

ΑΛΕΞΑΝΔΡΕΙΟ ΤΕΧΝΟΛΟΓΙΚΟ ΕΚΠΑΙΔΕΥΤΙΚΟ ΙΔΡΥΜΑ



ΠΤΥΧΙΑΚΗ ΕΡΓΑΣΙΑ

**ΣΧΟΛΗ: ΔΙΟΙΚΗΣΗΣ ΚΑΙ
ΟΙΚΟΝΟΜΙΑΣ**

ΤΜΗΜΑ: ΛΟΓΙΣΤΙΚΗΣ

***SANCTIONS AND VIOLATIONS-ACCOUNTING
RELATED***

Φοιτήτρια

Σβεντζούρη Σπυριδούλα –Αγλαία

A.M. 123/09

Εισηγητής

Γκιούρης Θεόδωρος

SUMMARY

The present study was completed through three chapters, where concisely we report that in the first chapter there is a general report in the *Hellenic code of accounting books and reports*, in the tradesmen, the books and their elements.

To continue, the second chapter is about the briefing and the regard of books.

While in the third and last chapter it focused on the fines of *Hellenic code of accounting books and reports*. The project finishes off with the conclusions.

INTRODUCTION **5**

CHAPTER 1.0 GENERALLY ABOUT THE HELLENIC CODE OF ACCOUNTING BOOKS AND RECORDS

1.1 OBJECT AND LIABLE **6-7**

1.2. TRADESMEN'S DISCRIMINATION **8**

1.3 TRADESMEN'S BOOKS AND ELEMENTS

1.3.1 TRADESMEN'S ACCESSION IN CATEGORY OF BOOKS 8-10

1.3.2 B' CATEGORY BOOKS 10-11

1.3.3 C' CATEGORY BOOKS 11-12

1.3.4 ADDITIONAL BOOKS DEPENDING ON THE PRACTISED ACTIVITY 12-13

1.3.5 TRADESMEN'S ELEMENTS 13-15

CHAPTER 2 BRIEFING AND REGARD OF BOOKS AND THE PRESTIGE OF THESE

2.1 LENGTH OF TIME UPDATING BOOKS 16-17

2.2. AUTHENTICATION AND ELEMENTS OF BOOKS 17-18

Sanctions and violations-accounting related...

**2.3.VALIDITY AND DEMOSTRATIVE FORCE OF
BOOKS AND ELEMENTS** **18-19**

**CHAPTER 3 FINES OF THE HELLENIC CODE OF ACCOUNTING
BOOKS AND RECORDS**

3.1 GENERAL MEANINGS **20**

3.2 THE GROUND WORK IN CALCULATION **20-21**

3.3 EXCEPTIONS FOR IMPOSITION FINES **21-22**

**3.4 FACTORS OF GRAVITY FOR THE
GENERAL INFRINGEMENTS** **22-24**

3.5 SELF-EXISTENT INFRINGEMENTS **25-26**

**3.6 PENAL SANCTIONS FOR NON-
APPLICATION OF PROVISIONS OF HELLENIC CODE OF
ACCOUNTING BOOKS AND RECORDS** **26-27**

**3.7 EXAMPLES OF IMPOSITION
OF FINE FROM INFRINGEMENTS OF HELLENIC CODE OF
ACCOUNTING BOOKS AND REPORTS** **27-28**

CONCLUSION **29-31**

BIBLIOGRAPHY **32**

INTRODUCTION

The tradesmen, each Greek or alien person (natural or legal) that are activated in Greece aiming at the acquisition of income from enterprise, raise in the Code of Books and Elements. The legal persons that can consist in Greece and that is considered that they are intended for big and intermediate enterprises, are the Anonymous Companies and the Companies of Limited Responsibility respectively.

In the first chapter there is a segregation of tradesmen on the basis of the *Hellenic code of accounting books and reports*, depending on their activity and the determination that they raise in the provisions of Code. Also the code observed books are analyzed by the forecasted, depending on the height of crude income and the activity that they practice, but also the additional books that are fixed depending on the profession. Finally the basic descriptive elements are analyzed where the tradesmen have to publish in their transactions.

In the second chapter is reported the time that tradesmen owe to inform their books but also which should be authenticated according to what is decided by the Code. In addition it is reported those who should be in effect in order to be considered the books valid and concrete which infringements render the books insufficient and inaccurate and which actions or omissions do not influence the prestige of the books.

In the third and last chapter are explained the sentences and sanctions that are forecasted by the *Hellenic code of accounting books and reports* for his infringements. For the imposition of sentences the infringements are separated in general and self-existent as well as the bases that are imposed the fine depending on the category of observed books (based on the objective system). The general infringements are separated in categories depending on their gravity and depending on this, are in effect different factors of gravity that shape the fines.

In the conclusions are reported certain steps and provisions of *Hellenic code of accounting books and reports* that were established in the course of time, aiming at the cracking down on tax evasion on tradesmen and in the aid of tax justice. Accordingly however with the recent developments in the more general tax landscape, the existence of *Hellenic code of accounting books and reports* as it is in effect and is applied does not appear to serve in away effectively the aim for which it was established. Thus his suppression is expected to be realised at an early date and are established other steps for the obliteration of tax evasion (that will be

based more on the electronic cross-check and on the imposition of sentences that will concern essential and no formal irregularities.

GENERALLY ABOUT THE HELLENIC CODE OF ACCOUNTING BOOKS AND RECORDS

Chapter 1st 1.1

1.1. OBJECT AND INDEBTED

The Code of Books and Elements, as it was voted by Presidential Decree 186/1992 and was rehabilitated with later resolutions, aims it determines the rights and the obligations of tradesmen. A tradesman is each Greek or alien person (natural, legal), society of Urban Code and urban company (speculative or not) that acquires income in Greece from any enterprise (commercial, manufacture, rural, industry or free profession). In the provisions of particular Code they raise and all alien legal persons have realright in property or erect real estate in the country, even if they have not settled in Greece [1].

