the costs of the procedure itself (article 115, Ustawa z dnia 17 czerwca 1966...; article 1025, Ustawa z dnia 17 listopada 1964...). Tax debt is satisfied after other priorities which include under conditions specified by law including: alimonies, employees remunerations or certain compensatory damages, receivables secured by means of a mortgage or a pledge.

Tax debt recovery performance may be measured by diversified ratios. The first, presented in Table 3, is the share of tax debt under enforcement actions undertaken by tax authorities to total tax debt (A). This includes the so-called administrative enforcement actions, and excludes enforcement due to the court insolvency procedures. The ratio under consideration was on a decline in the period 2012–2020. This trend was noticeable in relation to every tax, however it was especially apparent in the case of corporate income tax and taxes not explicitly named (e.g. tax on gambling). In addition, a downward trend was recorded for the ratio of the tax debt under enforcement due to the court insolvency procedures to total tax debt which dropped in the period under consideration by 9.5 percentage points (Table 4).

Table 4. Tax debt under enforcement in relation to the court insolvency procedures and tax debt in relation to which no action has been taken (in % of total tax debt; at the end of the tax year)

Numerator	2012	2013	2014	2015	2016	2017	2018	2019	2020
Tax debt under enforcement due to the court insolvency procedures	14.2	14.1	10.5	6.4	5.2	4.4	4.0	4.5	4.7
Tax debt in relation to which no action has been taken	1.1	0.5	0.5	1.9	2.5	2.0	1.4	2.3	1.9

Source: (Ministerstwo Finansów, 2013a–2021a).

The second ratio regarded account tax debt recovered to the tax collection as a denominator (B). Similarly to the first of the ratios, it diminishes systematically with time. In the period in question, it fell by approximately 9.2 percentage points. The decreasing efficiency of enforcement procedures may be seen in particular in the case of corporate income tax and value added tax. Apart from being subject to enforcement procedures, tax debt may also be covered by different forms of settlement arrangements, hence another significant measure of tax debt enforcement performance is the ratio of tax debt in relation to which no action has been taken to total tax debt (Table 4); it fluctuated between 0.5 and 2.5%, and followed a slightly upward trajectory over time. The worsening enforcement performance was somewhat disturbing, taking into account the fact that according to the OECD report, Poland was at the top of the ranking of countries where almost all the tax arrears were defined as collectible (OECD, 2019b, p. 95).

Tax debt may be affected by a number of factors, which include collection powers, enforcement procedures and tax liability relief. The influence of particular variables on the outcome variable can be discerned by the adoption of a multiple regression model. It is essential to underline that such a model may have multiple drawbacks such as the assumption of linearity, multicollinearity, and susceptibility to outliers, therefore the results should be interpreted with prudence. Notwithstanding the above, some of the factors analysed in this paper were taken into account in order to estimate the effect of the selected independent variables on the aggregate tax debt (measured at the end of the tax year), and the following multiple regression model was adopted:

$$ATD = \beta_0 + \beta_1 DTLR + \beta_2 DTD + \beta_3 TDUEP + \beta_4 TDUSP + \beta_5 TDSBP + \beta_6 TDNA + \varepsilon,$$

where *ATD* – aggregated tax debt, *DTLR* – discretionary tax liability reliefs, *DTD* – disputed tax debt, *TDUEP* – tax debt under enforcement procedures, *TDUSP* – tax debt under settlement procedures, *TDSBP* – tax debt subject to bankruptcy proceedings, *TDNA* – tax debt in relation to which no action has been taken.

A stepwise approach allowed for defining a subset of variables that best explain the variation in the response variable. The following model with four variables had the best fit among all the possible models with six or fewer variables:

$$ATD = \beta_0 + \beta_1 DTLR + \beta_2 TDUEP + \beta_3 TDUSP + \beta_4 TDNA + \varepsilon.$$

The multivariate analysis of the predictors and the outcome variable yielded the coefficients and significance levels displayed in Table 5. However, it should be emphasised that a relatively high heterogeneity in the data posed a significant challenge to modelling the relationship between the different variables, which may be attributed to frequent changes of legal provisions, reform of tax administration and new procedures put into practice in the period 2016–2017. These factors are relatively difficult to quantify and incorporate in the model.

