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DOES THE 1993 CONCORDAT GUARANTEE THE FINANCIAL STABILITY OF THE CATHOLIC CHURCH IN POLAND?

Abstract. This article looks at the system of funding the Catholic Church in Poland in light of art. 22 sec. 2 of the 1993 concordat, examining the effectiveness of this international agreement in ensuring the economic stability of church institutions. It is demonstrated that a bilateral mechanism, supported by the Vienna Convention on the Law of Treaties, constitutes a significant barrier against arbitrary decisions of the state, thereby stabilising the legal position of the Church. Also, the article offers a critical appraisal of the three pillars of funding: offerings of the faithful, income from the Church's own assets, and state subsidies. In the context of advancing secularisation, the erosion of the Church's public image, and changes in the mindset of the ever more consumeristic society, the author challenges the assumption that the tax deduction system could fully replace existing state subsidies.

Keywords: 1993 Concordat; Church funding; Church Fund; state–Church relations; secularisation; religious law

INTRODUCTION

In Poland, the funding of churches and religious organisations has long been a crucial element of the legislation governing relations between the state and religious communities. The signing of the 1993 concordat with Poland[1] opened a new chapter in the funding of church institutions in Poland. It established a legal framework that sets out the rules governing economic support

[1] Concordat between the Holy See and the Republic of Poland, signed 28 July 1993, Journal of Laws [Dz. U.] of 1998, No. 51, item 318; *Sollemnis conventio inter Apostolicam Sedem et Poloniae Rem Publicam*, 28.07.1993, AAS 90 (1998), p. 310-329 (hereinafter: Concordat)

for religious organisations. For the Catholic Church this means accepting legal principles that will determine how it is funded. It is noteworthy that the Concordat[2] – unlike similar agreements concluded by the Holy See with the German Länder, Italy, Lithuania and Latvia – does not regulate financial matters in detail. Instead, it maintains the *status quo* as laid down in relevant national legislation and provides for the establishment of a special bilateral commission whose task is to address future changes to the system of Church funding. It is therefore reasonable to ask whether the Concordat with Poland guarantees the financial stability of the Catholic Church in this country, and particularly whether art. 22 sec. 2, which provides for the appointment of a special commission, sufficiently protects the financial needs of the Catholic Church in Poland. An analysis of these arguments would benefit not only the ongoing discussion of Church funding in Poland but also research into the evolution of church funding across Europe.

1. RELATIONS BETWEEN THE STATE AND THE CHURCH

The system of funding religious organisations in individual countries depends on several factors: historical, legal, sociological, as well as political ones. This system reflects general church–state relations. In the doctrine of religious law, three fundamental models of such relations are distinguished: the theocratic model, the model of hostile separation, and the model of coordinated separation. Poland follows the third model, whereby cooperation between the State and the Church is pursued for the common good. As a result, the Polish state supports the operation of ecclesiastical institutions by subsidising their charitable, welfare, and educational work.[3] In this context, it is worth noting that the funding guarantee of the Church, enshrined in the 1993 Concordat, takes precedence over those set out in state legislation.[4] Crucially,

[2] The term 'concordat' is commonly used to refer to a bilateral agreement, although the parties also use other terms to describe it, such as: convention (French *convention*), agreement (Italian *accordo*, Spanish *acuerdo*, German *vörtrag*, English *basic agreement*), and *modus vivendi*. D. Němec, *Concordat Agreements between the Holy See and the Post-Communist Countries (1990-2010)*, Leuven 2011, p. 27-34.

[3] J. KRUKOWSKI, *Systemy finansowania instytucji kościelnych w Europie. Wprowadzenie do problematyki*, [in:] *Systemy finansowania instytucji kościelnych w Europie. Materiały z międzynarodowej konferencji Sandomierz 13-14 września 1999*, ed. J. Krukowski, Lublin 2000, p. 16.