They are in consequence not characterized as tradesmen and do not raise in the provisions of the Code that follow [2]:

The farmers and the rural exploitations that are not in the regular arrangement of VAT.

Individual (with the exception of the free professionals) that they on occasion provide services and their annual income do not exceed in 5.000€ but are also not tradesmen from other cause.

The writers and the introducers of training seminars (or they are employees private or public, or they are pensioners for their first publication afterwards the retirement) are not tradesmen from other cause.

Individual that provide services with hire of workin institutions that are subsidized or subsidized by the European Union for inquiring work and their wage for this aim exceed 10.000€annually and they are not tradesmen from other cause.

The provisions of Code determine those who concern the observation of books, the publication of elements but also the safe guarding of data in aiming at the guaranteeof transactions and the achievement ofobligations to the Inland Revenue. The tradesmen that are activated in the Greek territory owe to publish, they provide, they ask, they receive and they observe the essential elements that are fixed by the Code. Also they owe to safeguard the books and elements but also each means that is related with the observation of these as well as to submit him in the responsible Inland Revenue.

Sanctions and violations-accounting related...

Those who follow and they hold action of delivery of goods or benefit of services that would be governed in the VAT or in the tax of income, are compelled to publish, receive, safeguard and submit the essential elements:

1. To the public
2. Non speculative character legally persons (natives or foreigners), the committees and unions of persons
3. The alien legal persons that acquire in the Greek territory real right in real estate and have not settled in Greece

4. Foreign missions

The international organisms

Also do not observe books and they do not publish proofs of retail sale or benefit of services all individual practice activity but the annual crude income of these at the previous use did not exceed 10.000€(from sale of goods or mixed activity) or 5.000€from benefit of services. Similarly are excluded and individual that are activated in the exploitation of cargo- boats of Law 27/75 with the condition their capacity does not exceed the 500 register tons. In the case however where their income emanates from exports or from wholesale sales in percentage above 60% of total crude income, they are not exempted from the observation of books and are governed regular in the provisions of Code.

Those who practice, activity of sale of lottery tickets wandering, and irrelevantly from their annual crude income they are exempted from the observation of books.

1.2 DISCRIMINATION OF TRADESMEN

The tradesmen are separated in three categories depending on the object of activity as follows:

1. In those who sell goods (products or merchandises) independent if the sale is retail or wholesale.
2. In those who provide services.
3. In those who carry on simultaneously with two activities and sale of goods and benefit of services (mixed activity).

As wholesale sale are comprehended the sale of goods or benefit of services in patricians for the service of their activity, in exports but also the sale of introductive right. As retail sale is comprehended the sale of goods or benefit of services in individual that serve their individual or familial needs. Those who sell goods or provide services and retail and wholesale, they are characterized as chondropolites, if from the total of their annual crude income their wholesale sales exceed the 60%.

Finally, as benefit of services are comprehended also following:

The sale of electromagnetic means for which is provided the right of reception of services.

The sale accounting, but also its briefing.

The treatment of goods that belongs in third in which same materials are not used or are used and the value of these do not exceed the one third of total wage.

Each benefit of services that is used same materials and the value of these does not exceed the one third of wage but also the use of those of materials does not produce new good.

1.3 BOOKS AND ELEMENTS OF TRADESMEN

1.3.1 INTEGRATION OF TRADESMEN IN CATEGORY OF BOOKS

Categories of observation of books from the tradesmen are two (afterwards the suppression of observation of first category of books from 1 July 2010 with Law 3842/2010) the second and third category. The tradesmen are included in category of books depending on their activity, their legal form but also the height of crude income that they achieve, in the following way.

THIRD CATEGORY OF BOOKS observe:

1. The Anonymous Companies and the Companies of Limited Responsibility are either natives or foreigners.

2. The personal companies (general or limited), the societies of urban right, the urban companies and the associations that are activated in the construction and sale of buildings but also manufacture of technical work (public or private), with the condition that no member is a member in S.A. or LTD. In the following cases they can be observed in B' category books even if they are included in C category.

The alien enterprises that have established branches in Greece, that practice commercial activities except Greece, for example, shipping enterprises.

All air subsidiary companies are exempted from tax income based on the term of reciprocity.

SECOND CATEGORY BOOKS observe:

1. The exploiters of boats of second category based on Law 27/1975

2. The tradesmen of that the net profits are determined with special way (minus that they manufacture technical work).

3. The agents of newspapers and magazines.

4. The tradesmen of tobacco products which are sold wholesale

5. The exploiters of kiosks.

6. The owners on fuels.

7. The exploiters of canteens.

8. The retailers in popular markets or wandering rural products or fresh fish catches.

9. All that at the beginning of their work are not included obligatorily in category C of the books or are not excluded from the observation of the books. The integration of tradesmen in one of the two categories of books is also realized depending on the height of crude income that had their previous administrative period. Thus the that observe B' of category books but the crude income

the previous use they exceed 1.500.000€ they change category and they observe those who are forecasted by C category of books. Also those who observe category B books, can if they wish to change category at the beginning of a new administrative use, with the condition that they observe all the books and elements that are forecasted on C category. In the case where the previous administrative period is exceeded or remains the 12 months, for the discovery of height of crude income becomes reduction in the crude income in the 12 months. Finally in the case of sale of goods on behalf of third the height of vague income for the observation of books becomes with base the value of sold goods

. 1.3.2 CATEGORY B BOOKS

The books that should be observed and are included in category B` books are:

1. The book of Income of – Expenses
2. The book of inventories of goods provided that the crude income from the sale of goods exceeds the 10% of limit of observation category C` books (that is to say 150.000€).

The elements that should be registered in the book of Income of – Expenses they are:

The crude income that emanates from the sale of goods of (merchandises, products, raw materials, etc) and the benefit of services.

The elements of published descriptive element (type, serial number, date of publication but also the name of his editor on purchases or expenses).

