CENTRAL EUROPEAN REVIEW
OF ECONOMICS AND MANAGEMENT

ISSN 2543-9472; eISSN 2544-0365

Vol. 1, No. 3, 107-134, September 2017

www.cerem-review.eu
www.ojs.wsb.wroclaw.pl

# Taxation of agricultural holdings in Poland with personal income tax

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**Abstract:**

**Aim:** The paper deals with the subject of the shift in Poland's form of agricultural taxation from agricultural tax to personal income tax. The author decided to explore this topic since the taxation of agriculture is an important issue from the standpoint of economic practice. In addition, a similar solution exists virtually in all the European Union countries. The research objective of this paper is an attempt to assess the fiscal consequences for the state arising from the change of the agricultural taxation form.

**Design / Research methods:** The paper employs literature research and examines legal acts, as well as conducts empirical simulation. The literature research and that concerned with legislation were aimed at presenting the forms of agricultural taxation in the EU countries and the approaches to taxing agricultural incomes. The empirical simulation of fiscal effects of agricultural taxation in Poland has been carried out in three scenarios: general (using different sample rates), comparing with agricultural tax, and revenues distribution across the state budget and territorial self-government units.

**Conclusions / findings:** The empirical studies conducted for the years 2010-2014 have shown that replacing agricultural tax with income tax would be a good solution for farmers, provided that low tax rates were to be applied. At higher rates, this solution would be unfavorable. At the same time, the replacement of agricultural tax with income tax would benefit the state and regional governments and counties, as their budgets would gain additional tax revenues. On the other hand, the municipal government would benefit with the application of tax rates higher than 10%.

**Originality / value of the article:** In the context of the existing research, the scientific value of the paper consists in the comparison of the amount of agricultural tax receipts with those from the farm income taxation.

*Keywords: agricultural tax, personal income tax, income from agriculture, farming, special branches of agricultural production.*

JEL: G38, H24, H25, H71, K34, Q14

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Received: 07-11-2016, Revised: 18-05-2017, Accepted: 01-06-2017
http://dx.doi.org/10.29015/cerem.325

## 1. Introduction

Over the period of 2010-2014, the income of agricultural holdings in Poland grew from PLN 27 billion to PLN 29.6 billion (GUS [Central Statistical Office] 2011-2015; Nurzyńska, Poczta 2014: 108). The same years saw also an increase in the revenues from the agricultural tax in force, from PLN 969 million in 2010 to PLN 1 654 million in 2014 (BDL [Local Data Bank] 2016). The paper's primary objective is to assess the fiscal implications for the state arising from the agricultural tax reform in Poland.

The change in the tax system in the context of agricultural holdings in Poland is a major issue from the perspective of economic practice. Levying income tax on agriculture could be beneficial for the stakeholders themselves, that is, farmers, as well as the state. Taxation of agricultural income with income tax exists in many EU countries, which the domestic literature finds to be of particular interest. The issue was first touched upon in 1995 by Marian Podstawka. Today, the distinguished authors in this field include: Ryta Iwona Dziemianowicz (2007 and 2013), Roman Kisiel and Katarzyna Idźkowska (2014), and Joanna Pawłowska-Tyszko (2013). Outlining the taxation methods applied to income from farming across different EU countries may prove useful for the implementation of the relevant changes in the Polish legislation.

The paper consists of five parts and a concluding section. The first part presents a general outline of the forms of agricultural taxation across the EU countries applying income tax. In the second part, the agricultural taxation with income tax is presented, as it is exercised in different countries. The third part describes agricultural holdings in Poland. In the fourth part, the agricultural taxation in Poland is characterized, with a particular emphasis being put on agricultural tax and tax on special branches of agricultural production. The fifth part contains the simulation of the fiscal effects arising from replacing the agricultural tax with the tax on farm income. The final part of the paper evaluates the fiscal implications of the new project.

## 2. Forms of agricultural taxation in the EU countries

Tax issues are of major importance for domestic economies across all countries, for taxes represent the main source of raising government revenues. The development of the taxation systems of the EU Member States has been influenced by historical, economic and social factors. Although each of the EU countries has its unique and one of a kind tax system, it is still possible to spot similarities, in particular, between the neighboring EU countries (Krajewska 2012: 202).

In the EU Member States, agriculture is included in the general tax system. In most of those countries, the agriculture sector enjoys specific tax benefits, and not infrequently even a special tax treatment which, for example, results from the specificity of agricultural production. However, those are detailed arrangements which are likely to function within uniform schemes, encompassing also the taxation of the non-agricultural sector. In addition, we need to consider the fact that within the EU, there are countries where farming enjoys a preferential tax treatment (e.g. France). Still, there are also countries where this preferential taxation is limited (e.g. the Chech Republic), or there are no preferences at all with respect to taxing agriculture (Denmark) (Pawłowska-Tyszko 2013: 118).

In the EU countries, agricultural holdings are most commonly liable for tax on agricultural income, property and turnover. The tax burden can, therefore, be split into three groups (Dziemianowicz 2007: 185-186): income taxes (personal and corporate income tax and tax on capital gains), property taxes (on immovable property, income from the property, inheritance and gifts) and consumption taxes (VAT).

Table 1 illustrates the individual taxpayer groups subject to tax on agriculture across the EU countries. Within the EU agriculture, family farms are the dominant group, with the number of legal persons conducting agricultural activity being rather insignificant. This is mainly due to the fact that the tax system in place, which, through particular measures, prefers the agricultural business to be run in the form of a family farm. That is why one of the most important taxes imposed on agriculture is the personal income tax. In the majority of the EU countries, especially those from the old Fifteen, the principle is not to exclude from taxing the agricultural production income (Dziemianowicz 2007: 186). The agricultural income generated by individuals is, thus, treated equally to that generated by non-agricultural activity, being also subject to progressive taxation. For agricultural incomes, the same progressive scale is applicable as for incomes obtained from non-agricultural activities.

