



Information

ZUS does not always provide accident insurance premium rate

Electronic notices of accident insurance premium rates for the 2024/2025 contribution year have been delivered to remitter accounts on the (PUE) ZUS Electronic Services Platform. Some remitters, however, will have to determine that rate by themselves.

The accident insurance premium rates set for business activity groups in accordance with Appendix No. 2 to the Minister's of Labor and Social Policy Decree of 29 November 2022 on differentiating premium rates for social insurance against work-related accidents and occupational diseases based on occupational hazards and their consequences changed in the contribution year beginning 1 April 2024. **We discussed this more extensively in the previous issue of our alert.**

As a result, electronic notices of accident insurance premium rates for the 2024/2025 contribution year have been delivered to remitter accounts on the (PUE) ZUS Electronic Services Platform.

The Social Insurance Office (ZUS) has determined the accident insurance premium rates for

those remitters who filed form ZUS IWA with the data necessary to determine those rates for the 2021, 2022 and 2023 calendar years. Remitters who did not submit ZUS IWA for the said three consecutive years (even if they did file for 2023) must determine the accident insurance premium rate that applies to them as of 1 April 2024 on their own.

For those premium remitters who have no more than 9 insureds or are not subject to registration in REGON, the accident insurance premium rate for the contribution year from 1 April 2024 to 31 March 2025 will not change and will amount to 1,67% (50% of the highest rate set in the said contribution year for business activity groups). Prior to filing declarations for April 2024, premium remitters who are required to determine their accident insurance premium rates on their own and who have at least 10 insureds should verify the premium rate set as of 1 April 2024 for the business activity group to which they belong based on the type of activities they perform in accordance with the Polish Classification of Activities (PKD).



Ministry of Health announces changes in health insurance premiums for traders

The Ministry of Health has announced that as of 1 January 2025 changes will be made in the calculation of health insurance premiums for traders. Plans are in place to reinstate the flat-rate health insurance premium for traders who pay taxes on general terms on the tax scale.

The ministry has proposed that for taxable persons taxed on the tax scale the rate amount to 9% of 75% of the minimum salary, i.e. approximately PLN 310 per month in 2025.

Today, traders taxed on the tax scale pay a premium amounting to 9% of income.

PIT taxable persons who perform business activities and pay PIT at the flat rate of 19% will pay a health insurance premium calculated in such a way that those whose monthly income does not exceed double the forecast average salary will pay the same premium as those who are taxed on the tax scale, i.e. at 9% of the tax base constituting 75% of the minimum salary. Whereas those whose income exceeds

double the forecast average salary will pay a premium equal to 4,9% of the excess of income over double the forecast average salary in the national economy. Today the health insurance premium for this group of traders amounts to 4,9% of income.

The planned changes provide that flat-rate traders whose monthly income does not exceed 4 times the value of the forecast average salary will pay 9% of 75% of the minimum salary, i.e. the same premium as traders taxed on the tax scale.

Flat-rate taxable persons who have a monthly income in excess of 4 times the value of the forecast average salary will pay 9% on 75% of the minimum salary and 3,5% on the excess over 4 times the forecast average salary.

Traders who pay PIT using a tax card will pay a health insurance premium equal to 9% of the base constituting 75% of the minimum salary (currently the premium amounts to 9% of 100% of the minimum salary).



ZUS reminds those with disabilities of their right to reduce health insurance premiums

Persons with moderate or severe disabilities who conduct non-agricultural activities, have a right to reduce their annual health insurance premiums to the amount of tax due.

According to ZUS, starting with the annual return for the year 2023, persons declared

moderately or severely disabled are eligible for relief to reduce their annual health insurance premiums.

Under the regulations, persons declared moderately or severely disabled who conduct non-agricultural or business activities during the period of start-up relief and are covered by the health insurance obligation solely on this basis, as well as account for their income on the tax scale, pay:

- a monthly health insurance premium – at an amount not exceeding the amount of the personal income tax advance due for the month in which the premium is paid, starting from the month following the month in which the person was declared moderately or severely disabled;
- an annual health insurance premium – at an amount not exceeding the amount of personal income tax due for the given calendar year, if the person was classified as moderately or severely disabled for at least one month during this period.