The expenses for purchase of goods.

The returns and discounts for which is published separate element, except from the action that concerns.

Equivalent VAT in the accomplished transactions.

For the service of taxation of income the registrations of income should be separated in wholesale and retail sales, benefit of services. When this does not result from the initial registration it will be supposed they are separated at the latest up to the date of expiry of submission of statement of taxation of income of each economic year. Respectively it will be supposed are separated also the markets, the expenses, the expenses for wage of personnel, the rents, the wage third person, the remaining expenses. The sales that were accomplished in one day and concern a type can be registered daily as total, with the insertion the first and last number of element that was

published. Concretely for retail sales that are published proofs of cash register the income is registered generally in daily base by daily bulletin Z, with the registration of number that this corresponds. Only in case the cash registers is allowed the monthly registration of income from the bulletin of monthly report with the condition they continue to be published and are safeguarded daily bulletins Z.

Expenses that are accomplished during the day, and the total of this sums does not exceed 150€ can be registered generally in the column that concerns, entering the crowd of published descriptive elements.

Finally distinguished registration in the book of Income of - Expenses it is required in the following action and concerns:

Income or expenses that are accomplished on behalf of third person.

Self - deliveries of goods.

Self -user of services.

Purchase or sale of constant financial elements, the VAT that corresponds in them as well as the accomplished amortization for the conduct of accountant results.

Deposits and withdrawals of capital.

Received or granted loans but also the payments or the income that is accomplished for its funding (totally or partially).

All tradesmen are compelled in the observation of book of inventory market able financial elements they owe to inform also the quantity and the value until 20 February of each year and sure no afterwards the deadline of submission of Liquidation statement of VAT or the statement of taxation of income.

1.3.3 CATEGORY C` BOOKS

The tradesmen that observe category C` books independent from the accountant system that they will select, owe to observe it with double writing method and according to the admissible accountant beginnings. The observation of category C` books should become obligatorily with base the EGLS regarding the structure, the nomenclature and the content of underlined obligatory accounts. Furthermore, the growth of these can become accordingly with the needs of each enterprise.

Sanctions and violations-accounting related...

Moreover, the tradesmen, who observe category C` books, owe to observe also registration of constant financial elements on the follow-up of constant enterprise.

The Anonymous Companies besides, should observe also the book of practical assemblies of shareholders, the book of practices of administrative council and book of shareholders. While the Companies of Limited Responsibility should observe the book of practical assemblies as well as the book of proceeding of management.

For the service the tax and remaining obligations of enterprises the registration of transactions and action the accounts of Catholics (general and analytic) it will be supposed to become with way that the elements that result generally or analytically, provide explicit and evident information.

In the tradesmen that draw up their annual Economic Situations with base the International Accountant Models is provided the possibility of observing their accountant books or with the rules and the beginnings of being in effect legislation, or with the rules and the beginnings of DLP. Stindeyteri case omosoi patricians they owe:

1. They draw up Table of Agreement of Accountant-tax Base, which presents inseparate columns, per differentiated first degree account, the accountant value (as it is presented in the observed books), the tax value (as it is determined by the tax legislation) and the difference of these.
2. For the syntax of superior Table and specifically for the constant financial elements it will be supposed is observed particular Tax Registration of Constant financial elements in order to are determined the differences from the assessment of constant financial elements.
3. They draw up Table of Tax Results of Use Shaping of Tax Reserve funds and Recapitulative Table of Tax Reserve fund which the data of resulting from observed accounts according to with double writing method.

1.3.4. ADDITIONAL BOOKS DEPENDING ON THE PRACTISED ACTIVITY

At the exercise of certain professions and independent from the category of books that is observed the tradesmen owe to observe, case by case, and the following books.

Book of movement of customers on exploitation of nursing home, hotel, hostel, furnished apartments but also residences, as well as camping.

Registration of students on exploitation of children's of station, school, faculty, tuition centre, laboratory of free study and each other nature of enterprise or organism that has character instructive or professional training.

Book of patients and Book account on exploitation of infirmary or clinic.

Book of visit of patients on exploitation of diagnostic centre.

Book of customers on exploitation of gym or centre of aesthetics.

Book of educated drivers for the instructors of drivers of motorcycles and cars.

Book or Report of repair of goods for the repairers of appliances (electric or electronic) furniture and instruments when they are not accompanied by element of distribution.

Book of storage on exploitation of cooling spaces and spaces of storage of goods third person but also is published double written bulletin of storage.

Book entering in the repair shops of maintenance of cars and self-propelled instruments.

Book of quartering for exploitation of space of quartering.

Book of visit of patients from doctors and dentists.

Book of disposal of lottery tickets from agents of government owned lottery tickets.

Book entering in the repair shops of maintenance of ships of sea.

Book of customers from physiotherapist and practicing paramedic professions.

Book of handled goods on sale (on behalf of his or on behalf of third person) cars, ships and all nature of self-propelled instruments.

Book of quartering on exploitation of space of keep or quartering of marine ships.

1.3.5. ELEMENTS OF TRADESMEN

1. CONSIGNMENT NOTE

According to the article of 11 PD.186/1992, the tradesmen owe to publish bulletins of mission in the following cases:

Sanctions and violations-accounting related...

· When they sell wholesale, they traffic in goods or they deliver for any reason, and has not been published tax element of value joined with a dispatch note (the invoice is issued at the latest in one month from the issue of dispatch note).

· When they receive goods that are not accompanied by consignment note or because the sender was not indebted in the publication of dispatch note, or because he denied he publishes it.

When they trade goods between their professional installations.

When the distance of installations is not big and the follow-up of traded goods can easily be accomplished it is then allowed from approval of head of Inland Revenue not to publish a dispatch note. Also it is not required to publish a dispatch note in the case of distribution of parts constant between the installations of tradesmen.

In the case of publication of dispatch note it is not allowed to publish tax element of value joined with the consignment note.

