

BS&O ALERT

October 2026



IBDO

INFORMATION

The government has adopted a package of income tax changes for 2027

The Council of Ministers has sent to the Sejm draft bills that introduce a 24% personal income tax (PIT) rate for incomes from PLN 130 000 to 150 000, to be funded by an increase in corporate income tax (CIT) for the largest taxable persons and in the solidarity tax. The package also includes tightening the taxation of family foundations and a review of income tax credits.

The Council of Ministers has adopted a draft bill amending the Personal Income Tax Act, the Corporate Income Tax Act and the Act on flat-rate income tax on certain income earned by natural persons (draft No. UD458).

The bill changes the tax scale set out in Article 27 par. of the Personal Income Tax Act of 26 July 1991. The rate of 12% will apply to incomes of up to PLN 130 000, the rate of 24% to amounts in excess of that threshold up to PLN 150 000 and the rate of 32% to incomes over PLN 150 000, with an unchanged standard deduction of PLN 3 600. Article 32 par. 2 of the PIT Act will be amended accordingly so that tax remitters can collect tax advances based on the three rates.

The rate of the solidarity tax from Article 30h of the PIT Act is to increase from 4% to 5% of excess income over PLN 1 000 000.

CIT taxable persons whose previous tax year revenues exceeded the equivalent of

EUR 50 000 000 are to apply the rate of 22% instead of 19%. The benefit from the new PIT scale increases with income up to PLN 150 000 and reaches PLN 3 600 per year at that amount. For an income of PLN 125 000, the tax will go down by PLN 1 000 per year.

A separate bill concerning family foundations provides for a two-year grace period for the disposal of property contributed, transferred free of charge or acquired from a related party after 31 December 2026. The grace period will be counted from the end of the calendar year in which the property was contributed, with earlier disposal taxed at 25%. The bill also provides for an increase in the tax rate on distributions made to beneficiaries from 15% to 19%, subjecting foundations to regulations on foreign controlled entities and expanding the exemption from PIT to include the descendants of the founder's siblings and the founder's stepchildren.

The third bill extends the robotization tax credit until the end of 2036 with no change in the 50% limit of eligible costs and deductions made through depreciation charges. In addition, the bill doubles the deduction for honorary blood donors, currently set at PLN 130 per liter of blood, and repeals the expansion tax credit, which was previously capped at PLN 1 000 000 per year. The internet tax credit will be eliminated, with taxable persons claiming it for the first time in 2026 being able to retain the right to the deduction for 2027. Most of these solutions are to go into effect on 1 January 2027, which means that parliamentary proceedings must be completed and the laws announced in the coming few weeks.



Refund of sickness insurance premium requires an adjustment of costs, income or revenue

The Ministry of Finance has clarified that a trader who has received a refund from ZUS for an overpaid voluntary sickness insurance premium must include the refund in their tax return. Depending on how the premium was previously reported, this means either a current reduction in costs or adding the refunded amount to income or revenue in the annual tax return.

In the explanations provided to the editorial office of Rzeczpospolita and published on 1 October 2026, the Ministry of Finance confirmed that refunded sickness insurance premiums that were previously treated as costs or deducted from income or revenue, must be declared in the tax return.

If the premiums constituted a cost, their refund based on Article 22 par. 7c, 7d and 7f of the Personal Income Tax Act of 26 July 1991 requires a reduction in costs for the period in which ZUS refunded the premium or credited it towards a liability. If the premiums were deducted from income, the taxable person adds the refund to their income in accordance with Article 45 par. 3a of PIT Act.

A flat-rate taxable person adds the refund to their revenue in accordance with Article 21 par. 2a of the Act of 20 November 1998 on flat-rate income tax on certain income earned by natural persons.

In either case, the addition is made in the tax return for the year in which the refund was received.

The Ministry indicated that the cost adjustment is current in nature and does not require a change to the tax returns for the period in which the premium was paid. If during the refund period the taxable person did not incur any costs or if those costs are lower than the amount of the adjustment, the taxable person increases their revenue by the amount by which the costs were not reduced. If a refund is made after the business is liquidated or switches to flat-rate tax on registered income, the reduction in costs is made in the last reporting period before the liquidation or change in the form of taxation.

The consequence of claiming a refund is a higher tax liability. For traders taxed on the tax scale or with flat-rate tax who charged the premium to costs, it is also an increase in the health insurance calculation base.

Traders should determine the period in which the funds were credited or recognized by ZUS, as this date defines the adjustment period. They should also verify whether in the years covered by the refund, the premiums were recognized as a cost or deducted from income or revenue.

