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Tax authorities' access to information covered by banking secrecy with regard to the right to privacy

Dostęp organów podatkowych do informacji objętych tajemnicą bankową a prawo do prywatności

Abstract

The institution of banking secrecy is regulated in legislation that is at the interface between the regulations of public and private law. This type of solution may lead to a conflict of interests – private and public ones. The issue of tax authorities' access to information covered by banking secrecy requires consideration in relation with the provisions of several legal acts. The procedure for obtaining information covered by bank secrecy provided for in Articles 182–185 of Tax Ordinance as well as the duty to take into account the principle of special trust between a client and a financial institution, are directives referring to the principle of conducting proceedings in a way that inspires trust in tax authorities, while the practice of making information available to tax authorities under Article 49(2) of the Act on the National Revenue Administration in fact deprives the parties of procedural safeguards. In the case of competitiveness of protected goods, it is necessary for the legislator to regulate the disputed issues in compliance with the constitutional requirements of standardisation and a clear and legible balance between the interests in conflict. It should therefore be concluded that when introducing new legislation on the matter of interference in the right to privacy, the legislator is obliged to balance the competing values with particular care. The balance between the taxpayer's privacy and the public interest does not seem to have been preserved in the scope of the subject matter in question.

Keywords: banking secrecy, taxpayer, tax authorities, access, privacy.

Streszczenie

Instytucja tajemnicy bankowej uregulowana została w przepisach znajdujących się na styku regulacji publiczno- i prywatnoprawnych. Tego rodzaju rozwiązanie może prowadzić do konfliktu interesów – prywatnego oraz publicznego. Problematyka dostępu organów podatkowych do informacji objętych tajemnicą bankową wymaga rozważenia w powiązaniu z przepisami kilku aktów prawnych. Procedura uzyskania informacji objętych tajemnicą bankową przewidziana w art. 182–185 Ordynacji

podatkowej, a także obowiązek wzięcia pod uwagę zasady szczególnego zaufania między klientem a instytucją finansową to dyrektywy nawiązujące do zasady prowadzenia postępowania w sposób budzący zaufanie do organów podatkowych, natomiast praktyka udostępniania organom podatkowym informacji na podstawie art. 49 pkt 2 ustawy o Krajowej Administracji Skarbowej w istocie pozbawia strony gwarancji procesowych. W przypadku konkurencyjności chronionych dóbr konieczne jest uregulowanie przez ustawodawcę spornych kwestii z zachowaniem konstytucyjnych wymogów normowania oraz jasnej i czytelnej równowagi między interesami pozostającymi w kolizji. Należy zatem stwierdzić, że przy stanowieniu przepisów odnoszących się do materii, jaką jest ingerencja w prawo do prywatności, ustawodawca jest zobligowany do szczególnie starannego wyważenia konkurujących ze sobą wartości. Wydaje się, że w zakresie omawianej problematyki równowaga pomiędzy prywatnością podatnika a interesem publicznoprawnym nie została zachowana.

Słowa kluczowe: tajemnica bankowa, podatnik, organy podatkowe, dostęp, prywatność.

1. Introduction

Regulations concerning the institution of banking secrecy in the current legal order have been placed at the junction of public and private law regulations, which may be a source of a peculiar conflict of interests – private, i.e. preserving a specific area of an individual person's life or activities for their exclusive disposal, free from any external interference, and public, i.e. preventing terrorism, money laundering or depletion of public law receivables. The observance of banking secrecy is justified primarily by the interests of the parties involved in banking relations, by the broadly understood public interest or by the security of business transactions. Security and the need to balance the interests of the parties to legal relationships between a bank and its clients are indicated as the overriding values of banking law. It should be emphasised that these values cannot be clearly demarcated[1]. At the same time, the public interest may constitute a factor in favour of restricting bank secrecy[2]. As an example, one can point to situations where observing bank secrecy would be conducive to avoiding public burdens or could be used in criminal activities[3].

In the Polish legal system, the provisions concerning bank secrecy are subject to relatively frequent changes, which may indicate the lack of a stable concept

[1] J. Gliniecka, *Podstawowe założenia prawa bankowego chroniące interesy banków i ich klientów*, "Gdańskie Studia Prawnicze" 2017, Vol. XXXVII, pp. 259–277.

[2] A. Pomorska, *Dostosowywanie polskiego systemu bankowego do standardów Unii Europejskiej*, Lublin 1999, p. 30.