[4] D. WALENCIK, *Finansowanie Kościoła katolickiego w Polsce w świetle at. 22 i 27 konkordatu oraz prac komisji konkordatowych – perspektywa zmian*, [in:] *Konkordat ocena z perspektywy 15 lat obowiązywania*, ed. P. Kroczek, Kraków 2014, p. 26.

the Concordat established a bilateral framework to regulate the financial affairs of the Church and religious organisations. This was a response to the experience of the communist regime and the repressions applied by Polish governmental authorities.[5] At that time, they regulated matters relating to the Church's property arbitrarily and without consultation.[6] They attempted to systematically deplete the material foundation of ecclesiastical institutions. In this regard, art. 22 sec. 2 of the Concordat requires that the contracting parties set up a special commission to address the necessary changes to the Church's funding system, considering the new legal and political situation.

2. THE TEXT OF ART. 22 SEC. 2 OF THE 1993 CONCORDAT

Article 22 sec. 2 of the Concordat lays the groundwork for Church funding in Poland:

> Having the Polish legislation and regulations of ecclesiastical norms of law in force as the starting point with regard to the financial matters of institutions and goods of the Church and of the clergy, the Contracting Parties shall set up a special commission to address the necessary changes. The new regulation will take into account the needs of the Church, considering its mission and the practice of Church life in Poland so far.[7]

This article makes it clear that the purpose of the Concordat is not to directly frame the funding model for the Catholic Church in Poland. Instead, it stipulates that, as a starting point, financial matters remain subject to existing Polish legislation. Furthermore, it provides that a special commission be appointed in the future to address necessary changes regarding the financial status of the Church.[8] This means that the bilateral commission mentioned in the provision is not to develop a funding model from scratch; rather, its role is to regulate the necessary changes in the Church's financial matters. Such regu-

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[5] A. VITALE, *Corso di diritto ecclesiastico. Ordinamento giuridico e interessi religiosi*, Milano 1996, p. 147-189.

[6] Zob. M. ZAWIŚLAK, *Zmiana systemu finansowania Kościoła Katolickiego w świetle Konstytucji RP i konkordatu*, [in:] *Układowe formy regulacji stosunków między państwem a związkami wyznaniowymi (art. 25 ust. 4-5 Konstytucji RP)*, Lublin 2013.

[7] D. Holohan's translation I use here is available at https://www.concordatwatch.eu/polish-concordat-1993--text-and-criticism--t1331.

[8] Cf. WALENCIK, *Finansowanie Kościoła*, 27.

lation should take into account both the mission and practice of the Church in Poland.

Now we shall first consider the applicable provisions of Polish state legislation regarding Church funding, then the Parity Commission's work to implement the necessary changes.

3. THE FUNDING OF THE CATHOLIC CHURCH BASED ON STATE LEGISLATION

The first instrument, mentioned in art. 22 of the Concordat, is national legislation. This refers, first of all, to the system of tax exemptions for the Church as well as subsidies for clergy's social security and health insurance. In this regard, we can distinguish two key acts: the Act of 20 March 1950 on the takeover by the state of mortmain property, guarantee of ownership of farms to parish priests, and the establishment of the Church Fund,[9] and the Act of 17 May 1989 on the relationship between the State and the Catholic Church in the Republic of Poland.[10] The provisions were incorporated into the tax legislation adopted during the period of political transition and remain in force unchanged.[11]

3.1 THE CHURCH FUND

One of the state laws on Church funding is the Act of 20 March 1950 on the takeover by the state of mortmain property, guarantee of ownership of farms to parish priests, and the establishment of the Church Fund. This act was repressive and ideological in nature, serving to implement the state's religious policy at the time.[12] Its purpose was to confiscate ecclesiastical property, including land, Caritas buildings, hospitals and schools, so that Church organisations would be deprived of the means to fulfil their mission. The Church Fund was established in accordance with art. 8 of the aforementioned

[9] Journal of Laws of 1950, No. 9, item 87, as amended.

[10] Journal of Laws of 1989, No. 29, item 154, as amended.