The clarifications apply to refunds made by ZUS as part of its verification of non-expired premium periods.

Among others, they include traders who in 2021 paid voluntary sickness insurance premiums after they were due, which in accordance with the Social Insurance System Act of 13 October led to the termination of that insurance, yet they continued to make their payments. ZUS refunds overpaid premiums to a bank account or applies them toward current obligations.



Frequent and unpredictable absences due to illness may justify employee dismissal

The district court confirmed that an employee's frequent and unpredictable absences, which necessitate having to arrange urgent replacements and incur overtime costs, are a legitimate and specific reason for terminating an indefinite-term employment contract.

In a ruling issued on 12 August 2026 (case file VII Pa 193/25), the Warszawa-Praga District Court in Warsaw dismissed the employee's appeal. In doing so it upheld the decision of the court of first instance, according to which the employer did not violate Article 30 § 4 of the Labor Code, and thus there were no grounds to award damages based on Article 45 § 1 of the Code. The court's judgment is final.

The appellate court indicated that giving notice is a standard method of terminating an employment relationship. The reason does not, therefore, have to be of particular importance or extraordinary significance, but it should be legitimate, specific and understandable to the employee.

The court stressed that employee illness and the related inability to perform are part of the risk borne by the employer. If, however, the absences are prolonged, recurring and unpredictable, maintaining the employment relationship conflicts with its purpose, which is the actual performance of work for the employer. As a condition of this reason to be considered justified, the employer must demonstrate a link between the absences and a violation of the employer's substantial interests, in particular by disrupting operations and giving rise to additional costs. The court found the actions taken by the employer to limit the negative effects of the absences to be objectively justified.

For employers, this ruling means that a notice terminating an indefinite-term employment contract should describe not only the fact of the employee's absences, but also their impact on the organization of work. This refers in particular to the need to arrange for replacements and the costs of overtime work, which must then be demonstrated during the evidentiary

proceedings. Consideration must be given to Article 41 of the Labor Code, according to which a notice of termination cannot be given during an employee's excused absence if the period that entitles the employer to terminate the contract without notice based Article 53 of the Code has not yet expired.

In this case, the employer terminated the employee's indefinite-term employment contract with notice, indicating frequent and unpredictable absences as the reason. The employee notified the employer of the absences the day each sick leave note was issued, which made it impossible to arrange for replacements. Significant absences lasted from the beginning of 2024 to May 2024, during which period the employee worked for only three days. The employer also cited a decline in team productivity and the demotivating effect of the absences on other employees. The claim for damages was dismissed at both instances.



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Penalties for errors in KSeF to be deferred until the end of 2027

On 16 September 2026 the Ministry of Finance announced that it had commenced work on a draft bill extending the period during which taxable persons will not be subject to administrative fines from Article 106ni of the VAT Act for violations related using the Domestic e-Invoice System until 31 December 2027. The deferral will not change the scope of obligations: as of 1 January 2027 invoicing in KSeF will apply to taxable persons who have thus far been taking advantage of transitional periods, while issuing an invoice outside the system, except as provided by law, will remain a violation of the law. During the deferral period, the National Tax Administration will focus on supporting traders while maintaining oversight of the accuracy of VAT settlements. The current regulations remain in force until the amendments go into effect.

Spouses to declare marital community property on a new form

The Minister of Finance and Economy's Decree of 18 September 2026 (2026 Journal of Laws, item 1239), which went into effect on 1 October 2026, introduced new form ORD-M(5): declaration of the taxable person's spouse of being subject to marital community property, to be filed when requesting a statement of a taxable person's tax arrears without the taxable person's consent. In Part D, the instructions citing Article 233 § 1 of the Criminal Code have been replaced with a clause regarding awareness of criminal liability for making false statements, and a field for the spouse's NIP or PESEL has been added to the form. This change does not expand the group of those eligible or the reasons for issuing the statement. Spouses are required to use the new form, and the tax authorities will verify the presence of the required clause.

Premium remitters to make payments electronically through the mZUS app

On 1 October 2026, the Social Insurance Office announced that an electronic payment function enabling premium remitters to pay their premiums electronically, has been launched in its mZUS app. The new payment wizard shows the amount of premiums due and makes it possible to add interest, account for pending payments and declarations, or specify any amount. Payments are processed by Krajowa Izba Rozliczeniowa S.A., and the transfer fee is PLN 0,55. An updated balance will be visible within 2 business days. The service currently covers select banks, but it is to be expanded to include additional banks and payment methods, including BLIK. As of November electronic payments will also be available via the eZUS portal.