[3] This issue has been the subject of rulings by the European Court of Human Rights, which has stated that the protection of the confidentiality of specific personal data may sometimes give way to the need to investigate criminal acts, to prosecute the perpetrators and to ensure the openness of judicial proceedings to the public, if it is found that the indicated interests are of greater importance (Judgment of the European Court of Human Rights of 1 December 2015, Brito Ferrinho Bexiga Villa-Nova v. Portugal, Application No. 69436/10, Judgment of the European Court of Human Rights of 22 December 2015 in G.S.B. v. Switzerland, Application No. 28601/11).

of the legislator concerning this institution, which is a disadvantageous situation due to the importance of bank secrecy for banking transactions[4]. The issue of tax authorities' access to information covered by bank secrecy needs to be considered in conjunction with the provisions of several legal acts[5]. The Act on the National Revenue Administration provides an independent basis for tax authorities to obtain confidential data, while the Tax Ordinance Act regulates the issue of access to data protected by bank secrecy in the course of tax inspection and tax proceedings.

2. Nature of banking secrecy and exceptions thereto

The bank's obligation to maintain bank secrecy in the modern sense did not take shape until the 20th century[6], however, the very concept of bank secrecy is part of a legal culture that has been developed over centuries[7]. The history of bank secrecy dates back to ancient times, as evidenced by the numerous loan-making provisions contained in the Code of Hammurabi[8]. In the Polish legal order, regulations on bank secrecy have been and continue to be subject to relatively frequent changes, which are gradually limiting its scope, which is a sign of the legislator's lack of a stable conception of this institution and a disadvantageous situation in view of its importance for banking transactions[9].

When attempting to define the meaning of the institution of bank secrecy, first of all, it should be highlighted that it is a special type of relationship binding the customer to the bank[10]. It is a characteristic and inherent element of banking activity[11], and information concerning an individual person's property is inseparably

[4] M. Bączyk, *Szczególne uprawnienia i obowiązki banków* [in:] *Prawo bankowe. Komentarz*, eds. M. Bączyk, E. Fojcik Mastalska, L. Góral, J. Pisuliński, W. Pyzioł, Warszawa 2007, p. 534.

[5] Act of 29 August 1997, Tax Ordinance (consolidated text of the Journal of Laws of 2022, item 2651 as amended), Act of 29 August 1997 Banking Law (consolidated text of the Journal of Laws of 2022, item 2324, as amended), Act of 16 November 2016 on the National Revenue Administration (consolidated text of the Journal of Laws of 2022, item 813 as amended).

[6] On Polish soil, the period from the 20th century onwards is mainly worthy of attention. Despite the fact that the term 'banking secrecy' was not used in the law of the inter-war period, the interpretation of the legislation in force at that time indicates that in practice this institution was used. Monographs: J. Gliniecka, J. Harasimowicz, R. Krasnodębski, *Polskie prawo bankowe (1918–1996)*, Warszawa 1996 and J. Gliniecka, *Tajemnica bankowa w ujęciu prawnym*, Sopot 1997 provide a chronological overview of the changes in legal acts regulating the issue of banking secrecy.

[7] R. Marek, *Niektóre problemy tajemnicy bankowej w świetle praktyki*, "Palestra" 1977, No. 1, pp. 12–30.

[8] W. Morawski, *Zarys powszechnej historii pieniądza i bankowości*, Warszawa 2002, p. 17.

[9] M. Bączyk, *Szczególne uprawnienia…*, *op.cit.*, p. 534.

[10] R. Sura, *Szczególne obowiązki banków w Polsce*, "Prawo Bankowe" 2008, No. 9, pp. 54–68.

[11] P. Bodył Szymala, *Klient w banku czyli prawo bankowe w perspektywy odbiorcy usług banków*, Poznań 2005, p. 196.

linked with their right to privacy. Adopting the thesis that bank secrecy is part of the right to privacy leads to the conclusion that, when interpreting the provisions governing bank secrecy, an expansive interpretation of exceptions to the rule of secrecy is out of the question. The essence of banking secrecy is the exclusion of all information concerning a banking activity, the data obtained during negotiations, as well as in the course of concluding and implementing the agreement under which the bank performs the activity. It is vital to indicate the principle of maximalism, arising from the Banking Law, stating that the material scope of bank secrecy covers all information, apart from the material exceptions set out in Article 104(2) of the Banking Law and exceptions concerning the provision of specific information to strictly defined entities authorised to do so by law.