**Table 1. Taxation of agriculture in the EU countries (legal state as on 5.05.2017)**

| Country | Income tax | | | Wealth tax | | | Consumption tax |
|---|---|---|---|---|---|---|---|
| | personal income tax | corporate income tax | on capital gains | on inheritance and gifts | on transfer of ownership | other | VAT and excise duty |
| Austria | + | + | – * | – | + | + | + |
| Belgium | + | + | + | + | + | + | + |
| Czech Republic | + | + | + | + | + | + | + |
| Denmark | + | + | + | +/– *** | + | + | + |
| Finland | + | + | – * | + | – | + | + |
| France | + | + | + | + | + | + | + |
| Greece | + | + | – * | + | + | + | + |
| Spain | + | + | + | + | + | + | + |
| The Netherlands | + | + | + | + | + | – | + |
| Ireland | + | + | + | + | + | + | + |
| Luxembourg | + | + | – * | + | + | + | + |
| Germany | + | + | + | + | + | + | + |
| Poland | + | + | + | + | – | + | + |
| Sweden | + | + | +/– ** | – | + | + | + |
| Hungary | + | + | + | + | + | + | + |
| The UK | + | + | – * | + | + | + | + |
| Italy | + | + | + | – | + | + | + |

* included in CIT, ** in corporate income tax, capital gains are included in the income, while individuals pay a separate tax on capital gains, *** transfer tax

Source: self-reported data based on (European Commission 2017; European Commission 2016; Pawłowska-Tyszko 2013; Dziemianowicz 2007; Podstawka 1995).

For taxes on wealth, the countries where there is no tax on inheritance and gifts include: Austria, Sweden and Italy. In Denmark, the tax on inheritance and gifts has the form of a transfer tax, while in Ireland it is in the form of a local fee for capital acquisition. In most of the countries examined, there is a tax burden relating to the transfer of property ownership (with the exception of Finland and Poland). However, in Austria, the Netherlands, Ireland and Sweden it is in the form of a stamp duty, while in Italy of a registration charge. Moreover, in most of the countries in question (the Netherlands being an exception), there are also other fiscal liabilities in agriculture linked to wealth. They usually involve taxes relating to property ownership (buildings and land). In Luxembourg, Germany and Sweden, the tax has been maintained on the property cadastral value, with the first country mentioned using it as a local tax. In several other countries, we can encounter interesting solutions in terms of property taxes. In Austria the object of taxation is the estimated value of property, while in Finland it is the tax value of property. In Ireland, on the other hand, it is a local lump-sum fee for using property that is taxed, whereas in Spain it is determined based on the net wealth value. In other countries, the wealth tax on items of property is based on the property value. In the Chech Republic it is a quasi-cadastral tax, and in the United Kingdom it is exclusively local tax. A fiscal burden which is similar to land tax exists in the Chech Republic, Denmark, Spain and Hungary. In Italy, the tax on financial assets invested abroad is classified as other wealth tax. Polish farmers, apart from property tax, also pay the following taxes: agricultural, forest, means of transport and civil law transactions (Pawłowska-Tyszko 2013: 119).

In all the EU member states examined the consumption taxes (VAT and excise duty) constitute a burden within farming. The tax which is most relevant fiscally is the value added tax (VAT). Its structure is similar across all the EU countries. However, taking a closer look at its details reveals certain differences in terms of: the level and number of tax rates, the list of products covered by individual rates, the list of this tax exemptions and fiscal technique used for registration and accounting for the tax charges.

## 3. Taxation of agriculture with income tax in the selected EU countries

In the EU countries, in terms of the taxation of agriculture, the prevalent type of income tax is personal income tax. This approach to taxing agriculture arises from the dominant role played by family farms in the agrarian structure of the EU countries and, to a lesser degree, by companies of natural persons or partnerships. The Chech Republic somewhat differs in this respect, since there cooperatives and limited liability companies (legal persons) play a substantial role. In Poland, the most crucial role in the taxation of agriculture is played by the agricultural tax, which is not related to tax charges of the income nature – this will be further expounded in point 5. Moreover, in most of the EU member states there is a separate tax on capital gains, to which farmers are also subject. Only in Austria, Greece, Finland, Luxembourg, Portugal, Sweden and the UK capital gains are included in the income tax levied on legal persons. In France, on the other hand, capital gain tax is in the form of a lump-sum capital fee (Pawłowska-Tyszko 2013: 119).

Table 2 shows personal income tax rates in the taxation of agriculture in 2016. The presentation and description of the methods employed for taxing farm income in different EU countries displays a broad spectrum of solutions that could also be applied in Poland.

In the case of income tax levied on farms the key is the method to determine the taxable amount. There are two methods used to this end: estimation method and real method. The estimation method (estimated income) consists in estimating income from the farm. In using this method farmers are not required to keep accounting books, or they keep simplified accounts. This system exists, for example, in France, Austria and Germany. The real method (income-based), meanwhile, involves the determination of taxable amount on the basis of the actual income generated by a farm and resulting from the accounting book records. In using this method, farmers are required to keep complete account records (just like enterprises). This situation is especially common in the Netherlands (Podstawka 1995: 27-29).

The Austrian personal income tax refers to income obtained by persons running a farm. The income generated by farming is subject to a progressive tax scale. The progressive rate level is dependent on the amount of income and the tax bracket it is classified in (European Commission 2017). In 2016, the tax rates levied in Austria ranged between 0% and 55%.

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**Table 2. Income tax rates in agriculture in the EU countries in 2016 (legal state as on 5.05.2017)**

| Country | Tax rates |
|---|---|
| Austria | 25-50% |
| Belgium | 25-50% |
| Bulgaria | lump-sum at 10% |
| The Czech Republic | flat rate at 19% (CIT) and 15% (PIT) |
| Denmark | 25.6% |
| Finland | 6.5-31.75% |
| France | 14-45% |
| Greece | 22-42% |
| Spain | 19-45% |
| The Netherlands | 36.55-52% |
| Ireland | 20 and 40% |
| Luxembourg | 0-40% |
| Germany | 14-45% |
| Poland* | 18% and 32% |
| Sweden | 20% and 25% |
| Hungary | 15% |
| The UK | 20-45% |
| Italy | 23-43% |

*In Poland, only special branches of agricultural production are covered by personal income tax. Other farm income is covered by agricultural tax.

Source: self-reported data based on (European Commission 2016; European Commission 2017).

In Belgium, the income generated by farms is determined using the real method (keeping complete accounting records) or the estimation method (no accounting records – so called – unit appraisal method of valuation). The method employed to determine income is dependent on the taxpayer's choice. The income is made up of the revenue arising from the farm less the farm's expenses. It is subject to taxation according to general arrangements while applying the progressive scale with rates ranging between 25-50% (in 2016). In addition, Belgian farmers can apply for a variety of tax credits, such as, e.g. child tax relief, investment tax relief, yet they are not allowed to transfer losses onto subsequent fiscal years (Dziemianowicz 2013: 51-52).