[11] T. STANISŁAWSKI, *Sposoby finansowania kościołów i innych związków wyznaniowych ze środków publicznych*, [in:] *Prawo wyznaniowe w Polsce (1989-2009)*, ed. D. Walencik, Katowice-Bielsko-Biała 2009, p. 340.

[12] M. ZAWIŚLAK, *Wydatkowanie środków Funduszu Kościelnego w latach 1950-1989*, "Studia z Prawa Wyznaniowego" 12 (2009), p. 241-265.

act, using funds from expropriated properties and public grants approved by the Council of Ministers. In accordance with art. 9, it was intended to serve as a form of compensation for property taken over by the state, and its resources were to be allocated to the following: 1) the maintenance and reconstruction of churches; 2) the provision of financial and medical assistance to clerics, and the organisation of holiday homes for them; and 3) charitable and welfare activities. During the communist period, the Church Fund was a legal fiction. The confiscated property was never properly inventoried, and the legal objectives of the fund were not implemented in accordance with the law only after 1989. On the contrary, the revenue acquired from the confiscated property was often used to fund activities that harmed the Church directly. It was only following the political transformation in 1989 that the democratic authorities issued the key implementing regulations to flesh out the Fund:

1) Regulation of the Council of Ministers of 23 August 1990 on the extension of the scope of the Church Fund's objectives,[13] whereby funds were allocated to: a) supporting the Church's educational and pastoral activities, as well as activities benefiting children; b) supporting initiatives to fight social pathologies, as well as cooperation between the government and the Catholic Church and other churches and religious associations; c) funding part of the social security for clergy; and d) maintaining and renovating church buildings of historical value.

2) Resolution of the Council of Ministers of 7 November 1991 on the statutes of the Church Fund,[14] setting out its organisational structure and operating principles. The Fund was placed within the Ministry of the Interior and Administration. Since 1990, the amount of the annual subsidy for the Church Fund is specified in each year's budget act.

It should be noted that the Church Fund has consistently fulfilled its role since 1989, respecting the standards of a democratic, state governed by the rule of law. The Fund abides by the constitutional principle of cooperation between the state and the Church for the benefit of individuals and the common good (art. 25 sec. 3 of the Polish Constitution).[15]

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[13] Journal of Laws of 1990, No. 61, item 354.

[14] Legal Gazette [M.P.] of 1991, No. 39, item 279.

[15] J. KRUKOWSKI, *Concordats Between the Holy See and Poland. History and the Present*, Lublin 2020, p. 320.

3.2 The Act on the relationship between the state and the Catholic Church

Another act that facilitates the funding of the Catholic Church in Poland is the Act on the relationship between the State and the Catholic Church in the Republic of Poland. Articles 55–57 set out the provisions relating to tax and customs exemptions. The Church is granted these tax exemptions because it takes over the state's responsibilities towards its citizens. Therefore, the state enables the Church to benefit from these exemptions. The exemptions are detailed as follows:

- Income from non-commercial activities: not only are they subject to tax exemption, but ecclesiastical juridical persons also need not keep tax records (art. 55 sec. 2).
- Income from business activities is exempt from taxation if an ecclesiastical juridical person allocates its profit in the tax year directly to the following purposes: religious, educational, scientific, cultural, or charitable and care activities, or catechetical centres, or the conservation of monuments or sacred investments (art. 55 sec. 3).
- Property such as churches, chapels, cemeteries and buildings used for non-residential purposes (e.g., parish halls) are exempt from property tax (art. 55 sec. 4).
- Similarly, buildings used for residential purposes by clergy and religious (e.g. seminaries, monasteries and clergy houses) are exempt from property tax if they (or parts thereof) are used as dormitories, houses for contemplative orders, formation houses or homes for retired priests (art. 55 sec. 5).
- Ecclesiastical juridical persons are also exempt from inheritance tax, donation tax, and civil law transaction tax (art. 55 sec. 6).