The provision of Article 105 of the Banking Law regulates the scope of the bank's obligation to disclose data constituting banking secrecy. It is divided into two categories taking into account the role of the entities authorised to obtain the data in question. The first category includes banks, credit institutions, other institutions statutorily authorised to grant credit, financial institutions and institutions referred to in Article 105(4) of the Banking Law, i.e. institutions created by banks, jointly with banking chambers of commerce, which are authorised to collect, process and disclose data constituting banking secrecy according to the principles set out in Article 105(4) of the Banking Law. Entities from the first group may obtain information constituting banking secrecy in cases strictly defined in Article 105 paragraph 1 item 1–1 of the Banking Law, in particular in connection with the performance of banking activities and the purchase and sale of receivables or in connection with the granting of credits, cash loans, bank guarantees and sureties. The second group of entities entitled to request information constituting banking secrecy, pursuant to Article 105(1)(2) of the Banking Law, are entities implementing first and foremost the powers resulting from the exercise of public authority.

3. Tax authorities' access to information covered by banking secrecy under the Act on National Revenue Administration

The act commonly referred to as the Polish Deal or the New Deal[12] contains a number of amendments concerning more than twenty acts. The amendment also covered the provisions of the Act on National Revenue Administration regarding access to information covered by banking secrecy by bodies of the National Revenue Administration. The seemingly minor modification of the content of Article 48 of the Act on National Revenue Administration concerning the provision of information by banks and other financial and credit institutions resulted in a significant

[12] Act of 29 October 2021 amending the Personal Income Tax Act, the Corporate Income Tax Act and certain other acts (Journal of Laws 2021, item 2105 as amended).

expansion of the powers of the National Revenue Administration authorities with regard to obtaining confidential information. The introduction to defining the scope of provided information in Article 48 of the Act on National Revenue Administration has been modified as follows:
– the entities entitled to request the preparation and transmission of information covered by banking secrecy (in addition to the Head of the National Revenue Administration and the head of the customs and tax office) were supplemented with the head of the tax office;
– the request for information has to be invariably connected with preparatory proceedings or explanatory proceedings pertaining accordingly to cases of crimes or offences and fiscal crimes or offences;
– the term "a natural person" (*osoba fizyczna*) was used in place of the word "a suspect" (*podejrzany*)[13].

This is undoubtedly the most unfavourable change from the point of view of the protection of bank secrecy. Until now, the head of the National Revenue Administration and the heads of customs and tax offices could only obtain information about a taxpayer after they had been charged[14]. In addition, bank account proxies have also been added to the circle of entities about whom information can be sought.

The aforementioned authorities of the National Revenue Administration, pursuant to the provisions currently in force, have the possibility to obtain information about owned and co-owned bank accounts, the proxies of bank accounts, turnover and account balances, recipients and senders of transfers, concluded credit agreements (including the purpose of a given credit), and methods of securing repayment, safe deposit box agreements and their history, as well as information on State Treasury shares or bonds issued by the State Treasury purchased through the bank. The legislator did not choose to introduce a judicial review of the legitimacy of requests submitted to banks. On the other hand, pursuant to Article 49(2) of the Act on National Revenue Administration, in the course of tax inspections and

[13] The legal definition of 'a suspect' (*podejrzany*) is contained in Code of Criminal Procedure (Code of Criminal Procedure 1997). Its article 71 states in §1 that a person shall be considered a suspect if the order has been made about presenting the charges to the person, or the charges have been presented to the person directly (without the order) in relation to interrogating him as a suspect.

§ 2. A person against whom an indictment has been filed, and also a person with respect to whom the state prosecutor has filed a motion indicated in Article 335 § 1 or a motion for conditional discontinuance of proceedings, shall be deemed an accused person.