For many years, the tax system applied in Bulgaria to income from agricultural activity was the most attractive from the taxpayers' point of view, compared to all the tax systems existing across the EU countries. In the first place, income (including that from farming – if it is subject to taxation) is taxed according to a 10%-lump sum rate. This is the lowest tax on income in the whole European Union. In addition, until 2009, the income from farming was almost entirely exempted from income tax. The only exception being the cultivation of ornamental plants. As a result of the amendment of the personal income tax legislation incomes from farming have largely been included within the taxation scope in Bulgaria (Bieluk 2014).

In the Czech Republic, corporate income tax is of crucial relevance to the taxation of agricultural holdings with income tax. This arises from the fact that 75% of the utilized agricultural land is owned by cooperatives of legal persons. The income generated by farming is determined on the basis of accounting books, it being the difference between revenue and tax deductable costs – taxable at a 19%-tax rate. However, natural persons running a farm can tax their income using a 15%-PIT rate. The income generated by a family farm can be determined using the estimation method, but only provided that the payer of the personal income tax is neither a member of a cooperative nor a VAT payer, and he/she runs exclusively a family farm (Pawłowska-Tyszko 2013: 101-104).

In Denmark, there are no preferences with respect to the taxation of farming. Natural persons' income from agricultural activity is taxed according to identical tax rules as those applied to income coming from other sources. The only convenience granted to farmers is no requirement to keep accounting records by persons whose farms are either smaller than 15 hectares or their income does not exceed EUR 23 522 (Pawłowska-Tyszko 2013: 115).

The Finnish taxation system applied to private income provides for two taxable categories, income from labor and from capital. For farming, 80% of income burdened with the progressive tax scale (the top rate was at 31,5% in 2016) is subject to personal income tax. The other 20% is treated as income on capital, being taxed at a 30%-tax rate in 2016 (up to EUR 30 000) or 34% (in excess of EUR 30 000). However, a taxable person can apply to have the tax bracket lowered from 20% to 10% (European Commission 2016: 90).

In France, natural persons can account for their income from farming in three ways. First, estimate income based on a lump-sum tax. Second and third, real income based on a simplified tax or according to general arrangements, respectively. The vast majority of farmers uses the lump-sum taxation. The lump-sum tax can be applied by farmers whose average annual revenue over the last two years has not exceeded EUR 76 300. Moreover, the simplified tax form is used by those farmers whose income over the last two years has been more than EUR 76 300, yet has not exceeded EUR 350 000. Farmers are required to keep simplified accounting records. The revenue from an agricultural business exceeding on average EUR 350 000 over the last two years is subject to taxation under general arrangements and in this case complete accounting records must be kept (European Commission 2017; Pawłowska-Tyszko 2013: 49-60).

The tax system applied to farmers in Greece does not depart from the solutions in place in other EU countries; owners of agricultural holdings are required to pay income tax. The amount and type of the tax is dependent on the amount of income generated in a given fiscal year and on the income source, too. The Greek legislation cites six categories (A-G) of income which are taken into account while determining the taxable amount: on property (A,B), on moveable property investment (C), on economic activity (D), on agricultural and forestry activity (E), on employment (F), on liberal professions and other (G). Taxpayers generating revenue from farming are taxed based on progressive tax rates, ranging between 22% and 42%. Farmers are also entitled to tax deductions, such as the first and second child tax relief (Kisiel, Idźkowska 2014: 68).

Spanish farmers can determine their taxable income in three ways. The first way involves taxing real income resulting from the accounting books (revenue less the documented evidence of expenses). This way is applied by agricultural holdings whose annual turnover exceeds EUR 600 000, with other farms also having the possibility of using this alternative. According to the second approach, farms whose turnover does not exceed EUR 600 000 apply the estimation method. According to the third way, the taxable income is determined using coefficients. This form of taxation may be used by farmers whose annual turnover generated by their economic activity does not exceed EUR 450 000, including that from farming at EUR 300 000, or the value of materials and goods sold by them does not exceed EUR 300 000. The application of the simplified method must be continuous for the period of at least three years (Pawłowska-Tyszko 2013: 63-65).

In the Netherlands, farm income represents revenue less tax deductable costs. Farmers determine their income according to the real method on the basis of their accounting books. This income is taxed using tiered progression, which means that only revenue surplus is taxed above the upper limit of the previous range. In the Dutch tax system, tax reliefs pertaining to amortization and investments play an important role for agricultural activity. In addition, selling an agricultural holding is tax exempted. Moreover, farmers can deduct losses from future revenues within the term of three years (Pawłowska-Tyszko 2013: 96-98; Dziemianowicz 2013: 52).

In Ireland, in order to determine income tax from farming it is necessary to keep simplified accounts, and thus the income is determined using the real method. The income from agricultural activity is subject to simplified progression with two rates at 20% (up to EUR 33 800 – a single person or 42 800 for a couple) and a 41%-rate (above EUR 33 800 – a single person or 42 800 – a couple). There exists a number of tax reliefs which farmers may use. They can lower their taxable income by the amount of expenditures incurred to purchase farm buildings (but not residential buildings). In addition, owners of agricultural holdings can enjoy tax relief for telecommunication services, or a credit and loan tax relief (European Commission 2016: 115).

In Luxembourg, natural persons generating income from an agricultural holding are subject to personal income tax. Income is subject to a progressive tax scale (the highest rate was at 40% in 2016). The farm owners are allowed to make deductions from their income (European Commission 2017).

In Germany, income from farming is determined using either a real or estimation approach. This is dependent on the form in which an agricultural business is run and the amount of profit thus generated. The income is taxed according to a progressive tax scale ranging between 14% and 45%. Farmers may use many tax privileges such as, for example, a lower rate while selling or liquidating the farm (15% instead of 56%), as well as the possibility to apply accelerated depreciation of machinery (European Commission 2017; Pawłowska-Tyszko 2013: 31-49).

In the Swedish tax system, income obtained from running a farm is subject to personal income tax. Income generated by agriculture is taxable at a progressive scale (the highest rate in 2016 was at 25%). Besides the state income tax, natural persons also pay income tax to municipalities (municipal tax). The amount of the municipal tax is determined by local authorities, but it is agreed that the richer the municipality the lower the local tax rate on income (European Commission 2016: 184-185).