Table 5. Effect of selected variables on aggregated tax debt (estimation for 2003–2021)

Statistic		Value
<i>R</i>		0.9997
<i>R</i> <sup>2</sup>		0.9995
<i>p</i>		0.0000
<i>df</i>		4.14
<i>F</i>		6972.46
<i>SE</i>		1047522.21
<i>β</i> <sub>0</sub>	<i>B</i>	-5853756.12
	<i>SE B</i>	509994.22
	<i>t</i>	-11.48
	<i>p</i>	0.0000
<i>DTLR</i>	<i>B</i>	2.73
	<i>SE B</i>	0.3955
	<i>t</i>	6.8900
	<i>p</i>	0.0070
	<i>BETA</i>	0.0000
	<i>SE BETA</i>	0.0484
+ <i>TDUEP</i>	<i>B</i>	1.96
	<i>SE B</i>	0.0233
	<i>t</i>	84.1693
	<i>p</i>	0.0000
	<i>BETA</i>	0.9033
	<i>SE BETA</i>	0.0107
<i>TDUSP</i>	<i>B</i>	22.20
	<i>SE. B</i>	2.8289
	<i>t</i>	7.8486
	<i>p</i>	0.0000
	<i>BETA</i>	0.0754
	<i>SE BETA</i>	0.0096
<i>TDNA</i>	<i>B</i>	1.06
	<i>SE B</i>	0.46
	<i>t</i>	2.3269
	<i>p</i>	0.0355
	<i>BETA</i>	0.0217
	<i>SE BETA</i>	0.0093

Source: (Ministerstwo Finansów, 2004–2012, 2013a–2021a).

#### 4. Tax Debt in Poland and Other EU Member States

Tax debt formation is monitored not only by the national authorities but also the European Union and the OECD. Although the information is regularly collected, not all the data in this regard are available. Due to the broader definition of taxes considered as a compulsory, unrealised payments to the government or to a supranational authority as applied by the OECD, the analysis in this chapter included the

aggregate ratios that also take into account social security contributions and import duties (OECD, 2020b, p. 319).

The review of tax debt accumulation tendencies indicated some differences between the 'old' EU member states and those that accessed the European Union in 2004 and thereafter. For the first of these groups the ratio of tax debt to tax collection was on average lower than for the second one (Table 6), with the exception of two old member states – Greece and Italy – where the ratio under consideration exceeded 200%.

Table 6. Tax debt in relation to tax collection (% , at the end of the tax year)

European Union Member State	Tax debt as percentage of total net revenue collected (at the end of the year)*		Collectable tax debt as percentage of tax debt in total
	2009	2019	
Austria	2.9	7.6	42.5
Belgium	14.2	15.5	84.7
Bulgaria	15.6	23.8	54.1
Croatia	n.a.	16.6	14.5
Republic of Cyprus	35.8	45.0	43.2
Czechia	18.8	16.8	23.0
Denmark	2.0	8.4	60.7
Estonia	13.1	6.3	87.8
Finland	8.0	5.0	49.6
France	6.9	6.4	n.a.
Germany	1.4	1.1	n.a.
Greece	72.7	212.3	78.6
Hungary	24.0	12.5	30.8
Ireland	3.4	6.0	21.3
Italy	n.a.	200.7	5.0
Latvia	18.3	8.8	24.5
Lithuania	8.8	4.8	40.9
Luxembourg	22.1	12.8	n.a.
Malta	29.5	117.6	10.1
Netherlands	n.a.	6.1	44.0
Poland	11.4	31.0	n.a.
Portugal	25.3	37.1	29.7
Romania	12.9	43.0	17.5
Slovakia	59.5	27.4	7.4
Slovenia	4.3	6.8	53.9
Spain	9.4	9.1	n.a.
Sweden	n.a.	0.1	n.a.

Tax debt does not include any disputed amounts.

Taxes include: taxes on income and profits, taxes levied on goods and services, payroll taxes, taxes on the ownership and transfer of property, social security contributions and other taxes.

Collectable tax arrears – total arrears figure less any disputed amounts, amounts that are not legally recoverable, or arrears which for other reasons are unable to be collected, but where write-off action has not yet occurred

\* net tax revenue collection – after deduction of tax refunds and VAT gross imports

Source: (OECD, 2013, p. 222; OECD, 2023, pp. 212–213).

In the group of the new member states, the tax debt ratio was higher than 100% only in Malta. In the international comparison, taking into account these countries that have a tax debt ratio below 100%, Poland was fourth in the ranking of EU member states after Cyprus, Romania, Portugal, with this measure amounting to 31.0% in 2019. Between 2009 and 2019 the tax debt ratio grew in Poland by 19.6%, and more alarming increases were recorded only in Greece, Malta and Romania. In the same period, six new and five old member states were able to reduce this ratio to a more or less significant extent.