Centralized bulletin of mission is published and it accompanies the goods when is not known from previous the quantity that wishes therecipient. When it is determined the quantity is then published again bulletin of mission or other tax elements of value with the precise elements of sold goods. The centralized bulletin of mission can accompany the goods and be in effect until thirty days from his publication with the condition each day, before the beginning of distribution be informed with the rest of quantity that is traded.

2. INVOICE

When goods are sold, inside or outside the country, for same account or on behalf of third person but also in the case of benefit of services from tradesmen, an invoice is issued. When more sale than one are accomplished in one month to the same person, one invoice can be issued at the end of the month enough as long as the sale or benefit of services is observed situation with the complete elements of customer but also goods or services. In the case where an additional book is kept and from this results the above elements the invoice can be issued at the end of the month without requiring the above situation.

When an account collected or credited, with subsidy, economic aid, compensation, return of indirect taxes, etc from tradesmen then he has to issue an invoice.

When an invoice is issued it should be quoted by the complete elements and the clean value of goods it will have to be analyzed per factor VAT. When goods are returned

or sales are accomplished then credit invoice is issued. For produced services the invoice is published when the work is completed, while in the case where the benefit of service lasts longer the invoice should be issued when becomes exigible part of wage and surely before the expiry of administrative use that was issued by the service.

It is not required to issue an invoice in the following cases:

Whenever a contract of transfer is drawn up, for example a sale of real estate, car, etc but also in the sale of shares, bonds, etc.

For the sale of non therapeutical water, electricity, telecommunications, banking and Stock Exchange work.

1. RECEIPT OF RETAIL SALE – RECEIPT OF RENDERING SERVICES

In the case where tradesmen sell goods (on behalf of themselves or on behalf a third person) to private individuals (not tradesmen) they issue a receipt of retail sale, while in the case of rendering services they issue a receipt of rendering services. In the issue of manuscript receipts it is required the insertion of full name and the address of the customer and the value of payment in number and in words. Only in the case of issued receipt from exploiter of parking space is entered the number plate of the car and not the full name. When services are provided for which you do not ask for payment on the issued receipt is entered the word free of charge.

2. CONSIGNMENT OF MOVEMENT

When transportation of people are carried out by exploiters of tourist buses (on behalf of them selves or on behalf of a third person) and is not issued at the departure for each customer a legalization receipt of rendering services, then they have to issue triplicate consignment of movement. On the consignment of movement, is entered the time and the place of departure, the place of destination, the elements of the bus, the total number of individuals that are transported and the complete elements of the person who is doing the transport. A consignment of movement is not required for the transport of students of school and personnel of enterprise.

3. RECEIPT OF SELF-DELIVERY

When self-delivered goods or self-provided services are made by the tradesmen then they owe to issue a receipt of self-delivery. Any other element of *Hellenic code of accounting books and reports* that includes value and if it is issued if it is quoted “self-delivered” it is considered valid.

Sanctions and violations-accounting related...

4. DOCUMENTS OF TRANSPORT

For transports of goods with public use of transportation the element that should be issued and be accompanied by the goods is the consignment note. The consignment note is issued in four copies from which the first accompanies the goods and is kept by the carrier as probative delivery of these the second is delivered to the sender the third is probative expense and is delivered to the person that overwhelms the freight while the fourth remains in the executive. In the consignment note except from the remaining elements that are entered they should also reported the type and the number of elements that have been issued by the sender and accompanies the goods.

BRIEFING AND AUTHENTICATION

OF BOOKS AND THE PRESTIGE OF THESE

CHAPTER 2ND

2.1 – TIME REQUIRED FOR BRIEFING OF BOOKS

For the books of category B` the deadline on their duly briefing is up to the 15th day of the month that follows what supporting documents were issued or were received.

For the books of C` category the deadlines depending on the book are the following:

The timetable is informed up to the 15th day of the next month from the one who issued or received the receipt or was carried out by cash register action.

The centralized timetable, general universally and analytic universally up to the end of next month, while the actuarial enterprises can inform the particular books up to the 20th day of following month.

The book of deposit is informed quantitative up to the tenth day by the distribution of whatever goods (purchase, sale, etc), while the value is supplemented up to the 15th day of the month that follows from the issue or reception of the receipt.

The registration of constant financial elements is informed at the latest up to the date that closes the Balance-sheet.

When elements are received for the purchase of goods before they are received then the books are informed on reception of the goods. If this happens in the end of administrative use then the elements are registered in the book of Income of – Expenses in separate columns while in category C` books in transient accounts.

The quantitative recording of reserves in the book of inventories should be done up to the 20th day of the following month, from the month where it expires the administrative period of enterprise.

The Balancesheet for the individual enterprises, the personal companies, the LTD, the consortia, the urban companies and the societies of Urban Code closes up to the end of quarter that follows from the expiry of administrative period. While for the Anonymous Companies and the cooperatives inside the four-month period that follows from the expiry of administrative period. Finally the alien enterprises and those that exploit ocean going boats can inside the half-year period that follows from the expiry of

Sanctions and violations-accounting related...

administrative period close their Balancesheet. In no case the dates for the closure of Balance-sheet cannot exceed the deadline for the submission of tax statement.

When the enterprise has subsidiary companies that observe separate books, the data of these should be transferred in the books of base at the latest up to the 15th day of the month that tax statements are submitted, if they are category B` books. While for category C` books if in the subsidiary company it is exported self-existent accountant the result data are transferred to the base up to the date of expiry of the drafting of the Balance-sheet, if however they do not carry out a self-existent accountant result, they are transferred in fifteen days of the following month from the one who holds the transactions and actions.

When the books are not informed, they are printed out, or they are registered in electromagnetic means (depending on the case), up to the end of the next administrative period then the books are considered that they were not observed for the use that they concern.