In Hungary, special tax privileges are enjoyed by farmers running a traditional farm on a small scale. If their annual income does not exceed EUR 2 000, then they do not have to keep detailed accounts. Their income may be taxed according to one of the three forms (depending on the income amount):

- annual income in excess of EUR 2 000 but below EUR 13 300 less at least 20% of tax deductable costs – farmers who do not earn income from other sources can make declaration specifying annual tax income, with particular emphasis put on the fact that they did not generate any income by agricultural activity during the tax year, which means that they do not pay the tax;
- income within the range between EUR 13 300 -26 600 in a given tax year – then the income is calculated on the basis of the lump-sum determination of expenses at 40% of revenue, yet this amount may not exceed EUR 4 000;
- income exceeding EUR 26 600 is taxable at 6% (livestock production) or 15% (crop production) – lump-sum taxation is not available (European Commission 2017; Pawłowska-Tyszko 2013: 110).

In the United Knigdom, income from agricultural activity is determined using the real method. Farmers are not required to keep complete accounting books, yet for tax purposes, they provide a simplified account of profit and loss. In the UK system of taxation, agriculture is not allowed to be classified as tax deductible costs of depreciation write-offs. On the other hand, much importance is given to investment tax reliefs, e.g. to purchase some machinery and equipment, and construction of farm facilities of special purpose. Moreover, there are income tax exemptions for agriculture. For example, such exemption applies to selling agricultural land (Pawłowska-Tyszko 2013: 79-85).

With respect to personal income tax, the Italian legislator provides for six categories of taxable income (with each category having its own rules for the determination of the tax base). Income from agriculture has been defined as income from owning agricultural real estate, with the basis for tax calculation being the so called cadastral value of land and income which encompasses: agricultural income (i.e. income generated by agricultural production), land income (i.e. income generated by the land ownership, specified on the basis of the soil quality). The agricultural production includes cultivation of land, mushrooms, cultivation and production of wood if they represent at least 25% of the production, and at least 50% of the farm revenue. The owner of an agricultural holding generates both agricultural income and land income. If in a given tax year the land is not cultivated, with the income to be taxed at the end of the year being less than 30% of the estimate income, this income equals zero for tax purposes (Goraj, Neneman, Zagórski 2014: 58-61).

## 4. The situation of Polish agricultural holdings over the period of 2010-2014

The analysis of Polish agricultural holdings over the period of 2010-2014 was based on the size of utilized agricultural land, number of farms, farm income and population, as well as the average buying-in price of rye. Table 3 presents the area of the utilized agricultural land and the number of farms over the years 2010-2014.

**Table 3. Total area of utilized agricultural land and the number of agricultural holdings in Poland over 201-2014**

| Description | | Agricultural holding size in ha | | | |
|---|---|---|---|---|---|
| **Category** | **Year** | **up to 1** | **from 1 up to 10** | **from 10 up to 50** | **above 50** |
| **Land utilization in ha** | 2010 | 540 943 | 5 689 051 | 6 711 131 | 5 128 648 |
| | 2011 | 527 458 | 5 780 884 | 6 685 625 | 4 751 553 |
| | 2012 | 76 530 | 5 484 453 | 6 674 000 | 4 868 833 |
| | 2013 | 51 176 | 4 983 170 | 6 590 949 | 4 862 190 |
| | 2014 | 47 746 | 4 876 441 | 6 556 812 | 4 826 318 |
| **Number of agricultural holdings** | 2010 | 24 876 | 1 136 683 | 320 565 | 27 024 |
| | 2011 | 38 163 | 1 261 496 | 330 513 | 26 529 |
| | 2012 | 21 450 | 1 108 291 | 318 940 | 29 170 |
| | 2013 | 34 375 | 1 048 067 | 314 744 | 31 820 |
| | 2014 | 31 383 | 1 028 621 | 319 966 | 33 058 |

Source: self-reported data based on (GUS [Central Statistical Office] 2011-2015)

Over the years under study, there was a decrease in the area of agricultural holdings in each size category. The largest area of the utilized agricultural land was recorded in total for farms covering from 10 and up to 50 hectares, which totalled 6.5 million ha. Moreover, the smallest area of land in total was covered by farms up to 1 ha size, where in 2010 it totaled over 0.5 million ha, but since 2012 – less than 0.1 million ha. Such a huge decline in the utilized land area was due to the fact that owning a farm of less than 1 ha in size proved to be unprofitable for some farms. Meanwhile, some of the agricultural holdings are likely to have swapped their utilized land from agricultural to construction land. For all agricultural holdings, regardless of their size, the largest proportion of the utilized land was made up of utilized agricultural land (for farms bigger than 1 ha, it represented 80%), while the size of forests and woodland, and other land stayed at a similar level.

At that time the highest number of agricultural holdings covered an area between 1 and 10 ha (over 1 million). The second were farms whose area was between 10 and 50 ha, with the number of agricultural holdings bigger than 1 ha and those above

50 ha being similar and ranging between 20 and 40 thousand. Such a huge number of farms whose area ranged from 1 up to 10 ha arose from the fact that in Polish agriculture family farms of a small area are prevalent. However, over the examined period, a fall in the number of farms can be observed whose area ranges between 1 and 10 ha, and an increase in those with an area of up to 1 ha and above 50 ha. The decreasing number of agricultural holdings covering an area of 1 up to 10 ha was likely to be due to the fact that the young left for big cities or went abroad in search of work. As a result, there were no successors to the land farmed by their parents. Moreover, the increase in the number of farms whose area was over 50 ha arose from the fact that an ever greater number of Polish farmers started modernizing their farms so as to be able to compete on the Polish market, as well as against European farmers from the EU countries. For all the size categories of agricultural holdings, individual farms represent the vast majority, accounting for over 99% of the total within the first three categories. With respect to agricultural holdings of over 50 ha, individual holdings also dominate, for they account for 89% of the total, with the other 10% being made up of farms which are run as an agricultural enterprise or cooperative. Table 4 presents data on population and farm income.

The population living in the countryside accounts for approximately 40% of Poland's total population, but only little more than 15% works in agriculture. The vast majority is employed in individual agricultural holdings (over 97%), with less than 3% being members of agricultural production cooperatives. Over the years in question, both the countryside population and those employed in agriculture slightly increased. The agricultural income grew from PLN 27 billion in 2010 to PLN 29.6 billion in 2014. However, since 2012 the income generated by farming fell year by year. In general, this fall was caused by a decrease in the number of agricultural holdings. The income generated by agriculture accounts for less than 0.1% of the total income.