[14] The legal justification for the Polish Deal laconically motivated the change in question as follows: 'at the stage of initiation of criminal fiscal proceedings 'in the case' there is not yet a suspect. The current wording of the provision concerning only the suspect makes it impossible to obtain information from the bank at the stage of proceedings 'in the case' without considering to any extent the issue of the right to privacy and procedural safeguards" (Form No. 1532 – Government Bill to amend the Personal Income Tax Act, the Corporate Income Tax Act and certain other Acts, with legal justification, https://www.sejm.gov.pl/Sejm9.nsf/druk.xsp?nr=1532 [access: 31.03.2023]).

proceedings, heads of tax offices submit to the banks requests for information about audited persons and parties to the proceedings. The provisions of the Act on National Revenue Administration constitute an independent and autonomous legal basis for obtaining the relevant information from banks, independent of the provisions of Articles 182–185 of the Tax Ordinance. It should thus be stated that when the tax authority submits a relevant request on the basis of the indicated provisions of the Act on National Revenue Administration, it does not need to request beforehand the party to the proceedings under Article 183 of the Tax Ordinance to provide the relevant information, neither does it have to obtain any authorisation to submit request to financial institutions to provide this information[15]. The indicated legal basis, as well as the practice of the tax authorities, led to the fact that the regulations of Articles 182–185 of the Tax Ordinance[16] seem to be redundant – the parties to the proceedings are deprived of the proceedings-related procedural safeguards.

4. Tax authorities' access to information covered by bank secrecy under the Tax Ordinance

The issue of access of tax authorities, in the course of tax proceedings, to information covered by bank secrecy is regulated by Articles 182–185 of the tax Ordinance. If, from the evidence gathered in the course of tax proceedings, there is a need to supplement this evidence or to compare it with information from the bank, the bank is obliged, at the written request of the head of the tax office and, in the course of appeal proceedings, at the request of the director of the tax administration chamber, to prepare and provide information concerning a party to the proceedings.

The above mentioned premise is not the only one that allows the tax authorities to obtain information covered by bank secrecy. In order to gain access to confidential information, the tax authority should first request the taxpayer to provide the relevant information or apply for authorisation to submit a request to the financial institution to provide such information[17]. The tax authority may submit a request to the financial

[15] Judgment of the Voivodeship Administrative Court in Gorzów Wielkopolski of 16 September 2020, I SA/Go 212/20, LEX No. 3062721.

[16] The tax authority cannot use the means of evidence specified in Article 182 § 1 of the Tax Ordinance in the course of a tax audit. Article 292 of the Tax Ordinance excludes the appropriate application of provisions of Articles 182–185 of the Tax Ordinance; Section VI of the Tax Ordinance devoted to tax inspection does not provide for an analogous regulation.

[17] The text uses the term „a financial institution" (*instytucja finansowa*) *sensu largo* and not *sensu stricto* (in the narrow sense, this term by reference to Article 4(1)(26) of the European Parliament Regulation and of the Council (EU) No. 575/2013 of 26 June 2013 on prudential requirements for credit institutions and investment firms, amending Regulation (EU) No. 648/2012 (Official Journal of the EU. L. of 2013 No. 176, p. 1 as amended) is set out in Article 4(1)(7) of the Banking Law). The legal language lacks a single, universal definition of a financial institution that would apply

institution only if the taxpayer has not provided the information within the prescribed time limit, has not authorised the authority, or has provided information that needs to be supplemented or compared with the information from the financial institution. It is worth noting that the taxpayer is not obliged to provide the information indicated in Article 182 § 1 of the Tax Ordinance. Under the applicable legislation, i.e. Article 183 of the Tax Ordinance the refusal to provide the information referred to in Article 182 of the same Act, the failure to respond to a summons from the tax authority as well as the provision of incomplete data gives the entitled tax authority the right to request such information directly from the bank, the reason being that the taxpayer is not obliged to provide the information indicated in Article 182 § 1 of the Tax Ordinance and, at the same time, the legislator has created an instrument that the tax authorities may use in such a situation and obtain information which is, in principle, protected as bank secrecy[18] (judgment of the Voivodship Administrative Court in Gliwice 2020).

Furthermore, the request from the authority should contain an indication of the reasons for the necessity to gain possession of the requested information as well as evidence of the party's refusal to provide the information, the refusal to grant the consent to authorise the tax authority, or failure to meet the deadline set for the aforementioned activities.

The Constitutional Tribunal indicated that asking the bank to disclose data covered by banking secrecy in connection with pending tax proceedings is permissible only when the following premises occur: if there are reasonable doubts as to the existence or extent of the tax liability have not been clarified; if all other available means of evidence have been utilised; and if the failure to use this extraordinary means of evidence would expose the State Treasury to serious losses. Only in such circumstances can it be assumed that it is justified to commit a breach of bank secrecy by making the indicated data available to the head of the tax office. A possible request of the head of the tax office to disclose data covered by banking secrecy, in other cases of pending tax proceedings, would constitute an abuse of competence. It would have to be assessed as an unlawful action, violating the principle of protection of private life[19].