Those who conduct non-agricultural activities or use start-up relief and have been declared severely or moderately disabled are eligible for relief consisting of a reduction of the annual premium for 2023 to the amount of personal income tax due, if they meet all the following conditions:

- conduct non-agricultural (business) activities,
- are covered by health insurance solely on the basis of conducting non-agricultural or business activities during the period of start-up relief,
- account for personal income tax solely on the tax scale,
- have been declared severely or moderately disabled for at least one month out of the calendar year.

The conditions arising out of the second and third point should be met for each month of the calendar year, whereas those arising out of the last point – for at least one month.



ZUS has published data on specified work contracts reported in 2023

↓ 1,2 million RUD forms were filed with ZUS in 2023, on which 1,6 million specified work contracts were reported. According to ZUS, there were no major changes in the structure of entities reporting specified work contracts or those performing the contracts. Although slightly more RUD forms were filed in 2023 than in 2022 (by 50,5 thousand), fewer contracts (by 81,7 thousand) were reported on those forms. 75,8 thousand entities reported specified work contracts on RUD forms from 1 January to 31 December 2023.

Certain provisions of the Act on posting drivers to go into effect six months sooner

↓ The Ministry of Infrastructure has published a draft bill amending the Act on posting road transport drivers (UD19). As a result of the amendments some of the previously planned changes relating to the system used to monitor road and rail transport of goods and sale of heating fuels will be accelerated by six months and will go into effect as early as 1 July 2024. The new regulations will require foreign entities that perform international road transport of goods to send a notification of each transport to the register of notifications and to submit current geolocation data of the vehicle covered by the notification. Among others, drivers will have to be equipped with reference numbers, i.e. documents that replace notifications.

New version of the Whistleblower Protection Act adopted by the government in April

↓ The Council of Ministers has adopted a draft of the Whistleblower Protection Act, presented by the Minister of Family, Labor and Social Policy. The government plans to protect so-called whistleblowers, i.e. individuals who work in the private or public sector and report violations, in a work-related context. The commissioner for human rights would be the institution in charge of providing support to whistleblowers. The new solutions adapt Polish law to EU regulations. They are to go into effect 3 months after publication in the Journal of Laws. Whereas the regulations on third-party reports will go into effect 6 months after publication.

