



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION
Indirect Taxation and Tax administration
VAT and other turnover taxes

VAT in the European Community

**APPLICATION IN THE MEMBER STATES,
FACTS FOR USE BY
ADMINISTRATIONS/TRADERS
INFORMATION NETWORKS ETC.**

Note

This document collates a range of basic information on the application of VAT arrangements in the Member States which has been obtained from the tax authorities concerned.

The sole purpose of distributing details of national provisions is to create a work tool. In no way does this document reflect the views of the Commission of the European Communities. Nor does it signify approval of the relevant legislation.

POLAND

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•GENERAL INFORMATION

1. If a foreign trader wants to obtain information about your VAT system, whom should he contact? (address, telephone, fax, email)

Information about the tax system is provided by Krajowa Informacja Podatkowa (the National Tax Information). For callers ringing from Poland, telephone number is: 0-801 055 055 (for cellular networks: 22 330 03 30). Taxable persons can obtain information regarding, amongst others, the VAT system. It is also possible to obtain information about procedures applicable in the Polish tax system. Information is given by consultants of the National Tax Information in Polish.

2. What is the address of the national tax administration website? Which categories of information on VAT is available on that website (general information, legislation, contact points, forms, etc.)? And in which language(s)?

The website address of the Ministry of Finance of the Republic of Poland is: www.mf.gov.pl

Information available on the website includes, amongst others: general and detailed information about VAT, tax forms, legal acts, information materials for taxable persons (brochures, leaflets, etc.), as well as answers to the most Frequently Asked Questions regarding VAT. The page also contains basic information on amendments introduced following Poland's accession to the EU. The full version of the website is available in Polish, while there is also a short English version.

3. Where is it possible to find national VAT legislation and regulations? In which language(s) are they available?

See the reply to question 2.

Provisions regarding VAT are included in the Act of 11 March 2004 on the Tax on Goods and Services (Journal of Laws No 54, item 535 as amended) as well as in regulations issued on the basis of that Act. The Act and regulations are available in Polish.

•VAT REGISTRATION OF FOREIGN TRADERS

4. What are the circumstances governing the need to be registered for VAT?

In principle, any entity which carries out activities for which it is liable for VAT on the territory of Poland must register for VAT if the turnover generated exceeds EUR 10 000 (expressed in Polish currency; the threshold in PLN is determined every year in an Ordinance of the Minister of Finance). In the case of a taxable person who only starts carrying out activities liable to VAT, that threshold is calculated in proportion to the period in which the sales are performed. Taxable persons whose taxable sales did not

exceed the amount corresponding to the equivalent of EUR 10 000 can voluntarily waive the exemption, register for VAT, and settle their tax obligation in accordance with general rules. In the case where an entity conducting taxable activities on the territory of Poland does not have its residence or is not established on the territory of the country (a foreign trader), this entity is, as a rule, required to register for VAT on the territory of Poland before the first delivery is made (exemption for a turnover of less than EUR 10 000 does not apply in this case).

5. What are the situations where registration is unnecessary because the recipient of the goods or services is liable for the tax? In such situation, is it possible to register on a voluntary basis?

If an entity which is established outside the territory of the Republic of Poland supplies goods or services on its territory, the tax, without prejudice to specific provisions, can be settled by a recipient of the goods or services (reverse charge procedure). However, a foreign entity may register for VAT in Poland and settle the supplies of goods or services in accordance with the general rules.

6. Whom should a foreign trader contact to get registered for VAT? (Details about the department, including address, telephone, fax and e-mail)

If the trader is established or has his seat or his permanent residence on the territory of the Republic of Poland, it is a general rule that the Head of the Tax Office competent for the location where taxable activities are carried out is the competent tax authority. In the case of foreign traders who are not established or do not have their seats or their permanent residence on the territory of Poland, the competent tax authority is the Head of the Second Tax Office for Warszawa – Śródmieście, ul. Jagiellońska 15, 03-719 Warsaw tel.: +48 22 5113 526, fax.: +48 22 5113, e-mail: usl436@mz.mofnet.gov.pl.

7. Please describe the detailed procedures (including necessary documents) for issuing VAT identification numbers, specifically to foreign traders.

Before carrying out the first taxable activity, a taxable person must submit to the Head of the Tax Office a registration form. Exempt taxable persons, where the reason for the exemption is the amount of turnover, or those who only carry out activities which are exempted from VAT, may also submit VAT registration forms.