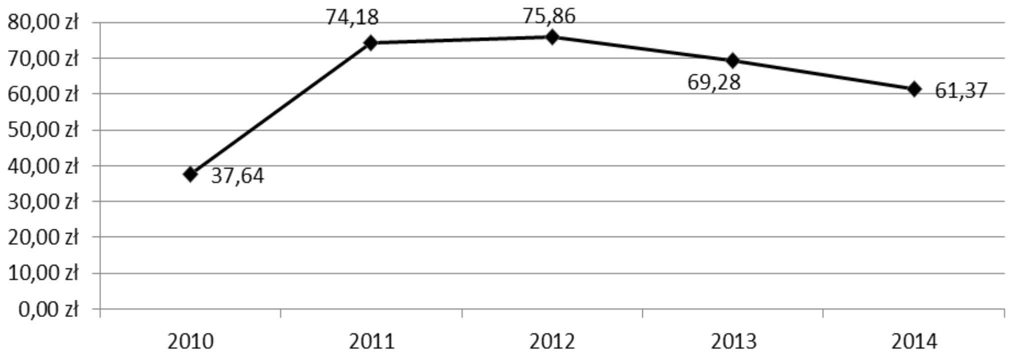
Over the analyzed years, the amount of average income per farm increased from over PLN 17 thousand in 2010 up to nearly PLN 21 thousand in 2014. This growth was caused by increased agricultural income while there was only a slight change in the number of agricultural holdings. Moreover, with respect to the average income per 1 person employed in agriculture, an increase was recorded from PLN 11 thousand in 2010 up to over PLN 12 thousand in 2014. In 2011, the average income per 1 person employed in agriculture exceeded PLN 14 thousand and this value kept falling until 2014. The reason for this fall was mainly a declining value of income from farming, while there was a very slight change in the number of people employed in agriculture. Chart 1 presents the average buying-in price of rye in Poland over 2010-2014

**Table 4. Data on population and incomes over the period of 2010-2014**

| Description | | Years | | | | |
|---|---|---|---|---|---|---|
| Category | | 2010 | 2011 | 2012 | 2013 | 2014 |
| **Population in million** | total | 38 530.00 | 38 538.00 | 38 533.00 | 38 496.00 | 38 479.00 |
| | in the countryside | 15 101.00 | 15 153.00 | 15 197.00 | 15 238.00 | 15 262.00 |
| | employed in farming | 2 326.20 | 2 325.10 | 2 325.70 | 2 326.70 | 2 331.40 |
| **Income in million of PLN** | total | 897 905.00 | 941 769.00 | 991 872.00 | 1 007 431.00 | 1 033 800.00 |
| | from farming | 27 000.00 | 32 900.00 | 30 300.00 | 30 100.00 | 29 600.00 |
| **Average income in PLN** | per farm | 17 890.89 | 19 858.74 | 20 502.74 | 21 063.59 | 20 947.82 |
| | per 1 person employed in farming | 11 606.91 | 14 149.93 | 13 028.34 | 12 936.78 | 12 696.23 |

Source: self-reported data based on (GUS 2011-2015; Nurzyńska, Poczta 2014: 108).

**Chart 1. The average buying-in price of rye over the period of 2010-2014**




Source: self-reported data based on (GUS 2010–2014).

Over the course of the years under study, the average buying-in price for rye grew from PLN 37.64 for 1 dt[1] in 2010 to PLN 61.37 in 2014. Moreover, between 2011-2012, the average buying-in price of rye was PLN 74 for 1 dt, and in 2013 it was still over PLN 69 for 1 dt. It needs to be pointed out that for the years between 2010 and 2012 the average buying-in rye price used to be announced by the President of Central Statistical Office for the first three quarters of a given year. Since 2013, however, the average buying-in price of rye was given for 11 quarters before the quarter preceding a given tax year. The average buying-in price of rye is an important factor having impact on the economic situation of agricultural holdings, for it is the basis for determining the amount of agricultural tax that will have to be paid.

## 5. Taxation of agriculture in Poland

In Poland, agricultural activity is taxed mainly by agricultural tax. The tax on income from agriculture, on the other hand, confines itself only to so called special branches of agricultural production[2]. These branches make up a marginal percentage of agricultural activity. That is why the tax on those incomes is of very minor fiscal relevance, both in terms of the tax burden levied on individuals as well as government revenues (Janczukowicz 2015: 345). Thus, we can say that farmers are

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[1] 1 dt (decotonne) = 0,1 tonne= 1 quintal = 100kg

[2] The special branches of agricultural production, according to the provisions of law are (Act of 16 July 1991: Attachment 2, Act of 15 February 1992: Attachment 2): crops grown in heated and unheated glasshouses of an area of over 25m$^2$ , crops grown in heated plastic tunnels of an area of over 50m$^2$, mushroom growing and mycelium – above 25m$^2$ of the cultivated area, slaughter poultry – exceeding 100 animals (chickens, geese, ducks, turkeys), poultry for laying of more than 80 (table use and laying hens, geese, ducks, turkeys in reproductive stocks and hens for production of eggs for consumption), poultry incubators (chickens, geese, ducks, turkeys), fur animals (foxes and raccoon dogs, minks, polecats, chinchillas, coypu and rabbits of over 50 females in the livestock), laboratory animals (white rats and mice), silkworms (cocoon production), apiaries of over 80 families, in vitro cultivation of plants, growing entomophagy, earth-warm-farming, running nurseries and other stock farming outside the farm (more than 5 cows, more than 10 calves, bovine for slaughter of more than 10, with the exception of fattened animals, more than 50 pigs for fattening, more than 50 piglets; running nurseries and sheep farming of more than 10, more than 15 sheep for fattening, horses for slaughter or breeding, aquarium fish cultivation in an aquarium larger than 700dm$^3$, rearing of pedigree dogs or cats)

the only socio-professional group whose income, regardless of the amount, is not subject to the income tax.

The agricultural tax applies to agricultural land which is classified in the land and building register as utilized agricultural land, with the exception of land used for other than agricultural activity. The tax is paid by landowners, independent possessors of land, perpetual usufructuaries of land and possessors of land which is owned by the State Treasury or by a local government unit (Act of 15 November 1984, Articles 1 and 3). The tax base for farm land is made up of the number of comparative fiscal hectares determined based on the area size, type and class of the utilized agricultural land and what fiscal region the holding belongs to or the number of hectares of other land. For other hectares, the taxable amount is the real number of hectares recorded in the register. The number of fiscal comparative hectares is determined after converting the hectares using the conversion rates shown in Table 5.