Importantly, the list also includes donations made to the Church's charitable and welfare activities. Such donations are not subject to tax exemptions but are tax deductible. Consequently, the donor reduces his or her tax base by the amount of the donation made. Although this solution mainly benefits the donor, it also applies to the ecclesiastical juridical person. In this way, the Church can acquire funds from such donations (art. 55 sec. 7).

Following Poland's accession to the European Union, the Catholic Church is entitled to import goods without a customs duty levied. Goods imported into the customs territory from countries that are not EU members (e.g., the United

States or Japan) and intended for charitable, welfare, educational, cultural, or religious worship purposes are exempt from a customs duty.

The aforementioned exemptions do not place the Church in a privileged position. Rather, they are following the rules of a democratic state, whose purpose is to establish legal conditions that allow all members of society, including church institutions, to flourish for the benefit of all citizens.[16]

4. A SPECIAL BILATERAL COMMISSION

The second element of art. 22 of the Concordat is the establishment of a special parity commission. The wording of this provision is deeply rooted in the period of political transformation in Poland. It is a direct response to the communist regime, when the state would issue unilateral, ideological acts in order to harm the well-being of the Church.[17] The case is not limited to Poland. Such issues had previously been raised in Italy and Spain, which also underwent a transformation from a religious to a secular state.[18] It is worth noting that the Polish Concordat was the first international agreement that the Holy See entered into with a post-communist state in Central and Eastern Europe. The agreement is determined by the need to work out a consensus between the parties. For comparison, it is worth noting here that the next country to sign a bilateral agreement with the Apostolic See was Hungary, which ratified as many as three international agreements.[19]

Pursuant to art. 22 sec. 2 of the Concordat, both parties have agreed to set up a special parity commission to address the necessary changes, taking into account the needs of the Church. The new regulations are to consider the Church's mission and the practice of its life in Poland. However, the provision in question does not indicate that tax write-offs will be the preferred model for funding church institutions in Poland. In Polish literature, there is a clear analogy to Italian solutions in particular. The 1984 Italian concordat also pro-

[16] KRUKOWSKI, *Concordats* , 325.

[17] Cf. J. KRUKOWSKI, *Realizacja Konkordatu z 1993 r w polskim por zadku prawnym*, [in:] *Konkordat polski w 10 lat po ratyfikacji*, ed. J. Wroceński, H. Pietrzak, Warszawa 2008, p. 121.

[18] Cf. J. KRUKOWSKI, *Ocena skutków Konkordatu z 1993 roku w Polskim porządku prawnym*, "Krakowskie Studia Międzynarodowe" (2006), no. 3, p. 49.

[19] H. SUCHOCKA, *Polski model relacji państwo-Kościół w świetle Konstytucji RP i Konkordatu z 1993 roku*, [in:] *Konkordat Polski w 10 lat po ratyfikacji*, ed. J. Wroceński, H. Pietrzak, Warszawa 2008, p. 44.

vided for dialogue to take place within the state-church commission.[20] Nevertheless, the Polish Concordat does not contain any explicit provisions stating that the future model of church funding must be based on the European model.

In this context, art. 27 of the Concordat is of key significance, as it provides for two ways of regulating financial matters: (a) entering into a new concordat or (b) making necessary arrangements between the Polish government and the Polish Bishops' Conference.

This bilateral formula, by virtue of art. 25 sec. 5 of the 1997 Polish Constitution, is a response to the historical experiences of the communist regime. At that time, the state issued numerous unilateral acts serving ideological purposes, often to the detriment of the Church.