Sugar tax to increase and cover new product categories

According to an announcement made by the Ministry of Finance on 30 September 2026, the Council of Ministers has adopted a draft bill amending the Public Health Act (UD417), which calls for raising the so-called "sugar tax" and expanding its scope. The fixed portion of the tax will increase from PLN 0,50 to PLN 0,70 per liter of beverage, and the variable portion will go up from PLN 0,05 to PLN 0,10 for each gram of sugar above the limit. The tax on added caffeine or taurine will be raised from PLN 0,10 PLN 1,00 per liter, and the maximum rate will increase from PLN 1,20 to PLN 1,80 per liter. The tax will also apply to beverages containing at least 20% juice with added caffeine, taurine, or sweeteners, highly sweetened fruit syrups sold as dietary supplements (except for packages of up to 200 ml), as well as all concentrates, to which a separate rate of PLN 3,00 per liter or kilogram will be applied. The changes are to increase revenues for the National Health Fund (NFZ) by approximately



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PLN 1,3 billion per year and will go into effect on 1 January 2027.

Decisions on support under the Polish Investment Zone to last for up to 20 years

According to an announcement made by the Ministry of Development and Technology on 30 September 2026, the Council of Ministers has adopted draft amendments to the Support for New Investments Act, which will adapt the Polish Investment Zone (PSI) to the termination of special economic zones as of 31 December 2026, as well as increase the attractiveness of this instrument. The maximum term of a support decision will be extended to 20 years. The rules for tax exemptions on reinvestments will be simplified, as the exemption will cover income from the new investment specified in the decision without applying the concept of “close ties.” A requirement will be introduced to obtain an opinion from KAS on decision elements that affect the amount of the exemption. A definition of “area manager” and provisions regulating the operation of the ePSI platform will be added, and the companies that have been managing SEZ will continue to issue support decisions.

There will be protection against interest accrual on tax forgiveness applications

An amendment to the Decree on the accrual of late interest changes and extension fees (2026 Journal of Laws, item 1228) went into effect on 1 October 2026. It adapts the provisions of the decree to the new relief introduced by the Act of 29 May 2026 on amending the Tax Ordinance and certain other acts (2026 Journal of Laws, item 846), i.e., the forgiveness of tax prior to its due date. Taxable persons filing such a request will be granted protection corresponding to that given when cancelling tax arrears. If a denial decision is issued within 2 months of applying, interest will be accrued from the day following the

payment due date, and if the decision is delivered after that date – this will exclude the period from the day following application submission to the day the decision is delivered. The existing rules for the accrual of interest when the cancellation of tax arrears is denied will not change.

Average salary in August 2026 lower than in July

According to data published by the Main Statistical Office on 22 September 2026, the average monthly gross salary in the corporate sector in August 2026 was nominally by 2,6% lower than in July, whereas compared to August 2025 it increased by 5,6%. Average employment in this sector declined by 0,2% month to month and by 0,8% year to year. The drop in salaries compared to July was a result of a smaller volume of additional payments, such as quarterly, annual and discretionary bonuses, jubilee bonuses and retirement severance pay. The average salary was also impacted by an increase in the statutory minimum salary which, as of 1 January 2026 amounts to PLN 4806, i.e. 3,0% higher than in 2025 (PLN 4666). In addition to base pay, the index includes bonuses, awards and overtime pay.

Changes to the counteracting money laundering and terrorist financing system

As announced on 23 September 2026, the Council of Ministers has adopted draft amendments to the Act on Counteracting Money Laundering and Terrorist Financing. The draft strengthens the system for countering money laundering and terrorist financing, including the financing of the proliferation of weapons of mass destruction (WMD), as well as aligns the regulations with EU law, FATF standards and MONEYVAL recommendations. The amendments will introduce special restrictive measures, including against Iran and North Korea, such as the freezing of funds. Access to the Central Register of Beneficial Owners will be given to specified authorities and institutions, as well as to individuals demonstrating a legitimate interest. The supervisory powers of the GIIF will be expanded to enable it to implement the SIGIIF 2.0 system based on goAML software, and the Financial Security Committee will gain authority over WMD. The provisions will generally go into effect on 1 January 2027.

Tacit consent to cover additional tax matters

The Ministry of Finance has published draft amendments to the Tax Ordinance providing for expanding the scope of application of so-called tacit consent to selected tax matters. This solution is to matters to defer deadlines, exempt a tax remitter from the obligation to collect tax, suspend the enforcement of a decision and reinstate a deadline. In addition, draft also provides that overpayments resulting from rulings made by the Constitutional Tribunal and the Court of Justice of the European Union, as well as overpaid tax on civil law transactions, are to be refunded without the need for a decision by the tax authority. As a result, some decisions in tax matters will be made without a separate act by the tax authority, and the new provisions are scheduled to go into effect as of 1 April 2027.



