

Inheritance

Specific information about tax obligations in relation to successions

When you should pay the tax

If you have received an inheritance whose value exceeds the tax-free amount, you are subject to inheritance and gift tax.

The tax becomes chargeable when:

- a court decision declaring that you have acquired an inheritance becomes final, or
- a deed of certification of succession is registered by a notary,
- an European Certificate of Succession has been issued.

If you declare that you have received an inheritance only at the time of a check by the revenue office or the customs and revenue office, then the tax will become chargeable on the date of this declaration.

The following types of acquisition are subject to taxation in Poland:

- acquisition of property located in Poland,
- acquisition of property rights exercised in Poland.

Important: the acquisition of property located abroad or property rights exercised abroad is subject to taxation in Poland if you were a Polish citizen or your permanent place of residence was located in Poland at the time of opening of the inheritance.

Tax-free amounts

You do not have to pay the tax if the clear value of the inheritance does not exceed the tax-free amount.


The tax-free amount is as follows:

- PLN 9 637 – for persons falling into tax bracket I,
- PLN 7 276 – for persons falling into tax bracket II,
- PLN 4 902 – for persons falling into tax bracket III,

Please note! When calculating the tax-free amount, the market value of your part of the inheritance and the value of the property and property rights that you received from the testator in the 5 years preceding the year in which you acquired the inheritance are added.

Tax brackets

Tax bracket I: spouse, ascendants (parents, grandparents, great-grandparents, persons forming a foster family, running a family-type children's home or working with children in a care and educational centre or a regional care and therapy centre), descendants (children, grandchildren, great-grandchildren, persons who are or were raised in a foster family, a family-type children's home, a care and educational centre or a regional care and therapy centre as referred to in the Act of 9 June 2011 on family support and foster care), stepchild, stepfather, stepmother, siblings, parents-in-law, son-in-law and daughter-in-law;

Tax bracket II: siblings' descendants (e.g. sister's children, brother's grandchildren), parents' siblings (e.g. aunts, uncles), stepchildren's descendants and spouses, siblings' spouses and spouse's siblings, spouse's siblings' spouses, other descendants' spouses (e.g. grand- daughter's husband);

Tax bracket III: other transferees.

Heir's obligations

If the value of the assets acquired exceeds the tax-free amount and you are not eligible for tax exemption, you should submit the SD-3 declaration.

If you acquire an inheritance together with other heirs, you should enclose the SD-3/A document with the SD-3 declaration.

The declaration should be submitted to the competent revenue office.

It should be submitted within one month from the inheritance acquisition date (the date on which a court decision declaring that you have acquired an inheritance becomes final or the date on which a deed of certification of succession is registered by a notary or an European Certificate of Succession has been issued).

You should enclose with the declaration documents confirming:

- **what you have inherited** (e.g. money, car, apartment),
- **the acquisition of the inheritance** (e.g. a court decision),
- **the relationship to the testator** (if it is not confirmed in the court decision),
- **the existence of any debts or charges on the acquired inheritance**, e.g. an excerpt from the land and mortgage register indicating a mortgage, a certificate from the cooperative specifying the amount of debt as at the date of death of the testator, a document confirming that the testator's instructions have been followed or the reserved portion has been paid,
- **expenditure incurred on treatment and care during the testator's final illness**,
- **expenditure incurred on the testator's funeral** (without the costs reimbursed from the death grant).

In the SD-3 declaration, you may include information on the allowances that you would like to benefit from, e.g. a housing allowance.

The amount of the tax

The amount of the tax depends on which tax bracket you are in.

The tax is calculated on the value of the inheritance exceeding the tax-free amount, according to the following scale:

Tax bracket I

Excess in PLN over	Excess in PLN up to	The tax amounts to
	10 278	3%
10 278	20 556	PLN 308.30 and 5% of the excess over PLN 10 278
20 556		PLN 822.20 and 7% of the excess over PLN 20 556

Tax bracket II

Excess in PLN over	Excess in PLN up to	The tax amounts to
	10 278	7%
10 278	20 556	PLN 719.50 and 9% of the excess over PLN 10 278
20 556		PLN 1 644.50 and 12% of the excess over PLN 20 556



Tax bracket III

Excess in PLN over	Excess in PLN up to	The tax amounts to
	10 278	12%
10 278	20 556	PLN 1 233.40 and 16% of the excess over PLN 10 278
20 556		PLN 2 877.90 and 20% of the excess over PLN 20 556

Tax payment deadline

You should pay the tax within 14 days from the date of receipt of the revenue office's decision determining the amount of the tax.

Tax exemption

You are entitled to a total tax exemption if you receive an inheritance from your spouse, children, grandchildren, great-grandchildren, parents, grandparents, great-grandparents, stepchild, siblings, stepfather or stepmother.

Please note! You are not eligible for the exemption if the testator died before 1 January 2007.

You should apply for the exemption to the competent revenue office on form SD-Z2.

You should do this within 6 months from the date on which:

- a court decision declaring that you have acquired an inheritance becomes final, or
- a deed of certification of succession is registered by a notary, or
- a European certificate of succession is issued.

If there are several heirs, each of them submits the SD-Z2 declaration separately.

You may be exempt from the tax regardless of the value of the inheritance received.

You do not submit the declaration if the market value of the inheritance does not exceed the tax-free amount, i.e. PLN 9 637.

Please note! When calculating the tax-free amount, the market value of your part of the inheritance and the value of the property and property rights that you received from the testator in the 5 years preceding the year in which you acquired the inheritance are added.

If you do not submit the SD-Z2 declaration in a timely manner, you will not be eligible for the exemption. In such a case, you will pay the tax on the terms set out for tax bracket I.

Important: if you learn that you have received an inheritance 6 months after the tax becomes chargeable, you may remain exempt from the tax.

In order to exercise the right to remain exempt from the tax:

- notify the head of the revenue office that you have acquired an inheritance within 6 months after receiving information about coming into the inheritance, and
- provide evidence that you learned about the inheritance after this deadline.

Where to submit the declaration

The declaration should be submitted to the competent tax authority.

The competent authority should have jurisdiction over:

1. the real estate if:



1. you have acquired real estate, perpetual usufruct, a cooperative ownership right to a dwelling, a cooperative ownership right to commercial premises, the right to a single-family home in a housing cooperative, the right to a housing contribution in a housing cooperative, rent-free use of real estate or easement, and the real estate is located within the jurisdiction of one head of the revenue office,
2. you have acquired both the real estate or property rights listed in point (a) and other property rights or movable property, and the real estate is located within the jurisdiction of one head of the revenue office.
2. the last place of residence of the testator and, failing that, the last place of stay of the testator (in other cases).

If you cannot determine the jurisdiction, the competent tax authority is **the Head of the Warszawa-Śródmieście Third Revenue Office**.

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