2.2. AUTHENTICATION OF BOOKS AND ELEMENTS

The books and elements that the tradesmen owe to authenticate at the competent D.O.Y before their use are:

The books that should be authenticated are:

1. The book of Income – Expenses when it is observed in manuscript or the monthly situation of particular book when it is observed by computer.
2. In category C` books that are observed in manuscript the Timetables, the General Catholic and the Daily leaf of transactions.
3. In computer observation of books of base is authenticated the Balance General and the Analytic Catholics.
4. The book of technical specifications.
5. In handwritten observation the book of Inventories while on computer the optical disks which are used for the storage of forecasted data.
6. The additional books of *Hellenic code of accounting books and reports* or fixed bulletins.
7. The book of Inventories in which are registered quantitatively the reserves.

The elements that should be authenticated are:

1. The consignment note and the centralized consignment note.
2. Any tax element of value with consignment note.

3. The invoice of purchase of goods or the rendering of services when it has not preceded for the particular transaction publication of other authenticated element.
4. The receipts of rendering of services and the receipts of retail sale that are not issued by cash register.
5. The bulletins of movement of tourist buses.

Elements that are issued by provisions non tax are not allowed to be authenticated.

The fusion or conjunction of books or elements or books with elements is allowed as long as the incorporated or joined elements result in the required data.

2.3. VALIDITY AND PROBATIVE FORCE OF BOOKS AND ELEMENTS

In order to judge the books and elements of the tradesmen as inaccurate or insufficient they must be in effect whatever is arranged in the following way and in consequence the taxable matter are determined exologistika.

Insufficient are considered the books and the elements of indebted that:

1. They do not observe or do not safeguard the additional books or bulletins of quantitative receipt, technical specifications or production cost estimate.
2. They do not observe or they observe books of more inferior category than what they should, or they do not issue or do not safeguard the forecasted books and elements from the provisions of.
3. Received elements of distribution or value are virtual.
4. Is not drawn up and is not registered the Table of Tax Results of Use in the book of inventories.
5. Tax elements of total value (with VAT) 3.000€between tradesmen is paid off via professional banking accounts.

In order to judge insufficient the books and elements the tax control must be objectively impossible and the irregularities and omissions are not owed in lapse or pardonable fallacy.

Inaccurate are considered the books and the elements of indebted that:

1. In the books are not registered income or expenses, or they are registered inaccurately or without the existence of tax element.

2. The reserves are not registered or are insufficiently registered as for the quantity in the book of inventories.
3. They publish at any way, factitious, virtual or inaccurate elements or do not publish elements or receive virtual or inaccurate elements.
4. Observe category C` books and these they do not present the situation of enterprise as it really is.
5. Are not registered or are registered inaccurately as for the value elements in the additional books.
6. They do not observe, safeguard or demonstrate additional books.
7. They do not safeguard or they do not demonstrate in legitimate time the authenticated books and elements independent on the use that they are concerned.
8. They adulterate the tax elements.
9. There are adding errors in the book of Income of – Expenses or in the book of inventories and they decrease the tax result.
The following actions or omissions do not influence the prestige of books and elements:

- For value equal with the 3% of crude income, as long as it does not exceed 30.000 and crude income 1.500.000€

- For value equal with the 2% of crude income, as long as it does not exceed 200.000€ and crude income is above 1.500.000€

Conditions in order to apply the superiors are:

For the same use, and from different controls, not to have issued inaccurate tax elements or not to have issued by no means elements for two transactions.

For the same use, from the same control, not to have issued three transactions in which was not published or was published inaccurate tax element.

The value of the non issued or inaccurately issued element does not exceed 880€

FINES OF THE HELLENIC CODE OF ACCOUNTING BOOKS AND RECORDS

CHAPTER THIRD

3.1 GENIKES SIGNIFICANCES

For the fines that are imposed for the infringements of tradesmen from the provisions of CBE (PD 186/1992), is applied the objective system [3] as it is described in the article of 5 Law 2523/97 afterwards its revisions and from Law 3842/2010. For the imposition of fines there are two bases of calculation, the factors of gravity and the maximum limits (the sum that the imposed fines cannot be exceeded). Also the fines are imposed depending on the nature of infringement and are separated in General and Self-existent infringements. As General infringements are comprehended those for which are imposed a united fine by administrative use, without examining the amount of infringements, while self-existent are the infringements for every separately imposed particular fine.

Actions or omissions in which are imposed fines and took place for the same use but were ascertained in different timing, are imposed separate fines. While for omissions or actions that were ascertained at the same time and relate to the same book or element the fine that is imposed is the heaviest by case. Finally actions or omissions that do not concern the same administrative use, are examined per administrative period and the fines that are imposed are self-existent for every use separate.

Particularly for the non safeguarding or non demonstration of books and elements, the infringements are reduced in the time where they are issued and if the person has ceased existing the infringements are regarded in his last administrative period.

3.2 BASES OF CALCULATION

The objective system is applied depending on the Base of Calculation but also the factor of gravity of infringement. The Base of Calculation is the objective sum that is imposed in the infringements depending on the category of observed books and the factor of gravity of each infringement.

BASE of CALCULATION No 1: in the base of calculation 1 the infringements of *Hellenic code of accounting books and reports* and the infringements that are

reported in paragraph 8 article 5 Law.2523/1997

(self-existent infringements) they have as a basis the following sums and escalate depending on the category of observed books as follows:

Table 1.1st Base of Calculation

CATEGORY OF BOOKS EXISTENT	SUM OF INFRINGEMENT	SUM OF SELF-INFRINGEMENTS
Category B' books	600.00 €	800.00€
Category C' books	900.00€	1200.00€

BASE of CALCULATION No 2: in the base of calculation 2 the infringements of CBE that are included in this case, the objective sums in which are applied the factor of gravity of infringement are equal with the value of transaction, element or part of these without including the value of VAT in them.

3.3 EXAMINATIONS FOR THE IMPOSITION OF FINES

In the following cases is not submitted fine.