On 15 April 1997, the Polish government issued a controversial declaration based on art. 22 sec. 2 of the Concordat, aimed at ensuring a clear interpretation of this provision.[21] In point 6 of this document, the governmental side stated that state authorities may introduce changes to financial matters after consulting the ecclesiastical side through the proper commission. According to Michał Pietrzak, this declaration gives the state the right to introduce changes on its own if they are preceded by consulting the ecclesiastical side.[22] This interpretation formed the basis for, among other things, the 2004 draft of the Act on the abolition of the Church Fund.[23]

However, this view raises legal concerns.[24] The declaration by Prime Minister Włodzimierz Cimoszewicz, despite being published in the legal gazette *Monitor Polski*, is not legally binding and does not constitute a source of law under art. 87 sec. 1 of the Constitution. The publication of the declaration in *Monitor Polski* cannot, by itself, form the basis for an authentic interpretation

[20] H. MISZTAL, P. STANISZ, *Włoski model finansowania związków wyznaniowych*, [in:] *Pro bono Reipublicae. Księga jubileuszowa profesora Michała Pietrzaka*, ed. P. Borecki, A. Czohara, T. J. Zieliński, Warszawa 2009, p. 343.

[21] Legal Gazette of 1998, No. 4, item 51.

[22] M. PIETRZAK, *Głos w dyskusji*, [in:] *Dziesięć lat polskiego konkordatu*, ed. P. Borecki, C. Janik, Warszawa 2009, p. 133.

[23] Senate's draft on the abolition of the Church Fund of 29 July 2004, No. 771, http://ww2.senat.pl/K5/DOK/dr/750/771.htm (accessed 15.04.2012); BIURO KLUBU PARLAMENTARNEGO SLD, *Fundusz Kościelny – za i przeciw. Relacja z konferencji w dniu 10 grudnia 2004 r.*, Warszawa 2005, p. 50-94.

[24] A different view is presented by Paweł Borecki, *Glosa do uchwały całej Izby Finansowej Naczelnego Sądu Administracyjnego z dnia 14 marca 2005 r.*, "Zeszyty Naukowe Sądownictwa Administracyjnego" (2005), no. 2-3, p. 156-157.

of art. 22 of the Concordat. It cannot authorise the government to single-handedly determine the meaning of the provisions of an international agreement.[25]

This position is confirmed by the case law of the Constitutional Tribunal. In a judgement dated 2 April 2003 (case no. K 13/02), the tribunal ruled that, in accordance with art. 25 of the Constitution, the regulation of property matters requires an agreement between the Council of Ministers and the Church.[26] This legal interpretation is also confirmed by the provision of art. 27, which stipulates that matters requiring new or additional solutions must be regulated by new agreements between the contracting parties or arrangements between the government and the Polish Bishops' Conference, authorised for this purpose by the Holy See.

Józef Krukowski's view is well-founded in this regard. He points out that art. 22 sec. 2 of the Concordat introduces the principle of bilaterality. Changes to Church funding can be made on the basis of a new agreement between the Holy See and the Republic of Poland, which will be negotiated by a parity commission.[27]

For over three decades a special bilateral commission has never been formally established. Instead of one bilateral commission, two separate concordat commissions operate with the same competencies.[28] Although their operation is accepted as an established practice in relations between Poland and the Holy See, these bodies have not yet drawn up new financial regulations for the Church.[29]

One significant breach to the principle of bilateralism was the Act of 16 December 2010 amending the Act on the relationship between the State and the Catholic Church in the Republic of Poland.[30] On that basis, the Property Commission was abolished. In this case, no bilateral agreement was entered into. In the explanatory memorandum for the draft law, it was briefly stated

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[25] Cf. J. KRUKOWSKI, *Konkordat polski z 1993 r. – przedmiot i formy realizacji w krajowym porządku prawnym*, [in:] *Układowe formy regulacji stosunków między państwem a związkami wyznaniowymi (art. 25 ust. 4-5 konstytucji RP)*, ed. P. Stanisz, M. Ordon, Lublin 2013, p. 400. In reality, the declaration served only short-term ideological purposes. It was an attempt to win over post-communist politicians, who formed a majority in parliament between 1993 and 1997 and, for ideological reasons, blocked the ratification of the Concordat.

[26] Point III, 1, "Orzecznictwo Trybunału Konstytucyjnego. Zbiór Urzędowy. Seria A" 8 (2003), no. 4, item 28.

[27] "Orzecznictwo Trybunału Konstytucyjnego," 399.