**Table 5. Conversion rates of real hectares into fiscal comparative hectares**

| Types of utilized agricultural land | Arable land | | | | Grassland and pasture | | | |
|---|---|---|---|---|---|---|---|---|
| Fiscal districts | I | II | III | IV | I | II | III | IV |
| Classes of utilized agricultural land | Conversion rates | | | | | | | |
| I | 1.95 | 1.80 | 1.65 | 1.45 | 1.75 | 1.60 | 1.45 | 1.35 |
| II | 1.80 | 1.65 | 1.50 | 1.35 | 1.45 | 1.35 | 1.25 | 1.10 |
| IIIa | 1.65 | 1.50 | 1.40 | 1.25 | - | - | - | - |
| III | - | - | - | - | 1.25 | 1.15 | 1.05 | 0.95 |
| IIIb | 1.35 | 1.25 | 1.15 | 1.00 | - | - | - | - |
| IVa | 1.10 | 1.00 | 0.90 | 0.80 | - | - | - | - |
| IV | - | - | - | - | 0.75 | 0.70 | 0.60 | 0.55 |
| IVb | 0.80 | 0.75 | 0.65 | 0.60 | - | - | - | - |
| V | 0.35 | 0.30 | 0.25 | 0.20 | 0.20 | 0.20 | 0.15 | 0.15 |
| VI | 0.20 | 0.15 | 0.10 | 0.05 | 0.15 | 0.15 | 0.10 | 0.05 |

Source: self-reported data based on the Act of 15 November 1984; Article 4

The tax on utilized agricultural land is, on an annual basis, at the equivalent of 2.5 quintal[3], while on other land it is 5 quintals of rye, calculated according to the average buying-in price of rye for the first three quarters of the year preceding the tax year (Act of 15 November 1984; Article 6). This tax is to be paid in installments proportionate to the duration of tax liability within the deadlines of 15 March, 15 May, 15 September and 15 November of the fiscal year.

Within the agricultural tax, the legislator provided for a number of exemptions with the most important being the following: utilized agricultural land of class V, VI and VIz, and woodland and scrubland established on utilized agricultural land, land allocated for a new agricultural holding or the enlargement of the already existing one whose area does not exceed 100 ha, land created by wasteland development within 5 years since the year following the development, utilized agricultural land subject to drainage whose crops got destroyed as a result of the drainage work.

The legislator also provided for investment tax relief within the agricultural tax for expenditures incurred owing to: building and modernization of livestock buildings, purchase of irrigation systems, drainage equipment and devices for producing energy from renewable resources. This tax relief is granted after the investment has been completed and it involves subtracting the amount equal to 25% of the documented investment from the agricultural tax levied on the land located within the municipality where the investment has been made. This kind of relief can be applicable up to maximum of 15 years. Other tax reliefs provided for under the Act on Agricultural Tax include e.g. tax reduction by 30% on land located in foothills towns for the I-IIIb classes, and by 60% for IVa-IVb classes (Act of 15 November 1984, Articles 13 and 13b).

In Poland, the majority of agricultural enterprises is in the form of individual agricultural holdings, which means that their activity is similar in nature to that conducted by natural persons. Personal income tax is regulated by the Act on Personal Income Tax of 26 July 1991. However, Article 2 of this act specifies that its provisions do not apply to income generated by agricultural activity, the only exception being the special branches of agricultural production. No tax is, therefore, levied on the income from an agricultural holding (with the exception of income

[3] Quintal (q) = decitonne = 100 kilograms

generated by the special branches of agricultural production), whatever its amount. Larger agricultural holdings which are in the form of enterprises with special agricultural production are subject to corporate income tax (Act of 15 February 1992, Article 2). With respect to legal persons running special branches of agricultural production, their income is taxed according to general arrangements set forth in the provisions on corporate income tax. Thus, the taxation of their income is no different from that of the income generated by a non-agricultural activity (Janczukowicz 2015: 346). This is the reason why the description of the special branches of agricultural production focuses on natural persons.

The Act imposes tax obligation on those holdings and so there must be a way to determine the tax base. An agricultural holding can keep accounting records (accounting books, revenue and expenditure ledger) and then the tax income is the difference between revenue and tax deductable costs. For raising livestock, the income is increased by the value of livestock growth at the close of the tax year compared to its beginning and is reduced by the value of livestock losses over the year. If no accounting records are kept, the taxable income is determined based on the estimates for the activity type concerned, as set forth in the Attachment No 2 to the Act (Act of 16 July 1991, Article 24). The income thus calculated is taxable according to the tax scale applicable in the year concerned (18% or 32%), or to a 19%-flat-rate (Act of 16 July 1991, Articles 27 and 30c).

With Poland’s accession to the European Union, there also emerged a production quota system, e.g. milk quotas. The provisions of personal income tax (Act of 16 July 1991, Article 10) specify that the sales of quotas does not constitute revenue from agricultural activity, but from the sales of property right in exchange for payment. A separate issue is the income generated by leasing a farm, special branches of agricultural production or their individual components, for the same article specifies that the revenue from the lease of those elements is a taxable revenue source only when they are used by the leaseholder for non-agricultural purposes or special branches of agricultural production. If the leaseholder, on the other hand, uses them agriculturally, they do not represent the source of revenue from letting or leasing, and as such are not liable to taxation. The same counts for production quotas; if they are used within the agricultural activity, they do not constitute the leaseholder's revenue to be taxed.

The legislator provided for a variety of tax reliefs with respect to personal income tax (Act of 16 July 1991, Article 21), of which the most important for agriculture is the exemption from tax on: revenue obtained from sales of the entire or a portion of an agricultural holding (this exemption, however, does not apply to sales of land which thus loses its agricultural nature), income generated by renting rooms and providing meals to guests within agritourism business (if the number of rooms to be let does not exceed five), grants, subsidies, additional payments, free or partially free benefits received from the state budget, governmental agencies, local self-government units or international organizations for the purposes relating to the agricultural activity, and income from selling plant or livestock products from the taxpayer's own cultivation and stock farming (which are not part of the special branches of agricultural production), processed industrially if the processing involves plant products pickling, milk processing or slaughter and carcass processing of animals intended for slaughter (within this cutting, break-down and classification)