1. When the numeration of issued tax elements is not united or is repeated.
2. When from lapse are issued non authenticated tax elements, which are registered in the books duly and for this fact are informed in writing the head of responsible Inland Revenue without any preceded tax control.
3. When the forecasted from the Code tax element is not issued and pre this was issued another (authenticated wherever it is required), which however includes the essential data.
4. When the optional issued copies have not been safeguarded.
 1. When are trafficked in types fordeigmatism and the bulletins of mission that have been published they describe at greater length the types.
 2. When are not published bulletins of mission for:
 - Return of goods which the value of does not exceed 880€
 - Delivery of goods that will not yield in indebted income (as, repair, maintenance, etc) is enough is published bulletin of mission by the recipient of goods.
 3. When the realised infringements are formal and become inadvertently or sygnos ti fallacy and they influence the prestige of books, with the condition has not preceded indication for the correct application of provisions of *Hellenic code of accounting books and reports*.

4. When they are reported in affairs that have been checked tax with regular control or have been concluded with any way as for the income and the VAT.

3.4 FACTORS OF GRAVITY FOR THE GENERAL INFRINGEMENTS

In the all general infringements of KBS the base of calculation is the 1st and factor of gravity that is

applied has numerical honour 1. Only in the following cases of infringements is applied different factor of gravity. The regrouping of infringements becomes per factor as follows:

The factor of gravity 2 is applied when:

1. The indebted patricians in observation G' of category of books, when do not observe accountant books or observe smaller category books but also that do not observe balance of accounts General or Analytic Catholics or book of Inventories as well as that does not draw up or draws up overdue Balance-sheet, them is imposed fine with factor of gravity 2. When is imposed fine for the above infringements and has not been observed the book Registration of Constant Financial Elements, is not imposed separate fine on the particular infringement.
2. In the not observation of some additional book while it is forecasted.
3. United fine when they are not observed the book of deposit or production kostologioy and technical specifications.
4. When in the books or elements the description of types of goods or services are insufficiently formulated.
5. When after invitation of demonstration of books and elements these are not brought.

The factor of gravity 3 is applied in:

1. Case where the reserves are not registered quantitatively in the book of inventories.
2. Case where are submitted overdue centralized situations (article 20, paragraph of *Hellenic code of accounting books and reports*) afterwards the expiry of year that the deadline of submission expired, and is reported in sums values above 14.673€ The factor of gravity changes and it counter balances with the unit, in the particular infringement, if indebted

practises timely resort or if the value of sums does not exceed the 14.673€. Specific fines that are imposed are reported in following table.

LIST 2.FINES HELLENIC CODE OF ACCOUNTING BOOKS AND REPORTS[4]

	For non submission, for overdue submission After the end of the year of deadline of submission,omission or inaccurate registration of sums beyond 14673.00€	For omissions or inaccuracies up to sum 14673.00€ non submission of up to 14673.00€provided that they are submitted before the expiry of administrative or exercise of duty.
Centralized situations category B` books	1800.00€	600.00€
Centralized category C` books	2700.00€	900.00€
Non registration of inventory of reserves in books of inventories	2700.00€	
Overdue submission of Balances above six months or by no means admission	2700.00€	

*all the above fines in the event of compromise are decreased 1/3.

1. With the Law.3943/2011, article 26 paragraph 4, the publication authenticated receipts with intention (that it is owed in impendiment of regard reason of debts of tradesman), it is considered as a general infringement with factor of gravity 3, and with the condition have been registered in the books duly[1]

The factor of gravity 5 is applied when:

1. Each time, with the exception of first ,where the books and elements are invited on demonstration and are not demonstrated.
2. At the realisation of preventive control, are asked the additional books and these are not brought.
3. Is impeded, with positive energies, preventive tax control.
4. Is not observed or is not demonstrated intax control the book kostologioy oikodomon.Tothis fine is imposed for every construction individually.

Sanctions and violations-accounting related...

All the above fines can be also imposed to directors, wages earner indebted, legal, accountant, tax or economic advisers which are proved that they act jointly in the inaccuracy of books. Also tax accountant that signs Balance-sheet and Results of Use while it does not have the right, to submit him the same fine with the same which is imposed to the indebted.

3.5 SELF-EXISTENT INFRINGEMENTS

In the self-existent infringements of *Hellenic code of accounting books and reports* as they are reported below, the base of calculation of fine is first and wherever it is not provided differently from the factor of gravity counter is equal with the unit. So the self-existent infringements are:

1. Non issued elements of *Hellenic code of accounting books and reports* (with the exception of the non issued consignment note by farmers that are not included in regular arrangement VAT and indebted that despite the non issue of distribution note have registered the value of the particular transaction with another element of value, that are considered general infringements).
2. Each publication of not approved element that however from the provisions of *Hellenic code of accounting books and reports* must be authenticated. Excluded are the elements that were published of not approved advertently and were registered timely in the books, for which is ascribed general infringement.
3. The omission or inaccurate insertion of any fact that should be reported in the published tax elements (as tax number, full name, type, value, etc). Only in the receipts of retail sale the not insertion of full name of co-contractor is considered general infringement.
4. When not registered in the books whatever forecasted element with the condition that a fine has not been imposed of not publication of element or inaccurate publication of element.
5. When the registration includes inaccuracies and has not been submitted a fine for inaccurate insertion of published elements.
6. When not registered or is registered inaccurately any element that concerns the inventory.
7. When registered non-existent income or element of inventory.
In the registration of non-existent income, in the inaccurate registration or in the not registration if the value of each element does not exceed 880€ the infringement is considered general.
8. The not safeguarding of each book and element, as it is forecasted by the provisions of *Hellenic code of accounting books and reports*, with the exception if the reason of not safeguarding is owed in superior violence.
9. When they are printed out or register in optical disk books or situations overdue.
10. When the programs of software do not fill the being in effect specifications.