[28] Cf. WALENCIK, *Finansowanie Kościoła*, 43.

[29] KRUKOWSKI, *Realizacja Konkordatu*, 122.

[30] Journal of Laws of 2011, No. 18, item 89.

that "it was consulted with the Secretariat of the Polish Bishops' Conference."[31]

Another attempt to reform the financing of the Church took place in 2012–2013, when the concordat commissions negotiated the dissolution of the Church Fund.[32] A special bilateral working group was set up at that time. The governmental side proposed replacing the fund with a voluntary tax deduction of 0.3%, whilst the Church side, following the Hungarian model, insisted on 1%. In the proposed model, these funds would be administered by tax authorities in accordance with the wishes of taxpayers.[33] Ultimately, due to a dispute over the amount of tax deduction, the parties were unable to reach a compromise, and the talks were suspended indefinitely.[34]

It is worth noting that tax deduction is not widely used. In the Czech Republic, for example, it has been abolished due to the high level of secularisation in society and the large number of religious organisations that would potentially benefit from this type of funding.[35] The Czech government decided to return the nationalised property. In cases where that is not possible, the Czech government will pay a compensation amounting to 5% over the next 30 years in decreasing instalments. In Croatia, however, attempts to introduce a tax deduction have been abandoned. In return, the state decided to compensate the Church for the property it had lost. The state has committed to providing subsidies, calculated based on the number of parishes (equivalent to two average gross salaries per parish), in recognition of the Church's contribution to public benefit activities in the cultural, educational, social, and ethical spheres. To this end, the Croatian Bishops' Conference was required to submit a list of parishes by 1 December 2000.[36]

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[31] Sejm Paper no. 3678, available at www.sejm.gov.pl.

[32] Projekt zmiany ustawy o przejęciu przez państwo dóbr martwej ręki, poręczeniu proboszczom posiadania gospodarstw rolnych i utworzeniu Funduszu Kościelnego oraz niektórych innych ustaw, available at www.archiwum_mc.bip.gov.pl (accessed 02.07.2026).

[33] The course of the negotiations taking place in the commissions was presented meticulously by Dariusz Walencik in *Finansowanie Kościoła katolickiego w Polsce w świetle art. 22i 27 Konkordatu oraz prac komisji konkordatowych – perspektywa zmian*, [in:] *Konkordat ocena z pespektywy 15 lat obowiązywania*, ed. P. Kroczek, Annales Cannonici. Monografie 2, Kraków 2014, p. 39-67.

[34] WALENCIK, *Finansowanie Kościoła*, 59.

[35] J. R. TRETER, *Finansowanie Kościołów w Republice Czeskiej*, [in:] *Systemy finansowania instytucji kościelnych w Europie*, ed. J. Krukowski, Lublin 2000, p. 111.

[36] "Basandosi bulla Costituzione e sulle leggi corrispondenti, la Repubblica di Crozia riconosce il valore di utilità sociale del lavoro svolto dalla Chiesa Cattolica a servizio dei cittadini nel campo culturale, educativo, sociale ed etico (cfr. Art. 2 § 2 del presente Accordo)." Cf. W. GÓRALSKI, *Finansowanie instytucji kościelnych i duchowieństwa w regulacjach wybranych umów Stolicy Apo-*

In Poland, in August 2025, the Senate was petitioned to introduce an obligatory church tax based on the German model, amounting to 8%. The tax authority would have the power to charge taxes for every employment contract. It would act on the basis of a declaration stating that the person in question is a member of a particular church or religious association.[37] This triggered another series of debates in the concordat commissions. This project is another attempt to implement the proposals put forward in 2012 by the government. However, it is a unilateral draft, proposed by a left-wing party. It is difficult to imagine that such a radical reform could be adopted without the consent of the Apostolic See. This situation proves, however, that the issue of financing the church remains a highly topical one that arouses strong public and political emotions.

