

## Poland - Information on residency for tax purposes

### Section I – Criteria for Individuals to be considered a tax resident

Pursuant to the Article 3 paragraph 1a of the Personal Income Tax Act (hereinafter: PIT Act) as a Polish resident is considered a person who has his/her centre of personal interests or economic interests (centre of vital interests) in Poland or is present on the territory of Poland for more than 183 days during a tax year.

Generally person is a Polish resident until he/she fulfils at least one of conditions stipulated in Article 3 paragraph 1a of the PIT Act.

This provision shall be applied with regard to double taxation agreements to which Poland is a party.

Official guidelines regarding tax residency and the scope of tax liability of natural persons in Poland were issued on April 29, 2021.

The guidelines are available at the Ministry of Finance website:

<https://www.gov.pl/web/finanse/objasnienia-podatkowe-z-29-kwietnia-2021-r-ws-rezydencji-podatkowej-oraz-zakresu-obowiazku-podatkowego-osob-fizycznych-w-polsce> (only in Polish)

### Section II – Criteria for Entities to be considered a tax resident

According to the Article 3 paragraph 1 of the Corporate Income Tax Act (hereinafter: CIT Act), legal persons whose registered office or management lies within the territory of Poland shall be subject to tax liability as regards the total of their income irrespective of the location of the sources of their revenue.

We did not publish guidelines for legal persons to determine their tax residence.

Pursuant to the Article 3 paragraph 1a of CIT Act, the taxpayer's management lies within the territory of Poland, inter alia, when current affairs of that taxpayer are conducted in an organized and continuous manner in the territory of Poland, based in particular on:

- 1) a contract, decision, court ruling or other document regulating the establishment or functioning of that taxpayer, or
- 2) powers of attorney granted, or
- 3) relations within the meaning of Article 11a paragraph 1 subparagraph 5 of CIT Act (related parties in accordance with CIT Act).

### Section III – Entity types that are as a rule not considered tax residents

As a general rule, in Poland fiscally transparent are partnerships: civil law partnership (spółka cywilna), registered partnership (spółka jawna), professional partnership (spółka partnerska).

In accordance with the Article 1 paragraph 3 of the CIT Act, as tax residents for CIT purposes are also considered:

- limited partnerships (spółka komandytowa) and limited joint-stock partnerships (spółka komandytowo-akcyjna), whose registered office or management lies within the territory of Poland,
- registered partnerships (spółka jawna) having their seat or management on the territory of Poland, if the partners of that registered partnership are not only natural persons and the registered partnership failed to submit the specific documentation as required by CIT Act,
- companies without legal personality with their registered office or management in another state, if, in accordance with the tax law of that other state, they are treated as legal persons and are subject to taxation in that state on their entire income, regardless of where they are earned,
- family foundations in the organization.

### Section IV – Contact point for further information

We do not have a direct contact point for residency.