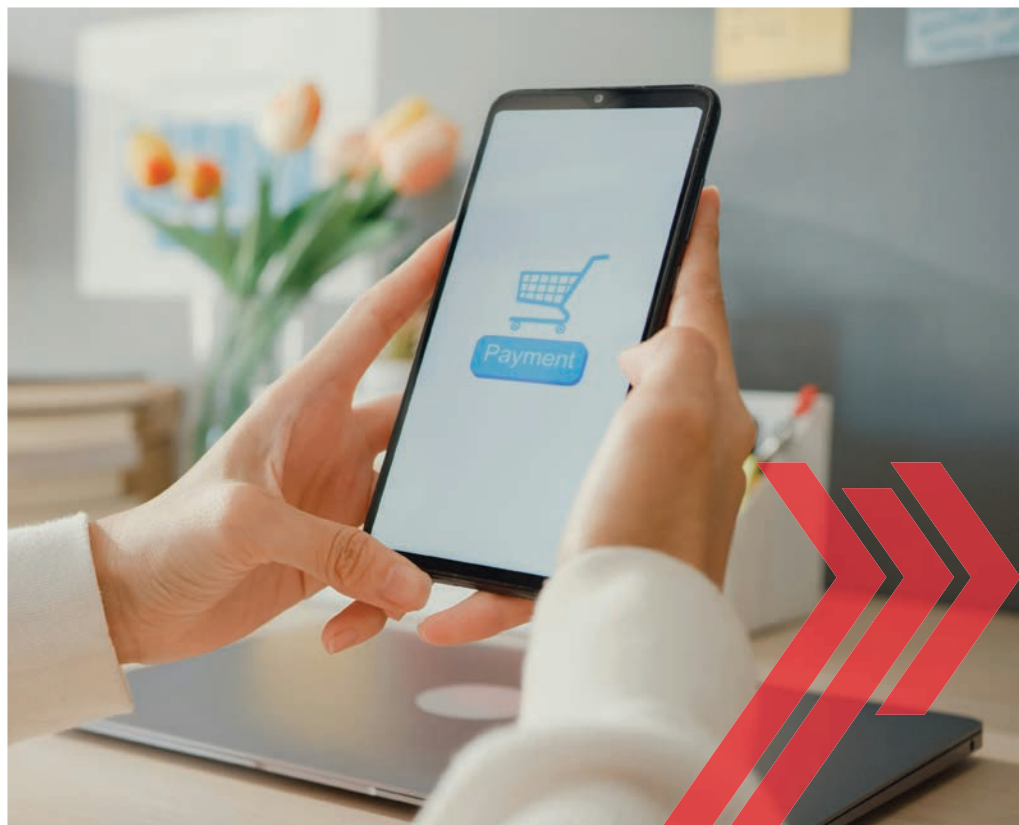


The Act on supporting the professional activities of parents adopted by the government

↓ On 9 April the Council of Ministers adopted a draft of the “Active Parent” Act on supporting parents in professional activities and in child rearing. An “active parents at work” benefit (so-called “grandma allowance”) will be introduced. It will amount to PLN 1500 per month for 24 months – from the 12th to the end of the 35th month of the child’s life. For children with disabilities, the benefit will amount to PLN 1900. Parents will be able to decide how they want to spend the money. They will be able to, for example, pay for care provided by a nanny or grandmother (including a retiree).

The government has adopted new regulations on online sales

↓ The Council of Ministers has adopted a bill amending the Act on exchanging tax information with other states and certain other acts (DAC7). It will require digital platform operators to collect and share with the tax authorities information about sellers who have concluded transactions through those platforms. The new regulations would go into effect as early as 1 July 2024. **We described this change in more detail in the news section of our website, as well as in a special alert.**



Annual state contributions should be credited to PPK accounts by 15 April

↓ Annual state contributions for 2023 should have been made to the accounts of employee capital plan participants by 15 April. Such contributions are made to those PPK participants who in 2023 accumulated at least PLN 732,90 in their PPK account or accounts. If a participant took advantage of a reduction of his/her basic contribution in 2023, a total of at least PLN 183,23 in payments will be enough. A PPK participant who has met all the eligibility conditions for receiving a state contribution for the given year but was nonetheless not included in the report on the number of PPK participants eligible for a state contribution for the year, will not receive the contribution by 15 April. The participant can, however, demand the receipt of the contribution by filing a relevant request.

Once again ZUS makes it possible to transfer a portion of contributions from OFE to ZUS

↓ On 1 April ZUS opened another transfer window, which means that those insured can once again decide where some of their retirement contributions should go – to a sub-account at ZUS or to OFE. To inform ZUS of their decision those insured should submit a “Declaration on the transfer of contributions to an open pension fund or on recording the contributions on a sub-account kept by the Social Insurance Office” (ZUS-US-OFE-03). Where an insured wants to continue with their existing choice, nothing needs to be done. The transfer window will close on 31 July 2024.

New consolidated texts of important laws and regulations published

↓ The following have been published in the 2024

Journal of Laws: an announcement of the Speaker of the Sejm of the Republic of Poland of 26 February 2024 on publishing the consolidated text of the Social Security Act (item 497), as well as an announcement of the Speaker of the Sejm of the Republic of Poland of 26 February 2024 on publishing the consolidated text of the Act on promoting employment and on job market institutions (item 475). Whereas published under item 535 was the Minister's of Family, Labor and Social Policy announcement of 25 March 2024 on publishing the consolidated text of the Minister's of Family, Labor and Social Policy Decree on employee records.

Labor disputes to be resolved by court in Chrzanów rather than in Kraków

↓ The Minister's of Justice Decree of 28 March 2024 amending the decree on transferring to certain district courts the adjudication of labor law or social insurance cases from the jurisdiction of other district courts has been published in the Journal of Laws (item 79). Effective 1 April, the decree provides for the transfer of social insurance cases from the IV Labor and Social Insurance Division of the District Court for Kraków – Nowa Huta in Kraków to the jurisdiction of the District Court in Chrzanów.

