



## Information

### Amount of health insurance premiums announced by ZUS

The Social Insurance Office has published information on the calculation base and amount of health insurance premiums in 2024 for certain groups of insureds. According to an announcement published by the Social Insurance Office (ZUS), as of 1 January 2024 the following amounts are the calculation base for health insurance premiums in the year 2024 for those who conduct non-agricultural business activities or apply start-up relief and have income from business activities, as well as those taxed with lump-sum tax on registered income: PLN 4660,71 (60% of the average monthly salary), if income from business activities within the meaning of the Act of 20 November 1998

on lump-sum tax on certain income earned by natural persons, generated since the start of the calendar year has not exceeded the amount of PLN 60 000. The health insurance premium amounts to PLN 419,46 (i.e. 9% of the premium calculation base). 7767,85 (100% of the average monthly salary), if income from business activities within the meaning of the Act of 20 November 1998 on lump-sum tax on certain income earned by natural persons, generated since the start of the calendar year has exceeded PLN 60 000 and not exceeded PLN 300 000. The health insurance premium amounts to PLN 699,11 (i.e. 9% of the premium calculation base).



13 982,13 (180% of the average monthly salary), if income from business activities within the meaning of the Act of 20 November 1998 on lump-sum tax on certain income earned by natural persons, generated since the start of the calendar year has exceeded PLN 300 000. The health insurance premium amounts to PLN 1258,39 (i.e. 9% of the premium calculation base).

In 2024, the health insurance premium calculation base for those who conduct non-agricultural activities and have no income from business activities is the amount of PLN 7767,85 (100% of the average monthly salary). The health insurance premium amounts to PLN 699,11 (i.e. 9% of the premium calculation base). Whereas for those who contract for those who conduct non-agricultural activities or for those who apply start-up relief, the premium calculation base is the amount of PLN 5825,89 (75% of the average monthly salary). The health insurance premium amounts to PLN 524,33 (i.e. 9% of the premium calculation base).

The average monthly salary in the business sector, including distributions of profits, in the fourth quarter of 2023 amounted to PLN 7767,85.

In 2024, the basis for the calculation of health insurance premiums for those who conduct non-agricultural business activities or use start-up relief and have income from business activities and are taxed in the form of a tax card is the amount of PLN 4242 (minimum monthly wage as of 1 January 2024). The health insurance premium amounts to PLN 381,78 (i.e. 9% of the premium calculation base).

In 2024, the basis for the calculation of health insurance premiums for those who conduct non-agricultural business activities or use start-up relief and have income from business activities, as well as are taxed on the tax scale, with flat-rate tax, tax on qualified income from intellectual property rights: the premium calculation base is determined based on in-



come from the month directly preceding the month for which the premium is being paid. The monthly premium calculation base for the entire contribution year (1 February 2024 to 31 January 2025) cannot be lower than the minimum monthly salary on the first day of the contribution year – PLN 4242.

According to the announcement, the premium cannot be lower than: PLN 314,10 for January 2024 – the last month of the contribution year (i.e. 9% of the premium calculation base – PLN 3490) and PLN 381,78 for the months from 2024 to January 2025 (i.e. 9% of the premium calculation base – PLN 4242).

## Seniority allowance not included in minimum wage

Remuneration of a full-time employee should be determined in such a way that it is no lower than the minimum wage in effect in a given year. Exclusions include a seniority, i.e. length of service allowance. This allowance does not need to be included in minimum wage – says the response provided by the minister of family, labor and social policy to a parliamentary inquiry.

The amount of the minimum wage is regulated by the Minimum Wage Act of 10 October 2002 (2020 Journal of Laws, item 2207). Currently, the nature of the minimum wage is not just that of a base wage, but rather of the total wage of an employee for nominal working time in a given month.

In accordance with Article 6 par. 4 and 5 of the Minimum Wage Act, an employee's wage compared with the minimum wage is calculated using the wage components due to the employee, as well as other benefits arising out of the employment relationship, which in accordance with the employment and remuneration statistics set by the Main Statistical Office are classified as personal wages (including, among others, bonuses, statutory and discretionary awards, allowances), excluding: jubilee bonuses, retirement or disability compensation, overtime pay, night shift allowance, seniority allowance and work in special conditions allowance (as of 1 January 2024). An employee's remuneration (total), after statutory exclusions, should amount to at least the minimum wage. It does not matter if it is broken down into parts. Listed amongst the exclusions is the seniority allowance, i.e. length of service allowance. This allowance cannot, therefore, be included in the minimum wage.

Seniority allowance is not a common component of remuneration. Its calculation depends on the remuneration rules in place at the employer, such as the employer's collective labor agreement, remuneration regulations, or the provisions of the individual employment contract. For state and local budget employees,

seniority allowance is calculated on the base wage in accordance with the relevant regulations.

