

Details of settlement of PIT-38 for 2023

You will find here detailed information on the settlement of PIT-38 for 2023 in the Twój e-PIT service

 17.01.2024

Tax identifier

PESEL is entered by natural persons who did not run business activity or special branches of agricultural production, were not registered for VAT purposes, and were not payers of taxes and social and health insurance premiums.

Please remember:

If you are a foreign national and you are obliged to settle tax in Poland, you should, as a rule, enter your PESEL number.

NIP is entered by persons who conducted business activity or were registered for VAT purposes or were payers (of both social and health insurance premiums and tax, e.g. due to employing an employee).

Tax return correction

You should correct your tax return if:

- it includes accounting errors and obvious mistakes,
- you have completed it contrary to the requirements or want to change the data completed in the previously submitted tax return.

The right to correct a tax return:

- shall be suspended for the duration of a tax procedure or tax control – to the extent covered by this procedure or control,
- shall continue to appertain after the completion of:
 - tax control,
 - tax procedure – to the extent not covered by the decision specifying the tax liability amount. If, in the course of the tax avoidance procedure, you are submitting a corrected tax return, you should also specify the reason for its submission (Article 81b(1a) and (1f) of the Tax Code).

Revenue and tax-deductible expenses

Revenue from PIT-8C information and other revenue

In column b of section C of PIT-38 tax return, you should show revenue:

- a. from PIT-8C information (shown in section D of this information) and
- b. from PIT-8C information (shown in section E), to which Article 19 of the Act of 12 November 2003 amending the Personal Income Tax Act and certain other acts (Journal of Laws No. 202, item 1956, as amended) does not apply;
- c. earned in the territory of the Republic of Poland, where the entity not being a taxpayer was not obliged to complete PIT-8C information;
- d. earned abroad (e.g. from the sale of shares or taking up shares in exchange for an in-kind contribution).

Remember that tax is collected on revenue from:

1. sale of securities;
2. exercise of rights arising from securities;
3. sale of derivative financial instruments and the exercise of rights arising therefrom;
4. sale of shares other than securities;
5. taking up shares in companies or contributions in cooperatives in exchange for an in-kind contribution in a form other than an enterprise or its organized part;
6. sale of virtual currencies.

Revenue from the sale of securities (shares in companies or shares in a cooperative) is generated upon the transfer of the ownership of the securities (shares) to the buyer, therefore revenue is understood as the amounts due – even if these amounts have not been actually received. Revenue due from the exercise of rights arising from securities and revenue from the exercise of rights arising from derivative financial instruments is generated upon the exercise of these rights.

Tax-deductible expenses include:

- expenses for the purchase of a security disposed of against payment (the unit price multiplied by the number of securities)
- and expenses incurred by the taxpayer in the fiscal year for, e.g. for having their account handled by the brokerage house (commissions paid upon the purchase and sale of securities, expenses related to maintaining or opening an account, transfers, depositing securities, etc.). In the case of the sale of shares in a limited company, shares in a cooperative, and securities acquired by the taxpayer by way of inheritance, tax-deductible expenses include the expenses incurred by the testator in order

to take up or purchase these shares and securities. In the case of acquisition of shares in a company, shares in a cooperative or securities by way of donation, the purchase price is PLN 0, and the income from the sale of shares in a limited company, shares in a cooperative, and securities received by way of donation is tax exempt in the portion equivalent to the amount of inheritance and donation tax paid.

You should show in your tax return all expenses related to the revenue listed in PIT-8C information and other expenses incurred to purchase securities. The amount of the expenses is determined based on documents confirming the expenses incurred.

Sale of virtual currencies – Article 30b(1a) of the Act

The sale of a virtual currency is understood as settling other liabilities with this virtual currency or exchanging this virtual currency for:

- a legal tender,
- goods, services or property rights other than the virtual currency.

You are required to show the revenue from and costs of the sale of a virtual currency in your tax return if in 2023 you:

- earned revenue from the sale of a virtual currency,
- incurred tax-deductible expenses in the form of expenses for the purchase of the virtual currency – even if you did not receive any revenue from the sale of the virtual currency in the fiscal year concerned.

Tax-deductible expenses associated with the sale of virtual currencies

Pursuant to Article 22(14) of the PIT Act, tax-deductible expenses associated with the sale of a virtual currency include:

- documented expenses incurred directly for the purchase of the virtual currency,
- and costs related to the sale of the virtual currency, including documented expenses incurred for the benefit of entities referred to in Article 2(1)(12) of the Act on counteracting money laundering and financing of terrorism.