The lowest tax debt ratio among the EU member states could be observed over a longer period of time in Sweden and Germany, whilst in the group of new member states the relatively low ratios were recorded in Lithuania and Estonia, both of which reduced their tax debt ratios by approximately half in the period 2009–2019. There was also an enormous diversity in terms of the share of collectable tax debt to the tax debt in total. This share in Estonia and Belgium was above 80%, while in Italy and Slovakia it did not surpass 10%. Although the data were not available for 2019, in 2017 Poland was at the top in the ranking with more than 90.0% of tax arrears collectable.

Table 7 illustrates to what an extent the tax debt ratio varied depending on the type of tax. Poland, Slovakia and Malta experienced particular difficulty in collecting VAT, whereas CIT arrears posed a problem for the tax administrations in the Republic of Cyprus, Belgium, Greece, Ireland, Latvia, Portugal and Romania. Personal income tax debt ratio was relatively lower than in the case of other taxes, with the exception of Croatia where it was higher for both VAT and CIT. The tax debt ratio corresponds to some extent with the on-time payment performance ratio. As could have been anticipated, this ratio was on average the highest for PAYE and it was above 90.0% for most of the EU member states, except for Bulgaria, Estonia, Lithuania and Romania.

Table 7. On-time payment performance and tax debt in relation to tax collection in the EU member states in 2019 (%; selected taxes)

European Union Member State	On-time payment performance				Tax debt in relation to tax collection			
	PIT	CIT	PAYE	VAT	PIT	CIT	PAYE	VAT
Austria	90.7	97.2	99.5	97.0	3.7	8.9	0.8	8.0
Belgium	71.4	64.4	99.5	98.5	5.0	42.9	1.1	19.2
Bulgaria	87.0	86.5	86.7	86.1	17.3	22.0	n.a.	18.4
Croatia	n.a.	n.a.	n.a.	n.a.	19.8	8.9	n.a.	10.0
Republic of Cyprus	n.a.	n.a.	n.a.	n.a.	28.6	84.7	21.9	29.1
Czechia	82.6	94.2	n.a.	91.8	1.2	1.2	0.3	5.1
Denmark	n.a.	91.2	96.6	91.9	8.2	10.4	5.2	5.2
Estonia	79.8	82.8	79.9	77.9	0.6	4.8	1.1	6.3
Finland	76.9	89.8	95.7	90.2	2.2	6.9	2.0	8.6
France	90.1	n.a.	99.5	96.0	n.a.	n.a.	n.a.	n.a.
Germany	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Greece	68.3	88.8	94.1	88.2	80.2	309.3	2.3	150.2
Hungary	n.a.	n.a.	n.a.	n.a.	6.1	13.6	3.2	13.1
Ireland	98.1	98.1	98.6	98.0	2.1	26.1	1.0	3.4
Italy	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Latvia	n.a.	n.a.	n.a.	n.a.	10.6	127.3	9.8	12.4
Lithuania	88.1	90.3	88.7	96.5	2.2	3.3	0.2	3.7
Luxembourg	n.a.	n.a.	n.a.	n.a.	3.2	31.4	n.a.	17.2
Malta	72.6	80.7	94.2	61.9	30.2	66.0	16.4	369.9
Netherlands	95.3	97.9	99.0	98.5	5.8	28.4	2.5	5.6
Poland	78.1	92.1	95.9	87.7	9.9	12.5	1.5	52.3
Portugal	n.a.	n.a.	95.5	97.8	17.0	88.6	0.7	40.1
Romania	86.9	89.5	86.7	85.4	24.8	85.5	n.a.	66.6
Slovakia	79.2	95.9	95.0	91.2	3.3	20.1	0.6	33.7
Slovenia	91.4	92.7	92.6	90.4	11.2	6.5	11.8	10.5
Spain	95.9	93.3	99.7	94.4	3.1	18.8	1.8	10.5
Sweden	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.

Source: (OECD, 2023, pp. 208–209).

