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OUR NEWS

1. New e-mikrofirma app for submitting JPK_VAT files with a tax declaration



From 1 October 2020, a new form of the single control file (JPK_VAT) with a VAT declaration has been introduced, which applies to all active VAT payers. Amended JPK_VAT files with a VAT declaration must be submitted from 25 November 2020.

The Ministry of Finance has provided businesses with free tools enabling them to prepare, sign and send JPK_VAT files with a declaration: a new version of the e-mikrofirma application, the Klient JPK_WEB application and an interactive form. All of these tools are available at www.podatki.gov.pl/jpk-vat-z-deklaracja. Taxpayers will log in using a trusted profile, through electronic identification (e-identity) or via electronic banking.

The current e-mikrofirma application enables users to issue and record domestic invoices, to prepare the VAT register as well as to generate and send files to the tax office. Current users can smoothly switch to using the new version with extended functionalities, thanks to the built-in data import-export option. The new tool will also support the historical JPK_VAT versions in case it is necessary to make any adjustments from earlier periods.

2. Tax regulations included in the Act to Mitigate the Effects of COVID-19

From 9 October 2020, the Act on Amending Certain Acts to Mitigate the Social and Economic Effects of COVID-19 dated 7 October 2020 (Journal of Laws of 2020 item 1747) entered into force. This act includes not only provisions aimed at mitigating the results of COVID-19, but also tax-related regulations. The most important regulations include:

a) From 2021, the amount of VAT will remain at the same level, i.e. 23% as the standard rate and 8% for a selected category of goods and services in accordance with Schedule No 3 to the VAT Act dated 11 March 2004 (Journal of Laws of 2020 item 106 as amended). The new tax regulations came into effect from 9 October 2020.

b) From 1 January 2021, new rates will apply to excise duty on motor fuels, as specified in the Excise Duty Act dated 6 December 2008, and specifically in its Article 89 (consolidated text in the Journal of Laws of 2020 item 722). Certain changes will also affect the rates of the fuel surcharge.

3. Operation of the courts during the COVID-19 restrictions

During the pandemic and lockdown, the courts operations have also been seriously hampered, though the nature and scope differs among specific courts. Administrative courts in Warsaw (the Supreme Administrative Court and the Regional Administrative Court) have been dismissing petitions and referring cases for consideration in closed sessions.

In other courts, such strict restrictions have not been introduced, but there have been special arrangements for admission to the premises, prohibiting entry to bystanders. Additionally, new working hours of the secretarial offices have been introduced and the rules of customer services have been changed. An example of this is in the Warsaw Regional Court, where visitors have only been allowed entry until 2.30 pm.

In 2020, there were a significantly reduced number of hearings. For example, in the Regional Court in Warsaw, there were 1,160 sittings/hearings civil cases, whereas in March 2019, there were 2,863 sittings/hearings, meaning that less than half the number were heard. There were frequent situations where hearings were removed from the Court's docket at the last moment, due to the information about a COVID-19 infection or contact with an infected person. It is estimated that infections and quarantine are the reasons for the absence from work of 10 to 20 per cent of the court personnel throughout Poland.

4. Inspections of businesses in order to verify expenditures relating to funds under the Anti-Crisis Shields

The Polish Development Fund (PFR) has already announced that there will be inspections of businesses who received support under the Anti-Crisis Shields. The inspections will be specifically looking at the information included in application forms for aid. To this end, a special algorithm has been prepared that uses seven different variables to identify businesses to be inspected. The vice-president of the Polish Development Fund has confirmed that more than 100 businesses have already been shortlisted for inspection, and their details have been provided to the National Revenue Administration (KAS). A further 4 thousand businesses are to be included on the preliminary inspection list.

Inspections will specifically concern representations made by businesses in terms of compliance with the information held by the revenue administration and the Social Insurance Institution (ZUS), along with the business status in the context of capital connections. It is worth mentioning that the conditions for receiving support were specifically, a certain drop in revenues, the number of employees and not having any tax arrears. It has been stressed that inspections will concern the information provided by the applicants that was not reviewed upon submission of the application, including the business status, i.e. whether it is a micro, small or medium-sized enterprise.

5. Possibility to work from home during the quarantine

Pursuant to Article 92 § 1(1) of the Labour Code, if an employee is unable to work due to isolation resulting from an infectious disease, they are entitled to receive remuneration for the duration of the sickness, or a sickness allowance or care allowance payable by the payer of social insurance contributions or ZUS. Quarantine due to Covid-19 is considered to be such a case of isolation. Nevertheless, staying in quarantine is not considered to prevent an employee from performing work. Therefore, if an employee works remotely, he or she retains the right to full remuneration while working in isolation. In addition, the employer may order the employee to record the assignments performed, including specifically their description as well as the date and the time of their performance.

The provisions of the Anti-Crisis Shield do not prohibit an employee from working under such circumstances (See: Article 2 of the Act on Special Solutions Related to Preventing, Counteracting and Fighting COVID-19, Other Infectious Diseases and the Resulting Crisis Situations dated 2 March 2020 (Journal of Laws item 374)). Neither the employee nor the employer needs to confirm the fact that work has been performed during the quarantine.

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