Bearing in mind the content of Article 182 § 1 of the Tax Ordinance and the content of the cited judgment of the Constitutional Tribunal, it should be stated that the right of the tax authority to seek information covered by bank secrecy is a right of a special nature and should be exercised only if other means of evidence prove insufficient to clarify doubts concerning the correctness and reliability of a tax declaration.

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across all normative acts. See: P. Zapadka, *Definicja legalna instytucji finansowej w polskim systemie prawnym – wybrane zagadnienia*, "Prawo Bankowe" 2005, No. 9, pp. 9 et seq.; *idem*, *Polskie instytucje finansowe w Unii Europejskiej*, "Prawo i Podatki Unii Europejskiej" 2005, No. 5, pp. 12 et seq.

[18] Judgment of the Voivodeship Administrative Court in Gliwice of 10 September 2020, I SA/Gl 411/20, LEX No. 3063901.

[19] Judgment of the Constitutional Tribunal of 11 April 2000, K 15/98, OTK 2000, No. 3, item 86.

5. Taxpayer's right to privacy and procedural safeguards in tax proceedings

The right to privacy, as well as the concept of privacy itself, is not uniformly defined in Polish legal science. Due to the fact that the scope of the right to privacy includes many elements of different nature, it is a subject of disputes in terms of definition[20]. On the other hand, within the legal doctrine there is a consensus that privacy is a broad and complex concept. The notion of the right to privacy is a component of the protection of an individual person against any attempts to limit their independence[21]. Two main approaches to the category of privacy can be distinguished. The first one considers it necessary to increase the forms and scope of the level of privacy protection, which is a consequence of adopting the liberal view of the existence of a variously defined sphere of life, not subject to control by the state and other people. Privacy protection, assuming the right of exclusive control of an individual over a certain sphere of life, refers to two planes, i.e. to the relations of the individual with other individuals (horizontal arrangement) and in the relations of an individual with the public authority (vertical arrangement)[22]. The second one, on the other hand, seeks to limit the sphere of privacy, justifying it by the activity of specialised state institutions, combating threats aimed at security in the broad sense[23]. An analysis of relationship of the provisions the subject of which is bank secrecy with the right to privacy leads to the conclusion that information covered by bank secrecy concerning natural persons constitutes an element of the right to privacy[24], since part of the sphere of private life is the material (financial) situation. It should be emphasised here that although the right to privacy is not mentioned in the content of Article 23 of the Civil Code[25], the indicated right has been elevated to a value protected by the Constitution[26], which is expressed in the content of Article 47 and Article 51(1) of the Constitution[27]. The right to privacy thus includes not only the rights to protection of family and personal life, but also the protection of

[20] K. Motyka, *Prawo do prywatności i dylematy współczesnej ochrony praw człowieka na przykładzie Stanów Zjednoczonych*, Lublin 2006, p. 136.

[21] A. Franczak *Prawo podatnika do prywatności – kilka uwag na tle standardu unijnego* [in:] *Verba volant scripta manet. Księga jublieuszowa dedykowana Profesor Bogusławie Gneli*, eds. A. Kaźmierczyk, K. Michałowska, M. Szaraniec, Warszawa 2023, p. 263.

[22] M. Safjan, M. *Prawo do ochrony życia prywatnego* [in:] *Szkoła Praw Człowieka*, Warszawa 2006, p. 213.

[23] J. Braciak, *Prawo do prywatności* [in:] *Prawa i wolności obywatelskie w Konstytucji RP*, eds. B. Banaszak, A. Preisner, Warszawa 2002, p. 217.

[24] J. Gliniecka, *Tajemnica bankowa…*, *op.cit.*, p. 30.

[25] Act of 23 April 1964 Civil Code (consolidated text of the Journal of Laws of 2022, item 1360, as amended).

[26] Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws No. 78, item 483 as amended).