Income earned abroad

Income earned abroad is also subject to taxation. Income is understood as the difference between revenue and tax-deductible expenses. If the tax-deductible expenses are higher than the revenue, you have suffered a loss that you should also show in your tax return. You should convert amounts in foreign currencies into PLN at the average exchange rate announced by the National Bank of Poland **on the last business day preceding the day when the revenue was earned.**

[Currency calculator](#)

Flat-rate tax on revenue (income), including revenue (income) earned abroad

Flat-rate income tax referred to in Articles 29, 30 and 30a of the PIT Act

Flat-rate income tax referred to in Articles 29, 30 and 30a of the PIT Act if this tax has not been deducted by the tax remitter, with the exception of tax referred to in Article 30a(1)(1) – (5) and Article 30a(9) of the Act.

If you earned revenue on which no tax was deducted by the tax remitter, you have to calculate tax yourself. Calculate the amount of flat-rate tax on revenue (income) by multiplying the revenue (income) amount by the flat-rate tax appropriate for the revenue (income) earned, specified in the Act or a double taxation avoidance agreement.

Flat-rate tax calculated for revenue referred to in Article 30a(1)(1) - (5) of the Act

Flat-rate tax calculated for revenue (income) referred to in Article 30a(1)(1) - (5) of the Act, earned abroad:

- from interest on loans (except where lending is part of one's business activity);
- from interest and discount on securities;
- from interest on or other revenue from cash accumulated in the taxpayer's account or in other forms of saving, custody or investing, handled by an entity authorized under other provisions (with the exception of cash associated with the pursued business activity);
- from dividends and other revenue from a share in profits of legal persons;
- from income from participation in equity funds

Tax referred to in Article 30a(9) of the Act, paid abroad

If you obtained the above-mentioned revenue (income) abroad, you have the right to deduct from the calculated flat-rate tax on this revenue (income) an amount equal to the tax you paid abroad. This deduction may not, however, exceed the amount of tax calculated on this revenue (income) at a rate of 19%.

Losses carried forward

In your tax return for 2023, you may show a loss incurred in 2018, 2019, 2020, 2021 or 2022.

A deduction may be made only with respect to losses on revenue taxable in 2018-2022:

on account of the sale of:

- securities,
- borrowed securities (short sale),
- derivative financial instruments and the exercise of rights arising therefrom,
- shares in companies or shares in a cooperative;

on account of taking up shares or contributions in cooperatives in exchange for an in-kind contribution in a form other than an enterprise or its organized part.

Remember! A loss may only be settled as part of the same source from which it was incurred. You may make a reduction in the next five consecutive fiscal years, but the reduction amount in any of these years may not exceed 50% of the loss amount.

The above rule for deducting losses applies to losses incurred until the end of 2018.

If you incurred a loss after 1 January 2019, you have the right, in the fiscal year, to:

- make a one-off reduction in the revenue obtained from this source in one of the next five consecutive fiscal years by an amount of up to PLN 5,000,000 (the non-deducted amount is subject to settlement in the remaining years of this five-year period), but the reduction amount in none of these years may exceed 50% of this loss amount or
- reduce the income obtained from this source in the next five consecutive fiscal years, but the reduction amount in none of these years may exceed 50% of the loss amount

Tax rate – sale of securities

The tax rate is 19%

If you are subject to a limited (resulting from a double taxation avoidance agreement) tax obligation in the territory of Poland, you may apply this tax rate if you document your place of residence for tax purposes with a residence certificate.

Tax rate – sale of virtual currencies

The tax rate is 19%

In the case of persons subject to a limited (resulting from a double taxation avoidance agreement) tax obligation in the territory of Poland, this tax rate may be applied if they document their place of residence for tax purposes with a residence certificate.

Automatic acceptance

PIT-38 tax return for 2023 prepared based on PIT-8C information (data held by the tax administration) will be automatically accepted on 30 April 2024 at 11:59:59 pm if:

- the system includes correctly submitted PIT-8C information;
- you are an adult;
- you have not rejected the tax return prepared for you.

By the deadline for filing the tax return, you are not subject to PIT-38 settlement and your tax return will not be automatically accepted if at least one of the following circumstances occurs:

- the system does not include information from the tax remitter;
- information from the tax remitter available in the system is incorrect;
- you were a minor;
- you have rejected the tax return prepared for you.

Other information

If you file a tax return in electronic form and have a Large Family Card (KDR), you can receive the tax refund faster.

Provide contact details: phone number, e-mail address.

PERSONAL ACCOUNT FOR OVERPAYMENT REFUND

If the tax return shows an overpayment, you may indicate in this section an account other than the one related to the business activity you conduct, to which the overpayment is to be refunded.

You may be the holder or co-holder of the indicated account.

Indicate the first names and surnames of all co-holders of the account.

The indicated account updates the account previously reported to the tax office.