KSeF will not go into effect in 2024

↓ The Ministry of Finance has presented a draft of legal solutions, which includes changes in mandatory e-invoicing using the Domestic e-Invoice System (KSeF). The draft contains no dates for the implementation of mandatory KSeF. They will be added at the turn of April and May. KSeF will not be implemented in 2024. The Ministry of Finance has proposed the implementation of mandatory KSeF for all taxable persons at once (for active taxable persons and for those exempt from VAT). **This change was discussed in more detail in**

the news section on our website.

Government announces support for businesses that employ retirees

↓ A draft bill on the job market and job services provides that a business will be able to receive a subsidy for hiring a job seeker (e.g. a retiree) over the age of 60 for women or 65 for men. The subsidy is to amount to no more than 50% of the minimum monthly salary (currently it would be PLN 2121) and be paid for 24 months. In return, the business would have to commit to continue employing the senior for another 12 months.



Important interpretations and rulings

ECHR does not allow firing for criticizing boss in an e-mail

The European Court of Human Rights (ECHR) has found that a disciplinary dismissal for sending to a small group of employees an e-mail criticizing their boss and employer constituted a violation of the dismissed employee's freedom of expression. Above all, the Court indicated that although the e-mail was harsh, critical and sarcastic, it did not contain wording that was vulgar or hateful, and the criticism was not unfounded (see ECHR ruling of 20 February 2024, case number 48340/20; Dede). Under Polish regulations, the matter of an immediate disciplinary dismissal of an employee is regulated in Article 52 of the Labor Code, which enables the termination of an employment contract without notice for cause attributed to the employee in the event of a gross violation by the employee of basic employee responsibilities. The above ruling should now be considered when these regulations are interpreted.

Sometimes ZUS relief is possible when services are provided to a former employer

One of the conditions that make one eligible for not being subject to social insurance for the first 6 months of commencing business activities, so-called start-up relief, is not to perform activi-

ties for the benefit of a former employer. Therefore, working with a former employer, where the services provided do not coincide with the scope of the terminated employment contract, will not result in losing eligibility for that relief. The six-month period of eligibility should be counted from the time the individual commences business activities. This time is the actual date of commencement of those business activities, defined as the first business activity directly associated with the declared area of business activities. Whereas start-up relief ends after the end of 6 full calendar months from the date on which business activities commenced, where if business activities commenced on the first day of a calendar month, that month should be included in the period of six months of eligibility for start-up relief, and if business activities commenced on any other day of a month, that month is not included in that period – according to an interpretation issued by ZUS on 9 April 2024 (DI/200000/43/247/2024).

Training costs refunded to CEO not subject to ZUS

If a benefit paid to a provider of management services does not constitute revenue from the performance of that contract, this leads directly to the benefit not being included in the social insurance calculation base. Therefore, as the reimbursement of the expenses incurred by the manager for training in the form of language courses, seminars, training sessions or workshops related to the company's operations does not generate taxable income for the manager, then in consequence the amount reimbursed for such training is not included in the social and health insurance calculation base – states an individual interpretation issued by ZUS on 15 February 2024 (DI/200000/43/104/2024).



CALENDAR (most important deadlines)

- ✓ Payment of ZUS premiums for March 2024 - other premium remitters
- ✓ Payment for March 2024 of monthly advance for personal income tax and corporate income tax
- ✓ Payment for the 1st quarter of 2024 of quarterly advance for personal income tax and corporate income tax
- ✓ Payment for March 2024 of advances collected on employment income
- ✓ Payment for March 2024 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 March 2024
- ✓ Payment of lump-sum tax if in March 2024 dividend income and other income from shares of profits of legal entities was spent inconsistently with the purpose specified in declaration (CIT-5)
- ✓ Payment of tax advance for March 2024 by real estate company (PIT-ISN and CIT-ISN)
- ✓ Payment for March 2024 of income tax on income from a fixed asset that is a building
- ✓ Payment for March 2024 to PFRON
- ✓ Payment of lump-sum tax on income from: hidden profits and expenses not related to business activities - if a withdrawal, expense or performance was made in March 2024; change in the value of assets - if an acquisition, transformation or contribution in kind was made in March 2024
- ✓ Payment of tax on a performance or asset provided or placed at disposal by a family foundation in March 2024