[27] Judgment of the Supreme Court of 15 February 2008, I CSK 358/07, OSNC 2009, No. 4, item. 63.

information concerning a specific individual, including information concerning their financial situation[28]. On the other hand, it should be emphasised that the means at the disposal of public authorities allow a far-reaching interference with the right to privacy. If the proportionality that determines the measure of the scope and procedure of this interference is not respected, it is capable of perverting even the very essence of the right to privacy, which, in turn, because of the immanent link between privacy and dignity, could jeopardise the dignity of an individual, even depriving them of the informational autonomy, consisting in the protection of every personal item of information, and attaching fundamental importance to the premise of an individual person's consent for the release of information[29]. In the case of competitiveness of protected goods, it is necessary for the legislator to regulate the disputed issues with the observance of the constitutional requirements of standardisation and a clear and legible balance between the interests in conflict. As a consequence, it should be stated that when introducing new legislation on the matter of interference with the right to privacy, the legislator is obliged to balance competing values with particular care[30].

The balance between the taxpayer's privacy and the public interest does not seem to have been preserved in respect of the issue in question. At this point, reference should be made to procedural safeguards derived from the general principles of tax proceedings. They should ensure the fairness of the proceedings and fulfil a protective function towards the taxpayer. At the evidentiary stage, these include all procedural institutions serving to establish the facts of the case in accordance with the principle of substantive truth. Particularly noteworthy are those that affect the making of factual findings consistent with reality, without which it is not possible to apply a specific substantive norm, as well as those that ensure the participation of a party in procedural activities[31]. Evidentiary proceedings are the most essential part of tax proceedings, as their course and outcome directly affect the shape of the ruling.

6. Conclusion

The procedure for obtaining information covered by banking secrecy provided for in Articles 182–185 of the Tax Ordinance as well as the duty to take into account the principle of special trust between a client and a financial institution – the

[28] A. Drywa, *In search for useful understanding of the term "privacy" for tax matters*, "Financial Law Review" 2022, Vol. 27, No. 3, pp. 1–15.

[29] Judgment of the Constitutional Tribunal of 26 April 1995, K 11/94, OTK 1995, No. 1, item 12; Judgment of the Constitutional Tribunal of 31 January 1996, K 9/95, OTK 1996, No. 1, item 2; Judgment of the Constitutional Tribunal of 20 June 2005, K 4/04, OTK-A 2005, No. 6, item 64.

[30] W. Hermeliński, B. Nita *Prywatność obywateli a „prywatność" władz*, "Palestra" 2015, No. 3–4, p. 25.

[31] D. Strzelec, *Gwarancje procesowe w postępowaniu podatkowym*, "Przegląd Prawa Publicznego" 2011, No. 2, p. 53.

obligation to maintain discretion regarding the entrusted data – stems from the nature of the relationship between a bank and its client. These relations require loyalty, special trust and confidentiality[32], which are directives referring to the principle of conducting proceedings in a way that inspires trust in tax authorities. However, the practice of making information available to the tax authorities on the basis of Article 49(2) of the Act on the National Revenue Administration in fact deprives the parties of procedural safeguards[33]. What is more, the grounds for obtaining information covered by bank secrecy on the basis of the Act on the National Revenue Administration are the possibility of submitting request to a financial institution already at the stage of a tax audit. It should be emphasised that there are no premises justifying such a request to a financial institution. This form of the regulation, contrary to the reasoning of the cited judgment of the Constitutional Tribunal concerning the procedure provided for in the Tax Ordinance, allows submitting requests at the initial stage of the evidentiary proceedings, when the collected material is not very extensive and there is a possibility to inspecting other types of evidence that could dispel the doubts of the tax authority. Also noteworthy is the scope of information covered by a submitted request provided for in the Act on the National Revenue Administration – much broader than that of the Tax Ordinance. The lack of regulation of the premises for the tax authority to request confidential information undoubtedly limits the taxpayer's rights in the course of tax procedures. In practice, banks do not have the possibility to refuse to provide the requested information, which leads to bank secrecy losing its significance as a guarantee.

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[32] P. Zapadka, *Tajemnica bankowa* [in:] *Polskie prawo bankowe*, eds. A. Mikos-Sitek, P. Zapadka, Warszawa 2006, p. 206.

[33] Contrary to one of the most important principles applicable at the tax law-making stage – the principle of proportionality. For more on this topic see: A. Mudrecki, *The Contemporary Significance of the Principle of Proportionality in Tax Law*, "Białostockie Studia Prawnicze" 2021, No. 4, pp. 37–51.

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