

## CONTENT

<b>INTRODUCTION .....</b>	<b>11</b>
<b>CHAPTER I. GENERAL ASPECTS REGARDING THE “CAROUSEL” FRAUD.....</b>	<b>13</b>
<b>Section 1. General viewpoints on tax evasion .....</b>	<b>13</b>
§1. Definition of tax evasion .....	16
§2. Factors triggering tax evasion.....	17
§3. The effects of tax evasion.....	20
§4. Classification of tax evasion.....	22
4.1. Lawful (legitimate) tax evasion .....	22
4.2. Unlawful tax evasion (tax fraud) .....	23
§5. The “CAROUSEL” fraud – component of tax fraud .....	25
5.1. The concept of “CAROUSEL” fraud.....	25
5.2. The field of the “CAROUSEL” fraud.....	29
<b>Section 2. Preventing and combating the “CAROUSEL” fraud .....</b>	<b>31</b>
§1. In Europe .....	31
1.1. General consideration regarding the EU budget.....	31
1.2. Statistic data .....	34
1.3. Concerned authorities .....	36
1.4. Applicable framework.....	46
§2. At national level.....	52
2.1. General considerations regarding the budget of Romania .....	52
2.2. Statistical data .....	55
2.3. Concerned authorities .....	56
2.4. Applicable framework.....	75
§3. Administrative coordination tools .....	83
<b>Section 3. Incrimination and punishment of the “CAROUSEL” fraud.....</b>	<b>89</b>
§1. Tax evasion crime.....	89
1.1. Law of incrimination.....	89
1.2. Elements of the crime .....	90
1.3. Forms. Methods. Penalties .....	93
§2. Theoretical example .....	94
2.1. Decrease of the due VAT.....	94
2.2. The reduction of the VAT to be paid and of the profit tax .....	100
§3. Crime related to tax evasion .....	103
3.1. Law of incrimination.....	103
3.2. Elements of the crime .....	103
3.3. Forms. Methods. Penalties .....	107
3.4. Association.....	108
§4. Theoretical example .....	111
4.1. Basic chain .....	111
4.2. Contra trading chain.....	115

**CHAPTER II. “CAROUSEL” FRAUD: “FINANCIER” vs. “TERRORIST” ..... 123**

**Section 1. General considerations on terrorism ..... 123**

§1. Definition of terrorism ..... 125

§2. Terrorism-generating context ..... 126

    2.1. Psychological characteristics ..... 126

    2.2. Abusive interpretation of the Qur’an in the radicalization process ..... 127

§3. Terrorism-financing phenomenon ..... 129

    3.1. Financiers and terrorism financing ..... 129

    3.2. The link between the “CAROUSEL” fraud and terrorism financing ..... 131

§4. Criminalization and sanction for terrorism financing ..... 133

    4.1. Brief history ..... 133

    4.2. Multiple crimes: the “CAROUSEL” fraud and terrorism financing ..... 134

§5. “CAROUSEL” fraud with CO<sub>2</sub> certificated and terrorism financing ..... 136

    5.1. Regulations on the CO<sub>2</sub> certificates ..... 136

    5.2. Form of CO<sub>2</sub> certificates ..... 138

    5.3. Trade of CO<sub>2</sub> certificates ..... 138

    5.4. The “CAROUSEL” fraud operation with CO<sub>2</sub> certificates ..... 139

    5.5. Case study: Samir Azizi ..... 142

**Section 2. Generalities on the national critical infrastructure ..... 144**

§1. General consideration on critical infrastructures ..... 144

    1.1. Conceptual delimitations ..... 144

    1.2. Definition of critical infrastructure ..... 145

    1.3. Classification of critical infrastructures ..... 146

§2. National critical infrastructure ..... 147

    2.1. Identification ..... 148

    2.2. Designation ..... 153

    2.3. Protection ..... 154

§3. Threats to the national critical infrastructure ..... 157

    3.1. Acts of terrorism ..... 157

    3.2. Activities of organized crime ..... 158

**Section 3. “New area” of occurrence of the “CAROUSEL” fraud ..... 159**

§1. National Energy Sector ..... 161

    1.1. Energy Strategy ..... 161

    1.2. Electricity ..... 163

§2. Electricity transport distribution ..... 165

    2.1. Component of the national critical infrastructure ..... 165

    2.2. Internal vulnerabilities and external risks ..... 166

§3. National activity of electricity transport ..... 167

    3.1. System and transport operator ..... 167

    3.2. Financing sources ..... 171

    3.3. Tariffs applicable to electricity transport ..... 174

§4. IT system of the transport and system operator ..... 177

    4.1. Purchase ..... 177

    4.2. Notification and verification of cross-border transactions ..... 179

    4.3. Reality of notified cross-border transactions ..... 180

§5. Theoretical example: the “CAROUSEL” fraud with electricity ..... 184

    5.1. Legal route ..... 184

    5.2. Illegal route ..... 187

§6. The impact of the “CAROUSEL” fraud on the electricity transport network ..... 197

<b>CHAPTER III. ADDITIONAL CASE STUDIES .....</b>	<b>203</b>
<b>Section 1. “Amounts” of energy for export .....</b>	<b>203</b>
§1. Assemblage.....	203
§2. Sale .....	205
2.1. Without enforcing competitive procedures.....	205
2.2. Sale on the internal market of electricity for export .....	206
§3. Consequence of the sale of electricity on the internal market.....	207
§4. Prerequisites for the internal use of electricity .....	208
§5. Impact on the electricity transport network .....	209
§6. Theoretical example .....	210
<b>Section 2. Reimbursement of VAT related to electricity transactions .....</b>	<b>215</b>
§1. Transactions carried out based on the electricity supply license.....	216
§2. Internal transactions.....	217
2.1. Factual situation .....	217
2.2. Case settlement .....	220
§3. External transactions.....	223
3.1. Factual situation .....	223
3.2. Case settlement .....	223
§4. Internal transactions vs. external transactions .....	226
4.1. Similarities .....	226
4.2. Differences .....	228
4.3. Impact.....	229
§5. Theoretical example .....	232
5.1. Transactions on different borders .....	232
5.2. Transactions on the same border.....	240
<b>Complexity of the “CAROUSEL” fraud with electricity .....</b>	<b>247</b>
<b>CONCLUSIONS .....</b>	<b>256</b>
<b>CONCLUSIONS OF THE AUTHOR .....</b>	<b>259</b>
<b>BIBLIOGRAPHY .....</b>	<b>261</b>