11. When not registered or are registered inaccurately expenses for the determination of cost of manufacture of building in the book of cost estimate buildings. For self-existent infringements that concern the same administrative period and raise in the first base of calculation (depending on the category of books), the maximum limit of (roof) the fine cannot be higher than 15 fold the fines of base, for the first publication of decision, or 30 fold for the second publication of decision. While if they are ascertained a third time the infringements are not applied maximum limit in the fines.

Self-existent are also the following infringements but for the imposition of fine are applied the second base of calculation. That is to say the fine is calculated with base value of infringement and concretely:

1. When not published or is published inaccurate element with result withheld value beyond 1.200€ the imposed fine is equal with the value that was withheld. While if the value of transaction cannot be determined the fine counter balances with the fine of the first base of calculation depending on the books that are observed. On the contrary if the height of transaction without the number of transactions being determined the fine cannot exceed the tenfold fine of first base of calculation.

2. If registered in the books non-existent transactions, or are published factitious or virtual elements or are taken virtual elements which their value exceeds 1.200€ the imposed fine it counter balances with double the enreason of value. In the case where the value of published element is virtual partly the fine concerns the virtual value or if it cannot be determined precisely the fine decreases in half.

When ascribed self-existent infringement for tax elements of value and has not been issued consignment note a fine is not imposed for the same reason.

3.6. PENAL SANCTIONS FOR NOT APPLICATION OF PROVISIONS OF HELLENIC CODE OF ACCOUNTING BOOKS AND REPORTS

The offence of tax evasion for factitious, virtual or adulterated tax elements is punished by penal with sentence of imprisonment at least for three months. Concretely the publication or acceptance of virtual tax elements on not held transactions either partial or totally are punished with:

One year of imprisonment (at minimal) for virtual published elements of total value over 3.000€

With imprisonment, for virtual published elements of total value over 150.000€ While if the value exceeds 235.000€ the sentence involves also the closure for one month of the shop, office, factory, etc of the perpetrator. The paid workers that are connected with the perpetrator with relation of made dependent work do not lose their rights.

Factitious is considered the tax element which brings perforation or seal which intentional has not been registered in the books of responsible Inland Revenue. Also tax element that is published with elements and content different from what is entered in the executive is considered factitious.

Virtual are the tax elements that are published:

For non-existent transactions in its entirety or in part of these

For transactions with persons different from what is entered or with persons unknown tax

For transactions with virtual persons (legally or naturally)

In the case where in the published tax elements the value that is entered is lower than regular then the elements are considered as inaccurate while if it is bigger they are considered virtual.

Four months imprisonment is forecasted for the not publication or the inaccurate publication of tax elements, at the duration of sale of goods or benefit of services.

3.7. EXAMPLES OF IMPOSITION OF FINE FROM INFRINGEMENTS OF HELLENIC CODE OF ACCOUNTING BOOKS AND REPORTS

1^o EXAMPLE

In control that was held to a tradesman that observed category B` books, on 30 June 2010 was ascertained:

1. That 10 descriptive elements had been issued during May which were not approved and had expired the time for their registration in the book of Income of – Expenses (the duly registration was up to 15 June that is to say up to the 15th day of the month that follows afterwards the publication of elements).
2. Also there were another 15 elements published during June which were also not approved but the date of expire had not come about for duly registration in the book.

The infringement for the publication of not approved elements is considered as self-existent infringement and is imposed with the self-existent fine for category B` books 600€. However for infringements inside the same administrative use the maximum limit is the 15fold and hence fine that will be imposed is:
 $600,00 * 15 = 9.000,00 \text{ €}$

2nd EXAMPLE

On the contrary in inspection that was held to a tradesman that observed category B` books, on 30 July 2010 was ascertained that:

1. three elements not approved had been issued with intention, during June, which had expired the time of briefing, and
2. Another seven not approved elements were issued also with intention during July, without the time of expire for duly registration in the book.

For the three descriptive elements that were published during June the infringement is considered self-existent and it is imposed with a fine: $600,00 * 3 = 1.800,00\text{€}$

While for the seven elements that have not expired from the date of briefing the infringement is general with factor of gravity 3 and the fine is calculated as follows: $1 * 3 * 600,00 = 1.800,00\text{€}$

Thus the total fine for the above infringements is $1.800,00 + 1.800,00 = 3.600,00\text{€}$

3rd EXAMPLE

In inspection that was held to a tradesman that observed category

B` books on 28 June 2010 was ascertained that:

1. With intention they were issued, during June 10 descriptive not approved.

The infringement is considered general with

factor of gravity 3 and the imposed fine is: $1 * 3 * 600,00 = 1.800,00\text{€}$

CONCLUSIONS

The aim of establishment of Code of Books and Elements is the determination of rights and obligations of tradesmen either they are individual or legal. It aims, that is to say, in the delimitation of rules that would be in effect in teams of enterprises, depending on their legal form of also their size (height of crude income), but also their sector of activation. These rules are reported in the way that the tradesmen owe to deal, in the way that should observe their accountant books and elements and in the way that is determined their taxable income but also the sentences and sanctions that are imposed to them for the not observation that they are forecasted. Final aim of all (through the adoption of metres and sanctions for the offenders) is the reduction of tax evasion and the predominance of system of tax justice for all tradesmen that are activated in the country. Thus the initial text of Presidential Decree 186 1992, was revised and modified enough times up to today with new Laws and special decrees on the service of this aim. Some of the changes that were issued for the achievement of this aim, that is to say the cracking down on of tax evasion was the observation of additional books, the refunding of transactions that are reported in big sums with cheques and middle of banking accounts, the lifting of not obligatory observation of books from certain tradesmen, etc. More specifically the establishment of observation of additional books in certain activities, aim has at the realisation of preventive control to be possible to be immediately recognized the transactions that were realized and it is realised how much have been published the forecasted elements of value. Thus in activities that can be marked with bigger facility the tax evasion exist dikleides safety, so that are presented the all transactions and is decreased the tax evasion. Initially the control that is held in the additional books lies in the certification that the all transactions that yield income for the enterprise, have been registered in the books and then it is investigated if have been published the essential elements that concern the realized transactions. Of course the control is extended also in the ascertainment of correctness of value of published receipts but base the registrations in the additional books. This is judged essential because it can take place tax evasion with the publication of inaccurate elements, as underpriced Proofs of Benefit of Services or in certain cases not publication of no tax element of value. Also with POL 1091/2010 changes the way that is paid off transactions of big sums so that they can be more easily checked and is decreased the tax evasion. With previous provisions of Code, invoices of markets or benefit of services which the value of exceeded