5. THE POLISH MODEL OF CHURCH FUNDING

A concordat is an international agreement concluded between the Apostolic See and a state. Its primary purpose is to regulate mutual relations and to guarantee freedom of conscience and religion. It should be noted that the Polish concordat does not introduce a ready-made funding model for the Church. That is why this clearly sets it apart from the agreements concluded by the Holy See with German lands, Italy, Croatia, Lithuania and Latvia.[38] Instead, the Polish Concordat retains the solutions adopted in national legislation prior to its entry into force.

An analysis of the text of art. 22 sec. 2 of the Concordat shows that the current model of Church funding in Poland is based on a dual system. On the one hand, these matters are governed by existing legislation; on the other hand, any changes are to be worked out by a bilateral commission. The basis for changes to the financing of the Church should be a new international agreement concluded between the Polish government and the Polish Bishops' Conference, authorised by the Apostolic See (art. 27). This provision does not establish new financial mechanisms but refers to future bilateral arrangements.

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stolskiej z państwami po Soborze Watykańskim II, [in:] *Finansowanie Kościołów i innych związków wyznaniowych*, ed. P. Sobczyk, K. Warchałowski, Warszawa 2013, p. 365.

[37] The Senate Secretariat, BAP.DPK.133.172.2025, available at https://www.senat.gov.pl/gfx/senat/userfiles/_public/k11/komisje/kp/65/3/01_material_do_petycji_89-2025.pdf (accessed 21.04.2026).

[38] J. KRUKOWSKI, *Realizacja Konkordatu z 1993 r w polskim porządku prawnym*, [in:] *Konkordat Polski w 10 lat po ratyfikacji*, ed. J. Wroceński, H. Pietrzak, Warszawa 2008, p. 122.

Introducing a bilateral procedure for agreeing changes to church financing into the concordat has a stabilising effect. This eliminates state arbitrariness in the legislative process and protects church institutions from one-sided decisions. As a result, the Church is guaranteed protection against arbitrary decisions that could worsen the financial situation of the ecclesiastical institutions.[39]

Currently, the Church funding system in Poland relies on three main sources: offerings from the Christian faithful, its own property, and public subsidies. Voluntary offerings from the faithful are the largest source of income. Next is income from the Church's own assets – mainly from lease and loan agreements, as well as from economic activities. The third source is public funds, such as the Church Fund and the system of tax and customs exemptions.

In Poland, there has been a years-long debate about the abolition of the Church Fund. One proposal is to introduce a tax deduction based on the Italian system. Supporters of this reform point out that such a system is modern, ensures full transparency and encourages the faithful to support their religious community.

What is worth noting, however, is the fact that there is no single, universal model for funding religious organisations in Europe. Out of the twenty-seven EU member states, only five have adopted a tax designation model, and only three have a church tax. In the majority of countries (save for Austria and Sweden), churches are primarily financed through their own assets and voluntary offerings from the faithful.[40] On this basis, it is difficult to speak of a "model" or "modern" system of Church funding, especially that the Concordat with Poland does not impose any specific funding model, leaving this issue to the discretion of the state and the Church. The academic debate should not ignore the historical, social, and political conditions that accompanied the implementation of tax deductions in Italy and Hungary. In Polish discourse, the issue of taxpayers' real involvement in donating funds to non-governmental organisations is often marginalised. In 2025, according to the Ministry of Finance, 63% of eligible taxpayers used this option.[41] In the case of other taxpayers, the tax settlement is done by the tax office, which results in unused amounts of the tax deduction going to the state budget.

[39] Cf. P. BORECKI, *Funkcja stabilizacyjna Konkordatu polskiego z 1993 r. wobec Kościoła katolickiego*, "Studia Prawa Publicznego" (2019), no. 1, p. 13.

[40] M. MIELCZAREK, *Współczesne rozwiązania w finansowaniu wspólnot wyznaniowych w Polsce*, [in:] *Ekonomiczne wyzwania Polski i świata w ujęciu teoretycznymi praktycznym*, ed. A. Nowacka et al., Płock 2023, p. 67.

