

**THE RESOLUTION NO.
LXVII/436/14 OF THE TOWN
COUNCIL IN GŁOGÓW**

of 28 October 2014

**in the matter of the exemptions from the real
estate tax**

Pursuant to art. 18 par. 2 item 8 of the Act of 8 March 1990 on Communal Local Government (i.e. Dz. U. of 2013, item 594, as amended, in conjunction with art. 7 par. 3, art. 20b and 20d par. 2 item 2 of the Act of 12 January 1991 on Local Taxes and Fees (i.e. Dz. U. of 2014, item 849), and the Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L 352 of 24.12.2013), it is hereby adopted as follows:

§ 1. Buildings and structures or parts thereof connected with conducting economic activity and land related to them, owned by an entrepreneur, will create new workplaces, shall be exempt from the real estate tax.

§ 2. The creation of new workplaces should be understood as the net increase (in terms of full-time equivalents) in the number of employees by the date of the submission of the notification on the creation of workplaces directly employed in a given facility, in relation to the average employment for the 12 months preceding that day, and, if the period of conducting economic activity is shorter, for the whole period.

§ 3. While determining the level of employment, only workers employed on the basis of an employment contract on positions directly related to the real estate to be made redundant should be taken into account.

§ 4. The exemption referred to in § 1 shall be granted for the maximum period of time of:

1. 12 months, provided that new workplaces in the number between 3 and 10 are created,
2. 36 months, provided that new workplaces in the number between 11 and 20 are created
3. 60 months, provided that more than 20 new workplaces are created.

§ 5. The exemption referred to in § 1 shall be granted on condition that the increased level of employment is maintained for the period, for which the entity has been benefiting from the exemption.

§ 6. The period of the exemption from the real estate tax is calculated from 1 January of the year following the year, in which the entity applying for aid submitted the notification on the acquisition of the rights to exemption to the tax authority, on the form attached as Appendix No. 1 to the resolution.

§ 7. Should the exemption referred to in § 1 constitute state aid, then it is used as de minimis aid under the rules defined in the Commission Regulation (EU) No. 1407/2013 of 18 December 2013 on the application of Article 107 and Article 108 of the Treaty on the Functioning of the European Union to de minimis aid (Dz. U. L 352, 24.12.2013).

§ 8. 1. The entity applying for the aid shall be obliged to attach the following documents to the notification referred to in § 6:

- 1) copies of documents (declarations, reports) submitted to the Zakład Ubezpieczeń Społecznych [Social Insurance Institution] confirming the state of employment within the period referred to in § 3,
- 2) certificate from the Social Insurance Institution (ZUS) of having no arrears in the payment of contributions,
- 3) declaration of the entrepreneur constituting Appendix No. 2 to this resolution,

2. In the cases referred to in § 7, the notification should also be accompanied by the following:

- 1) all de minimis aid certificates, which the entity applying for the aid received within a given year and previous 2 years, or the declaration on the amount of de minimis aid received within this period or the declaration on not receiving de minimis aid on the form constituting Appendix No. 3 to the resolution,
- 2) information necessary to grant de minimis aid, concerning, in particular, the applicant itself and its economic activity, as well as the amount and the method of spending the public aid received in relation to the same costs eligible for aid, for which de minimis aid is to be granted, on the form constituting an appendix to the Regulation of the Council of Ministers of 29 March 2010 in the matter of the scope of information presented by the entity applying for de minimis aid (Dz. U. No. 53 item 311 as amended).

§ 9. 1. The entity benefiting from the exemption under the provisions of this resolution shall be obliged to submit documents confirming the maintenance of the employment status resulting from the notification referred to

in § 6 for the entire period of the benefiting from the tax exemption.

2. The entity benefiting from the exemption documents referred to in par. 1 shall be obliged to submit an annual tax return within the deadline set for the submission of annual tax returns for the real property tax, and, in case of entrepreneurs, the tax authority of which establishes the amount of the tax liability for the real property tax, by 31 January of each year.

3. Within the time limits specified in par. 2, the entity benefiting from the exemption, which constitutes de minimis aid, shall also submit the documents referred to in § 8 par. 2 item 1.

4. The entity benefiting from the exemption shall be obliged to submit other documents upon the request of the tax authority.

§ 10. 1. A taxpayer, who has benefited from the exemption by providing false data or information to the authority providing aid shall lose their right to that exemption for the entire period, and the amount of the aid granted shall be subject to be returned in full.

2. In case of the failure to submit the documents referred to in § 9 par. 1-4, the taxpayer shall lose the right to exemption from the beginning of the tax year, in which they were obliged to submit them.

3. If other circumstances take place during the period of the benefiting from the exemption, as the result of which the rights to the exemption are lost, the entity benefiting from the exemption shall be obliged to notify the tax authority of this fact within 14 days from the occurrence of such circumstances.

§ 11. The entity benefiting from the exemption shall be obliged to monitor the degree of the use of the de minimis aid ceiling specified in the regulation referred to in § 7 independently. Should this ceiling be exceeded in a given year, the amount of aid received in that year shall be subject to the return.

§ 12. The realisation of the resolution shall be entrusted to the President of Głogów.

§ 13. The resolution shall enter into force 14 days after the date of its publication in the Dziennik Urzędowy Województwa Dolnośląskiego [*Official Journal of the Lower Silesian Province*], with effect from 1 January 2015 and shall be published on the website of the Municipal Office in Głogów.

§ 14. The resolution shall remain in force until the regulation referred to in § 7 is in force.

President of the City Council

Zbigniew Sienkiewicz

REASONS

Pursuant to Article 7 par. 3 of the Act of 12 January 1991 on Local Taxes and Charges (i.e. Dz. U. of 2014, item 849), the Municipal Council may, in the form of a resolution, introduce other exemptions than those specified in the Act. The exemption from the real estate tax proposed by this resolution will constitute the aid programme providing the support for entrepreneurs creating new workplaces. In cases where provided support meets the premises set out in art. 107 and 108 of the Treaty on the Functioning of the European Union, the provisions of the Commission Regulation (EU) No 1407/2013, which define the terms and conditions for granting the aid under the de minimis rule, shall apply directly. The aid programme, previously developed in the resolution of the City Council in Głogów No VIII/67/2007 of 27 June 2007, providing for granting support to entrepreneurs under the de minimis rule expired at the end of 2013. The total amount of exemptions, from which entrepreneurs benefited by virtue of the provisions of the previous resolution was over PLN 300 thousand. The development of this programme constitutes a continuation of the previous one and is aimed at counteracting the increase of local unemployment. The period of exemption depends on the number of new workplaces created, in order to stimulate local entrepreneurship towards the creation of workplaces, in particular, for the benefit of the inhabitants of the city and the region. The draft of this Resolution, in accordance with the requirement stipulated in the provision of Article 7 par. 3 of the Act of 30 April 2004 on the procedural issues concerning state aid (i.e. Dz. U. of 2007, No. 59, item 404 as amended) was notified to the President of the Office of Competition and Consumer Protection.