The remuneration of a full-time employee should be no lower than the minimum wage in effect in a given year. Where, in a given month, the remuneration of an employee, calculated in accordance with Article 6 par. 4 of the Minimum Wage Act, is lower than the minimum wage because of the payment dates of some of the remuneration components or work schedules, the difference is made up in the form of compensation (Article 7 of the Act). The compensation is guaranteed and is paid out in cases specified in the Act.

The statutory minimum wage for employees (i.e. those working based on an employment relationship) takes the form of both a monthly



amount and an hourly rate (depending on the nominal working time in a month, the hourly rate calculated for the minimum wage of PLN 4242 is PLN 25,25 for 168 working hours and PLN 26,51 for 160 hours per month).

The statutory minimum hourly rate applies to those who provide work based on agreements referred to in Article 734 and Article 750 of the Civil Code (commission contract and service contract). As of 1 January 2024 it amounts to PLN 27,70.

Social insurance premiums are calculated on the calculation base. For employees, the social insurance premium calculation base is income from an employment relationship

and from other related relationships, i.e. all types of payments or benefits in kind or their equivalents. In particular, however, it is the base pay, overtime pay, various types of allowances, bonuses and unused annual leave equivalents. Cash benefits incurred for the employee, as well as the value of gratuitous benefits must also be included in some cases. At the same time, the minister of family, labor and social policy stated that in connection with work on the implementation of Directive (EU) 2022/2041 on adequate minimum wages in the EU, the Minimum Wage Act is being analyzed, also with respect to the components included in the minimum wage.



Period of running a business to be included in length of employment

↓ The Ministry of Family, Labor and Social Policy wants to make it possible to include the periods of sole tradership or work on the basis of a commission contract in the length of employment. Among others, length of employment can increase the seniority allowance, jubilee bonus or length of annual leave. Inter-departmental consultations are currently underway.

GUS has published average wage information

↓ According to an announcement published by the President of the Main Statistical Office (GUS) on 22 January 2024, the average monthly salary in the business sector in December 2023 amounted to PLN 8032,96. Whereas the average monthly salary in the business sector in the year 2023 amounted to PLN 7444,39. The announcements were published in the Journal of Laws in items 72 and 73.

Ministry of Finance working on amendments to the Accounting Act

↓ The Ministry of Finance is working on a draft of amendments to the Accounting Act to implement Directi-

ve (EU) 2021/2101. The goal is to prevent multinational groups from transferring profits from one country to another in order to reduce their tax burden.

A requirement will be implemented to publicly disclose income tax reports by country, with so-called tax havens also being listed.

New announcements of consolidated texts in the Journal of Laws

↓ Published in the Journal of Laws, item 61, was an announcement of the Speaker of the Sejm of the Republic of Poland of 16 January 2024 on publishing the consolidated text of the Act on the special rules for terminating employment relationships for reasons not related to employees. Whereas published in item 44 was the Speaker's announcement of 7 December 2023 on publishing the consolidated text of the Act on the occupational and social rehabilitation and employment of disabled persons.

**Contest to co-finance tax remitter's occupational health and safety activities announced by ZUS**

↓ The Social Insurance Office (ZUS) has announced a contest for lifetime employability projects to be performed in 2025 (contest No. 2024.01). The application submission period is from 26 February to 27 March 2024. The objective of the contest is to select projects relating to: improving occupational health

and safety; reducing the adverse effects of risk factors.

**One premium-free month for micro traders**

↓ Micro traders will be exempt from the obligation to pay their own social insurance premiums and Labor Fund and Solidarity Fund contributions for one month per calendar year – provides a government draft bill on so-called ZUS vacations, which is to first become available in the fall of 2024 (paper No. UA1). The draft itself is undergoing consultations, after which it should be sent to the government and then the Sejm. The new rules are to go into effect as of 1 October 2024. [More on this on our website.](#)

**Amount of work disability benefit to change as of March**

↓ Published in item 130 of the Polish Monitor was an announcement of the President of the Social Insurance Office of 14 February 2024 on the monthly amount of the average work disability benefit paid by the Social Insurance Office out of the Social Insurance Fund. As of 1 March 2024 the monthly amount of the average work disability benefit paid by the Social Insurance Office out of the Social Insurance Fund is PLN 2434,44.



## Important interpretations and rulings

CJEU: the right to unused annual leave equivalent cannot be limited

➔ An employee who could not use all of his paid annual leave prior to terminating employment is entitled to a cash equivalent. Member states cannot cite reasons relating to the control of public spending to limit that entitlement – the European Court of Justice has ruled in case number C-218/22. This rule applies when the employer is unable to demonstrate having exercised due care to ensure that the employee could in fact take the annual paid leave to which he is entitled.