Tax debt is a rather complicated economic and legal category, and the measures applied to manage it take a diversified form: preventive, ensuring fulfilment of tax obligations, and facilitating tax collection (Kutsyk et al., 2019, p. 87). The most popular tools in this regard, employed by the EU include the following: deferred payment, payment arrangements, collection of tax debt from third parties, obtaining lien over taxpayers' assets, seizure of taxpayers' assets, initiation of bankruptcy procedures, offset

of debits on the tax credits, demand for tax clearance in case of government contracts, imposition of tax debt on company directors (OECD, 2013, pp. 320–321). All these methods were implemented in Poland. In addition, some countries adopted supplementary measures by restricting overseas travel for tax debtors – this step was taken by e.g. the Netherlands and Denmark. In these countries, the competent authorities could deny passport applications, revoke or declare as invalid an already issued passport on the basis of the so-called passport alert if the name of the taxpayer was placed on the list of tax debtors (OECD, 2020a, p. 22). Certain countries have undertaken even more severe initiatives by denying business licenses to tax debtors or closing businesses (e. g. Czechia, Denmark, Greece, Hungary, Italy). To enhance debt enforcement, thirteen member states withheld government payments, and what is more – Greece and Hungary denied access to certain government services. There is also an increasing popularity of the concept of publishing the names of tax debtors, already applied in eight member states in 2013. As indicated by some authors, this ‘shaming policy’ is considered to be quite a promising way to increase payment compliance for some groups of taxpayers (Perez-Truglia & Troiano, 2018, pp. 136–137; Dwenger & Treber, 2022, p. 7793).

The continuously growing number of tax administrations increasingly emphasise the prevention of tax debt (OECD, 2014, p. 36). The adopted strategies are service driven (improved communication, online services, easy payment, reduction of filing frequency) or include risk based measures. In the second case, they are usually supported by advanced data analysis tools (Intra-European Organization of Tax Administration, 2016, p. 49). An interesting policy in this regard was implemented by Ireland, Belgium, and Finland, where special importance is given to understanding taxpayers’ motives (OECD, 2019a, p. 87). Tax authorities also apply behavioral techniques in the Netherlands to deal with taxpayers’ tendency for non-compliance due to e.g. procrastination (Behavioural Insights Network Netherlands, 2018, p. 18). A dedicated team specialised in behavioural change uses randomised field studies to measure the effects of different approaches to taxpayers, generating measures to prompt their actions. As some experiments indicate that ‘nudging’ may be a relatively cheap instrument to increase voluntary public debt collection, some tax authorities also give particular attention to the contents of written reminders requesting payment (Jensen et al., 2018, p. 45). Some initial experiments conducted in Poland indicated that, amongst others, the most effective in this regard is a request stating that the lack of payment was a deliberate act and reminding about the consequences of delayed payment in the form of a penalty.

Another approach was taken in Sweden, where the tax authorities have been applying the system of the so-called “payment thinking” since 2012, which involves the increased awareness of the staff every time the difficulties in tax payment are to be expected. Both tax collectors and taxpayers are obliged to devise an integral strategy for tax debt settlement. In order to counteract the tax debt accumulation, “preventive communication” and “preventive dialogue” have become one of the priorities and taxpayers service centres have been established. Sweden is also among the countries where information about tax debtors is considered to be public, although there are not named and the ‘shame list’ is provided to everyone upon request. Similarly to other countries, the Swedish tax authorities may provide for an option to sign a payment arrangement. The criteria for such an agreement are however relatively demanding and include: provision of security, information about economic status, income, online application, not having taxes in recovery by enforcement, no other debts outstanding.

In 2015 the Polish tax authorities followed the path initiated in other OECD countries by conducting a randomised controlled trial and sending out the so-called dunning letters to taxpayers from urban and rural areas who failed to pay their taxes. The letters varied in tone, some used positive expressions to highlight the importance of taxes for public investments, while simultaneously employing negative phrases to emphasise the consequences of not paying their due share, while others named sanctions for non-compliance and described late payment as a deliberate and malicious act (Dalton et al., 2021, p. 28). The investigators varied not only the tone of the letters but also the methods of delivery, using both e-mail and regular mail. The results indicated that taxpayers were most likely to pay the due amount after receiving a letter with a harsher tone. This effect was more pronounced for women than

for men, as women tend to be more intimidated by threats, are usually more compliant, and are generally less likely to take risks.

In the UK, insights from behavioural finance were also put into practice in order to reduce tax debt, and two approaches with a set of steps were applied for that particular purpose. The first included: simplification of payment procedures, highlighting key messages and the most important pieces of tax information, application of personal language, prompting honesty, accentuating and rewarding positive behaviour patterns by taxpayers, and emphasising the risks and consequences related to non-compliant behaviour. The second involved the following procedures: application and drawing taxpayers' attention to social norms, using salient messages, improving communication and message presentation, personalising and varying the tone of communication, prompting honesty, making use of positive beliefs about compliance and compliant attitudes (Cabinet Office & The Behavioural Insights Team, 2012, p. 7).