## 6. Poland's taxation of farm income with personal income tax

What appears to be in favor of retaining the agricultural tax is its easy structure in terms of the tax charge calculation, tax collection or the number of tax reliefs or exemptions. On the other hand, replacing it with the personal income tax is supported by the fact that farmers could make the same tax deductions as natural and legal persons (e.g. deducting losses of the previous years), reducing income by tax deductible costs. Moreover, a variety of tax reliefs and exemptions in the context of the agricultural tax could be moved to the provisions pertaining to the income tax. Replacing agricultural tax with the tax on income from agricultural holdings would bring about far reaching fiscal effects. The simulations of these effects was carried out using three scenarios:

1) general, applying different illustrative tax rates;

2) comparison with agricultural tax;
3) tax revenue break-down by self-government budgets and state budget in 2014

**Table 6. The amount of tax on farm income over the period of 2010-2014**

| Tax rate | Income tax | The amount over the years | | | | |
|---|---|---|---|---|---|---|
| | | 2010 | 2011 | 2012 | 2013 | 2014 |
| 5% | Total in PLN million | 1 350.00 | 1 645.00 | 1 515.00 | 1 505.00 | 1 480.00 |
| | Average per agricultural holding | 894.54 | 992.94 | 1 025.14 | 1 053.18 | 1 047.40 |
| 10% | Total in PLN million | 2 700.00 | 3 290.00 | 3 030.00 | 3 010.00 | 2 960.00 |
| | Average per agricultural holding | 1 789.09 | 1 985.87 | 2 050.27 | 2 106.36 | 2 094.79 |
| 18% | Total in PLN million | 4 860.00 | 5 922.00 | 5 454.00 | 5 418.00 | 5 328.00 |
| | Average per agricultural holding | 3 220.36 | 3 574.57 | 3 690.49 | 3 791.45 | 3 770.63 |
| 19% | Total in PLN million | 5 130.00 | 6 251.00 | 5 757.00 | 5 719.00 | 5 624.00 |
| | Average per agricultural holding | 3 399.27 | 3 773.16 | 3 895.52 | 4 002.08 | 3 980.11 |
| 32% | Total in PLN million | 8 640.00 | 10 528.00 | 9 696.00 | 9 632.00 | 9 472.00 |
| | Average per agricultural holding | 5 725.08 | 6 354.80 | 6 560.88 | 6 740.35 | 6 703.33 |

Source: self-reported data based on GUS 2011–2015; Nurzyńska, Poczta 2014: 108

The simulation was based on the following assumptions:

1) in calculations, the average income per one agricultural holding was used on the basis of the farm income amount in Poland over the period of 2010-2014;
2) the amount of receipts from the agricultural tax is based on the data pertaining to incomes obtained from the agricultural tax by municipalities and cities with poviat rights, as cited by the Local Data Base over 2010-2014;
3) the distribution of revenues obtained from agricultural tax and from levying tax on incomes generated by agriculture was done by the percentage break-down included in the Act of 2003 on Income of Territorial Self-Government Units.

Table 6 demonstrates the simulation of the amount of the tax on farm income in Poland over the period of 2010-2014.

Total revenues from levying tax on farm income over the years under study recorded an upward trend. The highest amount of the tax revenues was with a 32%-tax rate (which is the rate for personal income tax) and ranged between PLN 8,5 billion and PLN 10.5 billion, The lowest total farm income tax, meanwhile, would be at a 5%-tax rate, ranging from over PLN 1.35 billion to over PLN 1.6 billion. According to the calculations, 2011 would see the highest amount of tax revenues obtained from agriculture, with the subsequent years seeing declined revenues. This substantial increase in the income tax in 2011 is caused by a major increase in agricultural holdings, as well as agricultural production compared to the previous year. Moreover, the decline recorded over the subsequent years is mainly due to a fall in the number of farms in Poland. Table 7 compares the amount of revenues from the agricultural income tax at different tax rates.

**Table 7. Comparison of revenues from agricultural tax with agricultural income tax over the period of 2010-2014**

| Type of tax | | Amount in PLN million | | | | |
|---|---|---|---|---|---|---|
| | | **2010** | **2011** | **2012** | **2013** | **2014** |
| **Agricultural tax** | | 989.00 | 1 062.00 | 1 546.00 | 1 665.00 | 1 654.00 |
| **Income tax** | **5%** | 1 350.00 | 1 645.00 | 1 515.00 | 1 505.00, | 1 480.00 |
| | **10%** | 2 700.00 | 3 290.00 | 3 030.00 | 3 010.00 | 2 960.00 |
| | **18%** | 4 860.00 | 5 922.00 | 5 454.00 | 5 418.00 | 5 328.00 |
| | **19%** | 5 130.00 | 6 251.00 | 5 757.00 | 5 719.00 | 5 624.00 |
| | **32%** | 8 640.00 | 10 528.00 | 9 696.00 | 9 632.00 | 9 472.00 |

Source: self-reported data based on BDL 2016; GUS 2011–2015; Nurzyńska, Poczta 2014: 108

It appears based on the calculations that replacing the agricultural tax with income tax would yield substantially higher tax revenues. Over the years in question, the total agricultural tax grew from PLN 989 million in 2010 to PLN 1 654 million in 2014. The revenues from levying tax on farm income, on the other hand, would increase at a 5%-tax rate, from PLN 1 350 million (2010) to PLN 1 480 million (2014). At the same time, the application of any other higher tax rate would yield much higher revenues from the tax on farm income than from the agricultural tax. Further to that, it is useful to note that for farmers themselves replacing the agricultural tax with the income tax would be favorable, if the 5%-tax rate was to be applied. The average amount of the agricultural tax over the years under study stood at, respectively: PLN 655.63 (2010), PLN 641.21 (2011), PLN 1 046.04 (2012), PLN 1 165.31 (2013) and PLN 1 170.21 (2014). Meanwhile, the average 5 percent-income tax would stand at: PLN 641.21 (2011), PLN 1 046.04 zł (2012), 1 165.31 zł (2013) and 1 170.21 zł (2014). The application of the higher tax rates would be disadvantageous for farmers themselves.

**Table 8. Distribution of funds obtained from agricultural tax and agricultural income tax in 2014**

| Type of tax | | The amount of budget income in PLN | | | |
|---|---|---|---|---|---|
| | | Municipality | Poviat | Voivodship | State |
| Agricultural tax | | 1 653 534 863.37 | 0.00 | 0.00 | 0.00 |
| Income tax | 5% | 681 540 000.00 | 172 420 000.00 | 241 980 000.00 | 384 060 000.00 |
| | 10% | 1 363 080 000.00 | 344 840 000.00 | 483 960 000.00 | 768 120 000.00 |
| | 18% | 2 453 544 000.00 | 620 712 000.00 | 871 128 000.00 | 1 382 616 000.00 |
| | 19% | 2 589 852 000.00 | 655 196 000.00 | 919 524 000.00 | 1 459 428 000.00 |
| | 32% | 4 361 856 000.00 | 1 103 488 000.00 | 1 548 672 000.00 | 2 457 984 000.00 |

Source: self-reported data based on BDL 2016; GUS 2011–2015; Nurzyńska, Poczta 2014: 108; Act of 13 November 2003: Articles. 4-6).

