September 29, 2026

His Excellency Krzysztof Gawkowski
Deputy Prime Minister and Minister of Digital Affairs
The Chancellery of the Prime Minister
Al. Ujazdowskie 1/3
00-583 Warsaw, Poland
Via email: sekretariat.dp@cyfra.gov.pl

Dear Deputy Prime Minister Gawkowski:

The National Foreign Trade Council (the "NFTC") is writing to provide comments on the proposed legislation, *Ustawa o podatku rekompensującym od niektórych usług* (Act on the Recompensing Tax on Certain Services) UD385 (the "Proposed Legislation"), released by the Ministry of Digital Affairs on July 31, 2026.

The Proposed Legislation contemplates a digital services tax ("DST") of three percent. NFTC strongly opposes DSTs. DSTs introduce a discriminatory and punitive cost on imported services that increases costs and negatively affects Polish businesses and consumers. We respectfully urge the Republic of Poland to consider these systemic risks and reconsider the introduction of the Proposed Legislation.

DSTs challenge international tax principles and threaten the predictability and sustainability of cross-border business and investment. Creating financial costs that disproportionately target U.S. companies would stifle the steady increase of investment into the Polish market by U.S. firms. Further, doing so may also create conditions whereby these onerous costs are passed on to Polish consumers. For these reasons, governments such as Canada, India, and New Zealand have recently abandoned their enacted or proposed DSTs to align with long-standing tax practices.

In the U.S., there is strong bipartisan opposition from both the Administration and Congress to these types of discriminatory taxes. This opposition is consistent and forceful. For instance, DST proposals from other countries were met with bicameral letters of concern from U.S. Members of Congress. The Proposed Legislation to impose a DST on U.S. companies risks exacerbating ongoing tax and trade tensions.

Furthermore, the OECD/G20 Inclusive Framework's multilateral discussions on the digital economy are ongoing. We believe the best forum to address the taxation of the digital economy is through the OECD/G20 process, and we encourage Poland, as a member of the Inclusive Framework, to continue engaging in this multilateral work. These concerns should be approached from a cooperative perspective to foster stability and investment. Implementing a DST would be disruptive and counterproductive to ongoing multilateral discussions.

For the reasons articulated above, we strongly encourage the Council of Ministers to suspend deliberation of the Proposed Legislation or any similar measure. We thank you for your consideration and welcome the opportunity to discuss our concerns with the Polish government in further detail. Please contact Anne Gordon, Vice President for International Tax Policy (agordon@nftc.org), should you have any questions or wish to discuss these matters.

Sincerely,

The National Foreign Trade Council

cc: His Excellency Andrzej Domański, Minister of Finance and Economy of the Republic of Poland