No cash register needed when all sales exempt

➔ Where the only sales made by a trader are those that are exempt from the requirement to be recorded on a cash register in accordance with item 37 of an appendix to the decree on exemptions from the requirement to keep records using cash registers, the trader may opt out of recording sales using a cash register and deregister the cash register – indicates an individual interpretation issued on 16 January 2024 (number 0111-KDIB3-2.4012.610.2023.2.KK).

Resuming business activities does not reduce the VAT exemption limit

➔ A trader who resumes suspended business activities is not treated as a taxable person who is starting, but rather as one who is continuing those activities. As a result, the PLN 200 thousand limit that makes the trader eligible for an exemption from value added tax applies to the trader in full, irrespective of the suspension of business activities during the tax year and their subsequent resumption (in the following years). The suspension does not reduce the amount of the VAT exemption

limit – the Director of National Tax Information has found in an individual tax interpretation issued on 18 January 2024 (number 0113-KDIPT1-1.4012.785.2023.1.MG).

No reduced premiums when providing services to former employer

➔ The provisions of the Social Insurance System Act condition the eligibility to pay social insurance premiums on business activities on a calculation base of no less than 30% of the minimum wage on the trader not providing services that are the same as those previously provided (in the current or previous calendar year) as part of an employment relationship to a former employer. The term “former employer” is to be defined as any employer for whom the trader has provided work before, i.e. prior to the start date of the business activities (including an employer with whom the trader has not dissolved an employment contract) – according to an individual interpretation issued by ZUS on 8 January 2024, number DI/100000/43/1184/2023 (decision No. 14).

No ZUS on voluntary severance pay

➔ Voluntary severance pay paid to an employee in connection with terminating employment is not to be included in the social insurance premium calculation base. Thus such severance pay is also not included in the health insurance calculation base – indicates an individual interpretation issued by ZUS on 29 December 2023, case number DI/200 000/43/1178/2023 (decision number 1178/2023). Severance pay, compensation, reimbursements paid to employees upon the expiration or termination of the employment relationship may be excluded from the social insurance calculation base. This exclusion only applies in cases where the severance

pay, compensation, reimbursement is directly and inextricably tied to the expiration or termination of the employment relationship. Termination of employment should be the only reason for the employer's payment of such benefits.

#### **New compensatory benefit threshold as of March**

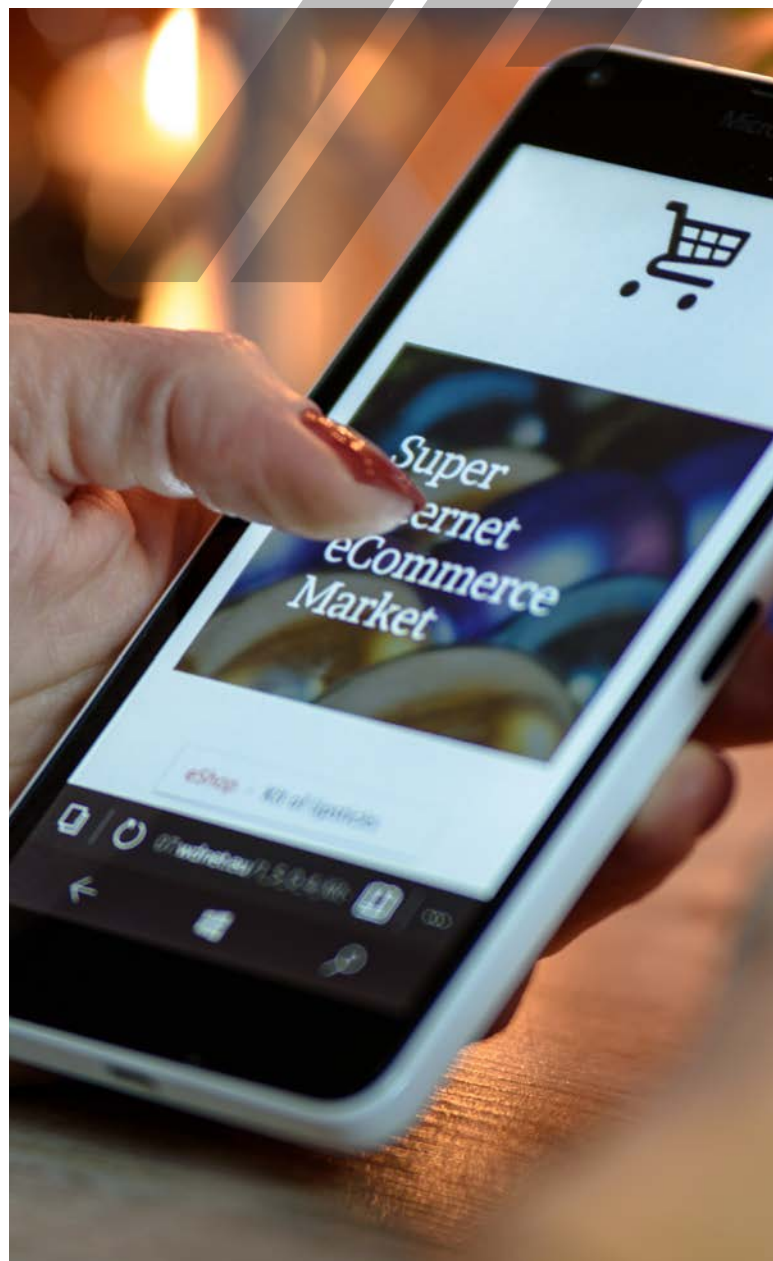
➔ Published in item 124 of the Polish Monitor was an announcement of the President of the Social Insurance Office of 14 February 2024 on the amount of the monthly compensatory benefit threshold. As of 1 March 2024 the monthly threshold that makes one eligible for the compensatory benefit is PLN 3415,50.