Table 8 shows the distribution of funds from the agricultural tax and tax on agricultural income in 2014 across different self-government levels and the state. Based on the analysis, the conclusion is that the implementation of the agricultural income taxation instead of the agricultural tax would be much more advantageous for individual territorial self-governments, as well as for the entire country. This results from the fact that the entire income from the agricultural tax goes to the municipality budget. The introduction of agricultural income taxation, on the other hand, will have the effect that these revenues will be split between the central budget and budgets of individual self-governments in the same way as it is done with respect to personal and corporate income tax. If this new solution was to adopt the 5% and 10%-tax rate, the local self-governments would be on the losing side, since the tax income would be significantly smaller than that from the agricultural tax. Having said that, the application of the 18%-tax rate would bring the municipality much higher tax income. Regardless of the amount of the tax rate to be applied to the farm income tax, replacing the agricultural tax would be more advantageous for the state, as well as for poviat and voivodship self-governments.

## 7. Conclusion

The analysis conducted shows that replacing the agricultural tax with the tax on income generated by agricultural holdings is a more advantageous solution. The new solution ensures higher tax revenues than those obtained from the agricultural tax currently in place. For the state, levying tax on the farm income would imply budget revenues from this tax. Moreover, this solution would be to the advantage of poviat and voivodship self-governments, for they would be the recipients of some of those revenues. The new solution would bring benefits to municipality self-governments, provided that only 5% and 10%-tax rates were to be applied. The revenues from the agricultural income tax at these two tax rates turned out to be lower than the revenues from the agricultural tax (which in its entirety fuels the budget of municipality self-governments).

The application of a 5%-tax rate for the income tax levied on agricultural holdings would be fairly favorable for the farmers themselves because their average income tax would be most likely smaller than the average agricultural tax. However, adopting in this context higher tax rates proves to be an unfavorable solution, for then the average tax to be paid would be considerably higher than the average agricultural tax.

What supports the idea of maintaining the agricultural tax in its present form is, in the first place, its structure. An easy way of calculating the tax due, a number of tax exemptions and reliefs, a convenient term to pay the tax (4 equal installments). The agricultural tax is a typical tax on revenues and therefore, when it is determined, the tax deductable costs are not taken into consideration. Moreover, a minor inconvenience involves establishing the taxable amount to be paid, for the amount of the tax is dependent on the average buying-in price of rye for the three first quarters of the year preceding the tax year. This has the overall effect that the agricultural production of a particular holding is not entirely taken into account, and neither is its economic situation.

The implementation of the income tax on agricultural holdings is likely to be supported mainly in that farmers would be put on equal footing within the tax system with natural and legal persons. This would mean that income would be taxable, that is, the difference between revenue and tax deductible costs. Furthermore, the tax rate would still be the same for all, yet conditional on the agricultural production and economic situation of a particular farm. Moreover, so as not to burden excessively farmers, the low tax rate at 5% should be applied. Naturally, the new solution ought to continue using the tax exemptions and reliefs present in the agricultural tax; however, it is worth drawing attention to the fact that having their income taxed, farmers could use deductions for losses incurred over the past years.

Replacing the agricultural tax with the tax on agricultural income would provide an advantageous solution in Poland, not only for the state but also for self-governments and farmers themselves. The implementation of such solution in the tax system for agricultural holdings should involve the introduction of new measures, as well as retaining the current provisions, mainly those relating to the tax exemptions and reliefs.

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**Opodatkowanie gospodarstw rolnych w Polsce podatkiem dochodowym od osób fizycznych.**


**Streszczenie**

**Cel**: W artykule podjęto tematykę zmiany w Polsce formy opodatkowania rolnictwa z podatku rolnego na podatek dochodowy od osób fizycznych. Autor podjął się badanego tematu ponieważ opodatkowanie rolnictwa jest istotnym zagadnieniem z punktu widzenia praktyki gospodarczej. Ponadto podobne rozwiązanie występuje praktycznie we wszystkich państwach Unii Europejskiej. Celem artykułu jest próba oceny skutków fiskalnych dla państwa ze zmiany formy opodatkowania rolnictwa.

**Metodyka badań**: W artykule wykorzystano badania literaturowe i aktów prawnych oraz przeprowadzono symulację empiryczną. Badania literaturowe i aktów prawnych miały na celu przedstawienie formy opodatkowania rolnictwa w państwach UE oraz sposoby opodatkowania dochodów z rolnictwa. Symulacja empiryczna dotycząca skutków fiskalnych z opodatkowania rolnictwa w Polsce podatkiem dochodowym została przeprowadzona w trzech ujęciach: ogólnym (z zastosowaniem różnych przykładowych stawek), porównaniu z podatkiem rolnym i podziałem wpływów na budżet państwa i jednostek samorządu terytorialnego.

**Wnioski**: Przeprowadzone badania empiryczne dotyczące lat 2010–2014 wykazały, że zastąpienie podatku rolnego podatkiem dochodowym byłoby korzystnym rozwiązaniem dla rolników, ale przy zastosowaniu niskich stawek podatkowych. Przy wyższych stawkach rozwiązanie to byłoby niekorzystne. Jednocześnie na zastąpieniu podatku rolnego podatkiem dochodowym skorzystałoby państwo oraz samorządy województw i powiatów, gdyż uzyskałyby dodatkowe wpływy podatkowe do swych budżetów. Natomiast samorząd gminny na rozwią-zaniu tym skorzystałby przy zastosowaniu stawek wyższych niż 10%.

**Wartość artykułu**: W kontekście istniejących już badań wartością naukową artykułu jest porównanie wielkości wpływów z podatku rolnego z wpływami podatkowymi z opodatkowania dochodów gospodarstw rolnych.



*Słowa kluczowe: podatek rolny, podatek dochodowy od osób fizycznych, dochody z rolnictwa, działalność rolnicza, działy specjalne produkcji rolnej*

JEL: G38, H24, H25, H71, K34, Q14