[41] Ministerstwo Finansów, https://www.gov.pl/web/finanse/1-5-procent-podatku-dla-opp (accessed 21.04.2026).

When analysing the potential impact on religious associations, the demographic and systemic structure should be taken into account. People up to the age of 26 are exempt from income tax. Meanwhile, pensioners (women from the age of 60 and men from the age of 65) do not have to submit tax declarations themselves, as these are processed automatically by the tax office. At the same time, this group constitutes the core of people participating in religious practices and has the strongest bond with the Church. In light of the ongoing image crisis facing church institutions, which has been commented on in the mainstream media, the introduction of a tax deduction could potentially be deficit-inducing for the Church.

In the analysis of the Polish model of funding the Church, the innate right to acquire temporal goods is provided for in can. 1254 of the 1983 Code of Canon Law is of key importance. It is a doctrine that has remained unchanged for centuries: "To pursue its proper purposes, the Catholic Church by innate right is able to acquire, retain, administer, and alienate temporal goods independently from civil power." This right is not granted by the state but belongs to the Church by virtue of *ius nativum* (innate right). The secular authorities should therefore respect this right both in the institutional and individual dimensions.

The active involvement of the faithful in financing the community builds a stronger bond between them, which in turn leads to their greater responsibility for the material condition of the Church. It can therefore be concluded that the best guarantee of the economic status of the ecclesiastical institution are the faithful themselves, ready to protect its interests. Any authority must take such organised communities into account, as historical experience, including the fall of totalitarian regimes in the 20th century, clearly demonstrates.

CONCLUSIONS

Our reply to the question posed at the outset – whether the Concordat guarantees the financial stability of the Catholic Church in Poland – must be affirmative. The establishment of a bilateral commission to implement changes in Church financing not only stabilises its financial position but also safeguards against the arbitrary withdrawal of funds by the state. This mechanism ensures that the Church's financing remains safe. Furthermore, this stability is protected internationally by the 1969 Vienna Convention on the Law of Treaties.

However, we must keep in mind that the Polish model – like ones in most European countries – is based on three pillars: offerings from the faithful, the Church's income from its own assets, and state subsidies. None of these sources can be overlooked in the financial strategy of ecclesiastical institutions. There are no objective premises to suggest that taxation in Poland would be as effective as in Italy or Hungary. In the thirty-three years since the Concordat came into force, Poland's social landscape has evolved, and the rise of a consumer society has significantly transformed people's attitude toward money. Given the Church's image crisis due to cases of sexual abuse and young people giving up their religious education, compounded with the widespread secularisation of society, there are justified concerns that the tax deduction in question is not a reliable method for securing the Church's financial stability. There is no doubt the tax deduction will never fully replace state subsidies provided from the Church Fund.

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CZY KONKORDAT Z 1993 ROKU GWARANTUJE STABILNOŚĆ FINANSOWĄ KOŚCIOŁA KATOLICKIEGO W POLSCE

STRESZCZENIE

Autor w dokonuje analizy art. 22 ust. 2 konkordatu z 1993 roku i podejmuje problem naukowy, czy Konkordat zawarty między Stolicą Apostolską a Polską gwarantuje stabilność finansową Kościoła katolickiego w Polsce. Wykazano, że zasada bilateralności zmian w finansowaniu Kościoła daje gwarancję jej stabilności. Dowodzi tego również Konwencja wiedeńska. Ponadto w artykule dokonano krytycznej oceny trzech filarów finansowania Kościoła: ofiar wiernych, dochodów z majątku własnego Kościoła oraz dotacji państwowych. W kontekście postępującej sekularyzacji, słabego wizerunku Kościoła oraz zmian w mentalności coraz bardziej konsumpcyjnego społeczeństwa autor podważa założenie, że system ulg podatkowych mógłby w pełni zastąpić dotychczasowe dotacje państwowe.

Słowa kluczowe: Konkordat z 1993 roku; finansowanie Kościoła; Fundusz Kościelny; stosunki między państwem a Kościołem; sekularyzacja; prawo religijne