#### **New amount of supplementary benefit as of March**

➔ According to an announcement of the President of the Social Insurance Office of 14 February 2024 on the monthly amount of supplementary benefit eligibility, published in the Polish Monitor, item 127, as of 1 March 2024 the monthly threshold that makes one eligible for the supplementary benefit is PLN 2419,33. The supplementary benefit is paid to those who: are not eligible for retirement or disability benefits and are not eligible for any other publicly funded cash benefit, or receive such benefits, but their total gross amount does not exceed the thresholds specified in the regulations.

#### **As of March new limits for pre-retirement benefits**

➔ Published in item 115 of the Journal of Laws was an announcement of the President of the Social Insurance Office of 12 February 2024 on the permissible amount of income, the income limit, as well as the annual permissible amount of income and annual income limit, applied when reducing or suspen-



ding pre-retirement benefits and allowances. It indicates that as of 1 March 2024 the permissible amount of income corresponding to 25% of the average monthly salary in 2023 announced for retirement purposes equals PLN 1788,90 per month; the income limit corresponding to 70% of the average monthly salary in 2023 announced for retirement purposes amounts to PLN 5008,90; the annual permissible amount of income is PLN 21 466,80; the annual income limit amounts to PLN 60 106,80.

## CALENDAR (most important deadlines)

- ✓ Payment of VAT for January 2024
- ✓ Filing of VAT-8, VAT-9M, VAT-12 for January 2024
- ✓ Transmission of SAF\_V7M for January 2024
- ✓ Transmission of SAF\_V7K for January 2024 (record section)
- ✓ Submission of recapitulative statement on VAT EU intra-Community transactions for January 2024
- ✓ Filing by tax representative of VAT-13 for January 2024
- ✓ Reporting of sugar tax for January 2024
- ✓ Reporting of retail sales tax PSD-1 for January 2024
- ✓ Submission to PFRON of documents relating to additional financing of the wages of disabled employees for January 2024



- ✓ Provision to the insured of information for the year 2023 on the data contained in the individual monthly statements prepared for ZUS, broken down by month



- ✓ Provision to taxable person of information on revenue from other sources and on income and income tax advances collected in 2023 (PIT-11)
- ✓ Provision to taxable person of information on certain income from capital gains in 2023 (PIT-8C)
- ✓ Provision to taxpayer of annual tax calculation by a pension authority/ information about income obtained from a pension authority for 2023 (PIT-40A/11A)
- ✓ Filing of declaration on the amount of health insurance premium paid and deducted from the tax card in each month of 2023 (PIT-16A)
- ✓ Provision to the tax office (only electronically) and person with limited tax liability of individual information about revenue (income) earned in 2023 (IFT-1R)
- ✓ Provision (to the taxable person) of information about the amounts paid to the taxable person for the performance of social and civic duties for 2023 (PIT-R)
- ✓ Submission to ZUS of information on the amount of income from gainful employment earned by pensioners and disability recipients in 2023
- ✓ Submission to PFRON by disabled persons who conduct business operations of an application for a refund of pension and disability premiums paid for December 2023
- ✓ Filing of VAT declaration relating to import procedure VII-DO for January 2024

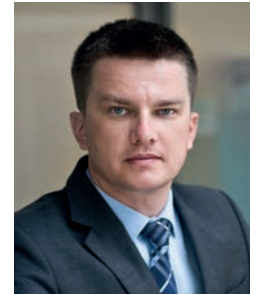


## CALENDAR





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



**PIOTR GRACZ**  
Head of Business Services & outsourcing department

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



- ✓ Filing of INTRASTAT for February 2024



- ✓ Payment of ZUS premiums for February 2024 - remitters with legal personality
- ✓ Payment to PPK
- ✓ Payment of product fee for packaging for 2023



## CALENDAR

MARCH 2024						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

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- ▶ 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.*