-
- ✓ Payment of VAT for March 2024 and 1st quarter of 2024
 - ✓ Filing of VAT-8, VAT-9M, VAT-12 for March 2024
 - ✓ Transmission of SAF_V7M for March 2024
 - ✓ Transmission of SAF_V7K for March 2024 (record section) and for 1st quarter of 2024 (declaration section)
 - ✓ Submission of recapitulative statement on VAT EU intra-Community transactions for March 2024
 - ✓ Filing by tax representative of VAT-13 for March 2024
 - ✓ Reporting of sugar tax for March 2024
 - ✓ Reporting of retail sales tax PSD-1 for March 2024
 - ✓ Submission to PFRON of documents relating to additional financing of the wages of disabled employees for March 2024



-
- ✓ Filing by natural persons of return for 2023 (PIT-28, PIT-36, PIT-36L, PIT-37, PIT-38, PIT-39) and payment of the resulting amount due
 - ✓ Filing by companies in succession of return for 2023 (PIT-28S, PIT-36S, PIT-36LS) and payment of the resulting amount due
 - ✓ Submission of declaration on the transfer or withdrawal of consent to transfer 1,5% of tax due for 2023 to a public benefit organization (PIT-OP) by a taxable person who has received a calculation of his/her annual income PIT-40A from the pension authority, and the tax declared therein is the taxable person's tax due for the year



CALENDAR



- ✓ Submission of information on tax-deductible costs incurred for robotization in 2023 (PIT-RB and PIT-RBS)
- ✓ Submission of information on tax-deductible costs incurred to support sports, culture, higher education and science in 2023 (PIT-CSR and PIT-CSRS)
- ✓ Filing of PIT-DZ by taxable person who in 2023 claimed family 4+ relief
- ✓ Payment of lump-sum tax on foreign income by natural persons who moved their place of residence to Poland in 2023
- ✓ Electronic transmission to the Head of National Tax Administration of the financial statements for 2023 by PIT taxable persons who keep books of account
- ✓ Submission to the tax office by natural persons of a declaration on the amount of solidarity tax for 2023 (DSF-1) and payment of the resulting amount due
- ✓ Submission to PFRON by disabled persons who conduct business operations of an application for a refund of pension and disability premiums paid for February 2024
- ✓ Provision to KAS of cross-border payment records for 1st quarter of 2024

-
- ✓ Filing of VAT-14 on output VAT due on intra-Community acquisition of engine fuels for April 2024





PIOTR GRACZ
Head of Business
Services & outsourcing
department

- ✓ Payment of lump-sum income tax collected in April 2024 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 April 2024
- ✓ Filing of declaration on amount of income from unrealized profits (PIT-NZ and PIT-NZS) for April 2024
- ✓ Filing of declaration on amount of income from unrealized profits CIT-NZ for April 2024 and payment of output tax indicated in the declaration



- ✓ Filing of INTRASTAT for April 2024



- ✓ Payment of ZUS premiums for April 2024 - remitters with legal personality
- ✓ Payment to PPK



CALENDAR



O BDO

BDO is the world's largest audit firm focused on the medium enterprises market. Dealing professionally with your financial matters, we leave you enough space to grow your business. Due to our international cooperation within the BDO network, we develop our knowledge and coordinate international projects. We put long-term relations first, and base them on mutual trust and respect.

Apart from HR and payroll services, we also support companies in other challenging areas, as e.g.

- ▶ day-to-day bookkeeping,
- ▶ tax services (tax compliance),

- ▶ day-to-day advisory services and hotline consultations in HR and payroll, accounting and tax areas,
- ▶ labor law advisory services,
- ▶ tax, legal and financial advisory services,
- ▶ management advisory services and accounting,
- ▶ audit,
- ▶ reporting and IT solutions.

The team of BDO responds to the needs of companies, adjusting complex solutions both to the economic reality and to the specific features of their activities, at the same time putting quality and professionalism first. If there are in your Company issues that require support or advice in the above areas, we are the right partner for you and you are encouraged to contact us.

We will be happy to meet your needs and offer support.