IMPORTANT INTERPRETATIONS AND RULINGS

Gift cards and ZFŚS prepaid cards exempt from PIT up to PLN 1000 per year

↓ In an individual interpretation issued on 9 September 2026 (0113-KD IPT2-3.4011.663. 2026.1.MS) the Director of National Tax Information confirmed that gift cards and prepaid cards funded from the Company Social Benefits Fund constitute cash benefits as defined by Article 21 par. 1 point 67 of the PIT Act and are exempt up to a total of PLN 1000 tax year. The authority noted that both categories of cards serve as instruments of access to a specific cash value and the fact that a gift card allows purchases only from sellers designated by the employer does change this classification. PLN 1000 is a collective limit for all the benefits covered by this provision received by an employee during a tax year, rather than a separate one for each card. Any excess over PLN 1000 constitutes employment income and the employer, as the tax remitter, calculates and collects a tax advance when determining the employee's income for the month in which the benefit is received. The employer is not required to reduce the amount deposited to the card by the tax advance before providing it to the employee.

Refusal of child-rearing benefit to grandmother with custody is incorrect

↓ In its ruling of 8 July 2026 (case file II SA/GI 401/26), the Voivodship Administrative Court in Gliwice overturned ZUS' decisions denying a grandmother a child-rearing benefit for her grandson, over whom the court had granted her custody as a provisional measure, indicating that depriving the person actually caring for the child of the benefit solely because she had not filed an adoption petition constitutes an unjustified restriction. The court cited the ruling of the Supreme Administrative Court of 13 March 2026 (case file I OSK 454/24) and indicated that the regulations of the Act on government assistance in child-rearing do not sufficiently protect the rights of children under court-ordered temporary custody and their actual caregivers. The Court stressed that the Constitution of the Republic of Poland obligates the state to protect children's rights and provide assistance to families in difficult situations, and that the Act's eligibility criteria do not guarantee the fulfillment of these constitutional and convention-based objectives in cases where actual care is provided by a close relative who does not fall under the statutory definition of a de facto guardian.

Taxable persons with no fixed assets will not submit SAF_ST_KR

↓ In an individual interpretation issued on 5 August 2026 (0111-KD IB2-1.4010.271. 2026.1.KW), the Director of National Tax Information found that a taxable person who does not own any fixed assets or

intangible assets and, consequently, does not keep a record of such assets, is not required to submit SAF_ST_KR to the head of the tax office, including an empty or zero-value file. The file is intended for transmitting data from the records of such assets, and not for declaring their absence. The obligation to submit SAF_ST_KR file is derivative of the requirement to maintain records, and thus the absence of data means there is nothing to report. This position is consistent with the existing line of interpretation regarding SAF_CIT.

Transcribed marriage certificates entitle to the same tax benefits as for other marriages

↓ On 24 September 2026 the Minister of Finance and Economy issued a general interpretation (DTS6.8022.6.2026) on the tax implications of transcribing marriage certificates of same-sex EU citizens married in another EU member state, into the Polish civil registry. Those holding a transcribed marriage certificate will for tax purposes be treated as spouses, benefit from tax credits and preferences on the same terms as opposite-sex spouses and will be subject to the same obligations and restrictions. The transcription will generally have tax effects as of the date of the marriage, although the tax authorities will evaluate each case individually. This interpretation implements CJEU's judgment in Case C-713/23.

Student spouse not subject to social insurance

↓ In an individual interpretation issued on 17 September 2026 (DI/200000/43/2183/2026) the Social Insurance Office Lublin Branch indicated that a trader's spouse living in the same household and working for him based on a service contract is subject to social insurance as a contractor, and not as an associate. The authority explained that Article 8 par. 2 of the Social Insurance System Act, which requires that an employee meeting specific criteria be treated as an associate, applies only to employment contracts and has no equivalent with respect to contractors. Consequently, Article 6 par. 4 of the act will apply, according to which contractors who are students up to the age of 26 are not subject to mandatory retirement and disability insurance. A spouse with student status will therefore not be covered by social insurance under such a contract.

Legal advisors can provide ongoing legal services based on B2B contracts

↓ In an individual interpretation (UNP: GIP-26-286431, ref. GIP-GPP.50.15.2026.6), the Chief Labor Inspector found that a legal advisor operating as a sole proprietor can provide ongoing legal assistance to a business under a civil law contract. The legal advisor will retain freedom as to the time, place and method of performing the services, will be accountable for their results and will be subject to contractual penalties. The requirement to provide the services personally, the provision of a computer and the guarantee of 18 paid days of annual leave will not determine the existence of an employment relationship if these elements are not predominant. Similarly, the continuity of the collaboration will not imply full-time employment, as Article 8 par. of the Legal Advisors Act allows the profession to be performed under a civil law contract.