15.000€ should be paid off via banking accounts or with cheques. However for the better control, with this POL.1091/10 the limit was decreased in 3.000€ included the also value of Tax of Added Value. Thus from 1 June 2010, those who receive invoices that exceed this limit they owe paying off or via professional banking account or with cheque (simple while with the previous arrangement was required bilinear cheque). When the sum is paid off with cheque it should obligatorily is published proof of cession axiografon (with report in the invoice which is paid off with the particular cheque) for cheques third person, for is possible the better follow-up of these. These receipts should be safeguarded for the time that is also forecasted for the remaining elements. When the above proof are not published, or are published postdated or with incomplete elements the infringement is considered general and the fine is imposed per use (without it is taken into account how much times in the use it has happened) depending on the category of observed books. While for refunding of invoices via banking accounts (or totally or partially) the published descriptive documents or receipts should they present with clarity in who transaction they are reported. Those who are exempted from the observation of books (pchState, etc) and receive tariffs that exceed 3.000€ they are exempted from the mentioned before obligation. Finally it cannot become counter balancing of debts that exists in co-contractors that are simultaneously suppliers and customers and will be supposed are observed the processes for each transaction separately (except and if it is reported in antapaitiseis between subsidiary companies and mother company). Other one metre that modifies the Code taking into consideration the cracking down on of tax evasion and the re-establishment of tax justice is the integration exempted from the observation of books and that they observed A' of category (and they calculated their income presumptive) obligatorily in the observation B' of category of books. They continue however be excluded those who the crudely annual income does not exceed 10.000€ from sale of goods and 5.000€ from benefit ypiresion. Etsi patricians poydentiroy san books, as:

- Agents of government owned lottery tickets and paignion,
- Newsagents,
- Ypopraktoresefimeridon and magazines,
- Exploiters TACHI,
- Exploiters of rented rooms (when do not exceed he seven),

from 1 July 2010 they owe to observe B' of category books. While for farmers which sell their products in popular markets the obligatory integration becomes from 1 October 2010. Also the patricians that observed A' of category books, as:

Exploiters of kiosk,

Gas stations,

Exploiters of mobile canteens,

In 2010 they were included obligatorily in the observation category B` of books and in the calculation of income with base the published elements of sale and not with base the markets that they accomplished.

Also from 1 January 2011 the free professionals that issue rendering of services owe to publish them when the provided service is completed and the wage is demanding, apart from if it is collected or not.

The measures mentioned before for the cracking down on tax evasion but also crowd of other, as well as the fines and the sentences that are forecasted by the *Hellenic code of accounting books and reports*, they create a complicated system and problems in the conduct of transactions. Thus it is judged doubtfully its effectiveness in the obliteration of tax evasion and tax justice. With Law 3888/2010“

Volunteer suppression of tax differences, regulation of due debts, provisions on the effective punishment of tax evasion and other provisions”, is determined the suppression of *Hellenic code of accounting books and reports* as it is in effect up to today. Instead of this it is forecasted to take in effect the Code of Depiction of transactions which will be incorporated in the Code of Taxation of Income.

Thus it is expected to establish the pause of perforation of all elements, all tradesmen and the control of transactions via the centralized situations of Customers-supplier that are submitted electronic (by checking the published elements for the restriction of the factitious and virtual invoices). Also it has been proposed and other measures for the simplification of processes and the fairest imposition of fines and sentences in infringements that are owed in errors.

BIBLIOGRAPHY

1. N.2523/1997 Administrative and penalsanctions in the tax legislation and other provisions, Article 5 Fines on infringements of *Hellenic code of accounting books and reports* - Objective system, was recovered on the 5/8/2012 from <http://www.taxheaven.gr/laws/law/index/law/8>
2. Panagiotis Papadeas (2003): Code of Books and Elements with VAT and EGLS
3. Papadeas P., Code of Books and Elements with VAT and EGLS, 12th publication (2007-2008), p. 19
4. PD 186/1992, article 17, par.10, was recovered 1 July 2012 from <http://www.taxheaven.gr/laws/law/index/law/4>
5. PD 186/1992, article 2, paragraph 1, was recovered in the 5/6/2012 from <http://www.taxheaven.gr/laws/law/index/law/4>
6. POL.1094/2012, Benefit of directives on subjects of fines of *Hellenic code of accounting books and reports*, was recovered from <http://www.prosvasis.com/gr/publica/?p=5255>
7. POL.1110/13.5.2011 <http://www.taxheaven.gr/laws/circular/view/circular/12239/print/priner>
8. Service of special controls, 2007, driver of control of tradesmen that observes moreover books of article of 10 *Hellenic code of accounting books and reports*,
9. Ministry of Finance, POL.1091/2010, was recovered from <http://www.minfin.gr/content-api/f/binaryChannel/minfin/datastore/9e/e8/8b/9ee88baee1fb04c86e040fe84d865dcb1b16315/application/pdf/pol1091.pdf>
10. <http://www.e-boss.gr/eboss/business-advice/content/tax.jsp?chambercd=eboss&categoryid=14955&articleid=19662>
11. <http://www.eea-info.gr/?t=8&aID=70000178&isID=494>
12. http://www.logistis.gr/files/DIAFORA/FOROLOGIKOI_ODHGOI/11667_07.pdf
13. <http://www.taxheaven.gr/laws/circular/view/id/10855>