New strategies based on behavioural approaches are also fairly often developed and adopted not only in the EU, but also by the Internal Revenue Service in the USA (Roy et al., 2018, p. 49). In addition to ACS (Automated Collection System) letter treatment, the tax authorities also employ the so-called NFTLs (Notice of Federal Tax Liens) whose impact is estimated to be 3–5 times stronger. The NFTL is a tool that allows placing the public on notice that the IRS has a claim to taxpayers' property as a security or payment for their tax debt. This may be applied only after the following requirements are met: the IRS is obliged first to assess the liability, then send the taxpayer a Notice and Demand for Payment (a bill that informs a taxpayer how much is owed in taxes), after that the taxpayer must neglect or refuse to fully pay the debt within 10 days after notification, and finally the IRS should exercise its administrative discretion by only filing a lien if the tax debt exceeds a certain threshold (Internal Revenue Service, 2009, p. 7).

## 5. Conclusions and Discussions

Rapidly accumulating tax debt has for many years posed a challenge to the Polish tax administration. Its scale is worrying, especially with regard to taxes imposed on businesses. Since the Polish accession to the European Union, the stock of VAT arrears has increased more than ten times in value, whilst the total stock of arrears multiplied nearly seven times. Consequently, Poland was in the sixth place in the ranking of the EU member states with the highest ratio of the tax arrears to tax collection, in particular due to the VAT tax debt ratio exceeding 50%. VAT arrears recorded a sharp rise in 2014–2016, when their ratio to tax collection rose by 27.6%.

Value added tax debt rates are influenced by many factors. Progressively more VAT arrears are remaining as unrecovered from previous years due to the decreasing efficiency of the enforcement procedures. While the share of tax debt subject to such activities is diminishing, tax administration is recording an upward trend in the ratio of tax debt in relation to which no action is being taken. Moreover, tax enforcement actions in the last ten years often proved quite ineffective against the debtors who do not possess sufficient assets.

For many years Poland has applied predominantly conventional methods to deal with tax debtors. Some countries of the European Union have successfully launched such measures as denying business licenses, restricting access to public contracts or publishing the lists of tax debtors. In 2018 the tax administration in Poland introduced a new tool – an official register of tax debtors which includes these taxpayers whose debt exceeded a certain threshold. The mitigation of risk payment requires identification and assessment of factors that can jeopardize tax collection. All these factors should be analysed from the holistic point of view, and including taxpayer motives in this analysis appears to be a fairly significant prerequisite for efficient tax debt management as many EU countries use a behavioural approach in this process. Poland adopted some elements of this approach in 2016 by using randomised controlled trials.

The Polish tax administration faced the COVID crisis with a relatively high stock of tax arrears owed by enterprises. Many member states employed some tax policy measures against this crisis, which included tax deferrals, waivers and tax filing extensions. Poland took a similar approach and gave priority to the process of application for discretionary reliefs in tax debt payment to such businesses that justified a request by their difficult financial situation caused by the pandemic. In addition, certain additional limitations were imposed on tax debt enforcement activities. The severe circumstances of the economic crisis and high inflation often contributed to a vicious circle, and as a result a further increase in the business tax debt ratios is to be expected which may finally restrict the potential of certain government spending programmes.

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## Windykacja i zarządzanie zaległościami podatkowymi w Polsce

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### Streszczenie

**Cel:** W artykule omówiono problem powstawania zaległości podatkowych, ich strukturę oraz czynniki wpływające na ich narastanie w Polsce. Przeprowadzono porównanie między państwami UE oraz oceniono przykłady działań rządów na rzecz skutecznej egzekucji zaległości.

**Metodyka:** Wykorzystano wskaźniki ściągальności podatków, analizę porównawczą oraz model regresji wielorakiej do oceny zaległości podatkowych i ich uwarunkowań.

**Wyniki:** W Polsce skala zaległości podatkowych, szczególnie VAT, jest relatywnie wysoka na tle innych krajów UE. Odpowiadają za to różnorodne czynniki ekonomiczne i administracyjne.

**Rekomendacje:** Polska powinna wzorować się na krajach UE, które wdrożyły innowacyjne metody redukcji zadłużenia, takie jak narzędzia motywacyjne i behawioralne, oraz lepiej dostosować działania do specyficznych grup podatników.

**Wartość:** Akumulacja zaległości podatkowych, choć często pomijana w badaniach, istotnie wpływa na finanse publiczne. Ocena skuteczności administracji podatkowej oraz wypracowanie strategii zarządzania tym problemem powinny stanowić priorytet władz.

**Słowa kluczowe:** zaległości podatkowe, dług podatkowy, zarządzanie podatkami

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