CALENDAR

12 October 2026 (Monday)

- ✓ Filing of INTRASTAT for September 2026

15 October 2026 (Thursday)

- ✓ Payment of recycling fee for plastic bags, collected in the 3rd quarter of 2026
- ✓ Submission to ZUS of clearing documents and payment of ZUS premiums for September 2026 – remitters with legal personality
- ✓ Payment to PPK

20 October 2026 (Tuesday)

- ✓ Payment for September 2026 of monthly advance for personal income tax and corporate income tax
- ✓ Payment of personal income tax and corporate income tax advance for 3rd quarter of 2026
- ✓ Payment for September 2026 of advances collected on employment income
- ✓ Payment for September 2026 by remitters of advances collected for income tax or lump-sum income tax
- ✓ Payment by a holding company representing a tax group of the tax advance collected for September 2026
- ✓ Payment of lump-sum tax if in September 2026 dividend income and other income from shares of profits of legal entities was spent inconsistently with the purpose specified in declaration CIT-5
- ✓ Payment by a real estate company of a tax advance for September 2026 and sending to taxable person of information on the amount of tax advance paid (PIT-ISN and CIT-ISN)
- ✓ Payment for September 2026 of income tax on income from a fixed asset that is a building
- ✓ Payment of lump-sum tax (so-called Estonian CIT) on income from: hidden profits and expenses not related to business activities – if a withdrawal, expense or performance was made in September 2026; change in the value of assets – if an acquisition, transformation or contribution in kind was made in September 2026
- ✓ Payment of tax on a performance or asset transferred or made available by a family foundation in September 2026;
- ✓ Submission of clearing documents and payment of ZUS premiums for September 2026 – other premium remitters;
- ✓ Payment for September 2026 to PFRON

26 October 2026 (Monday)

- ✓ Payment of VAT for September 2026
- ✓ Payment of VAT for 3rd quarter of 2026
- ✓ Transmission of SAF_V7M for September 2026
- ✓ Transmission of SAF_V7K for September 2026 (record section) and for 3rd quarter of 2026 (declaration section)
- ✓ Filing of VAT-8, VAT-9M, VAT-12 for September 2026
- ✓ Submission of recapitulative statement on VAT EU intra-Community transactions for September 2026
- ✓ Filing of VAT-13 by tax representative for September 2026
- ✓ Reporting of sugar tax for September 2026
- ✓ Reporting of sugar fee for September 2026
- ✓ Submission to PFRON of documents relating to additional financing of the wages of disabled employees for September 2026

31 October 2026 (Saturday)

- ✓ Filing of VAT declaration relating to import procedure VII-DO for September 2026
- ✓ Filing of VAT declaration relating to EU procedure VIU-DO for 3rd quarter of 2026
- ✓ Filing of VAT declaration relating to non-EU procedure VIN-DO for 3rd quarter of 2026
- ✓ Provision to KAS of cross-border payment records for 3rd quarter of 2026

2 November 2026 (Monday)

- ✓ Preparation in electronic form of local transfer pricing file for 2025 (for entities with tax year concurrent with calendar year)
- ✓ Submission to PFRON by disabled persons who conduct business operations of an application for a refund of pension and disability premiums paid for August 2026



CALENDAR

5 November 2026 (Thursday)

- ✓ Filing of VAT-14 on output VAT due on intra-Community acquisition of engine fuels for October 2026

9 November 2026 (Monday)

- ✓ Payment of lump-sum income tax collected in October 2026 on amounts paid to a foreign legal entity
- ✓ Payment of lump-sum income tax collected in October 2026 on dividend income and other amounts from shares of profits of legal entities, and provision of CIT-7 to taxable persons
- ✓ Payment by acquirer of lump-sum income tax for October 2026
- ✓ Filing of declaration on amount of income from unrealized profits (PIT-NZ and PIT-NZS) for October 2026 and payment of output tax indicated in the declaration
- ✓ Filing of declaration on amount of income from unrealized profits CIT-NZ for October 2026 and payment of output tax indicated in the declaration

10 November 2026 (Tuesday)

- ✓ Filing of INTRASTAT for October 2026

16 November 2026 (Monday)

- ✓ Submission to ZUS of clearing documents and payment of ZUS premiums for October 2026 – premium remitters with legal personality
- ✓ Payment to PPK



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