Subsequently, the Head of the Tax Office registers the taxable person for VAT and confirms his/her registration as an “active taxable person”, or “exempt taxable person”.

In the case where the VAT exemption is withdrawn from a given entity, or if the entity waives such exemption, that entity is required to submit a registration form, and if it is registered as an exempt taxable person, it must update the registration form.

In the case of taxable persons who intend to carry out intra-Community transactions, as a rule, before the day of the first intra-Community supply or the first intra-Community acquisition, they are required to notify the Head of the Tax Office in the registration form about their intention to start these activities.

The Head of the Tax Office registers the entity which submitted the notification as a taxable person for EU VAT and confirms its registration as a taxable person for EU VAT.

Entities registered as taxable persons for EU VAT which obtained the above-mentioned confirmation, when making intra-Community acquisition or supply of the goods or acquisition of certain categories of services, must give the number under which they are identified for VAT purposes. They are required to use the VAT identification number preceded by the PL code.

•THRESHOLDS

8. Which threshold do you operate as regards intra-Community distance selling under Article 34 of the Council Directive 2006/112/EC?

http://ec.europa.eu/taxation_customs/resources/documents/taxation/vat/traders/vat_community/vat_in_EC_annexI.pdf

9. Which threshold do you operate as regards acquisitions by non-taxable legal persons or exempt persons under Article 3 of the Council Directive 2006/112/EC?

http://ec.europa.eu/taxation_customs/resources/documents/taxation/vat/traders/vat_community/vat_in_EC_annexI.pdf

•APPOINTMENT OF TAX REPRESENTATIVES BY FOREIGN (NON-EU) TRADERS

10. What are the situations in which the appointment of a tax representative is obligatory?

Where a foreign trader is not established or does not have his seat or his permanent residence on the territory of Poland, the person which is required to register for VAT as an active taxable person must appoint a tax representative. Such a requirement does not apply to foreign traders who are established, have their seats or permanent residence on the territory of an EU Member State.

11. What are the conditions governing the appointment of a tax representative?

A tax representative must be appointed through a notarial contract between a foreign taxable person and an entity which fulfils the necessary requirements for being a tax representative. Such a person is obliged to present to the foreign taxable person a certificate issued by a competent Tax Office confirming that he/she meets the requirements for being a tax representative.

12. What are the rights and obligations of tax representatives?

A tax representative is required to fulfil the obligations of a taxable person whom he/she represents in respect of the VAT tax matters.

13. What action can you take in the event of failure by a trader in another country to designate a tax representative in your territory?

In such a case a trader established in a country outside the European Union is under the obligation to settle the tax in Poland (unless the recipient applies the reverse charge procedure).

14. Is it necessary to set up a bank guarantee?

A bank guarantee is not required.

•APPOINTMENT OF TAX REPRESENTATIVES BY FOREIGN TRADERS ESTABLISHED IN THE EU

15. Is it possible to appoint a tax representative or a tax agent?

Yes

16. What are the conditions governing the appointment of a tax representative?

See the reply to question 11.

17. What are the rights and obligations of tax representatives?

See the reply to question 12.

18. Are there situations where it is obligatory to set up a bank guarantee?

A bank guarantee is not required.

•INVOICING

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RULES ABOUT INVOICING

19. Where can the relevant rules (laws, regulations, instructions, guidelines...) be found?

Obligations in respect of invoicing are regulated in Articles 106-108 of the Act of 11 March 2004 on the Tax on Goods and Services (Journal of Laws No 54, item 535 as amended) and in Articles 9 - 27 of the Ordinance of the Minister of Finance of 25 May 2005 on the refund of tax to certain taxable persons, on the refund of input tax, on the issuance of invoices, on the method of storage of invoices, and on the list of goods and services to which exemptions from VAT do not apply (Journal of Laws No 95, item 798). Provisions regarding electronic invoices are included in the Ordinance of the Minister of Finance of 14 July 2005 on electronic invoicing and on sending invoices by electronic interchange, as well as on storage of these invoices and making them available to tax authorities or fiscal control authorities (Journal of Laws No 133, item 1119). The above-mentioned rules are available on the website of the Ministry of Finance (www.mf.gov.pl).

•ISSUANCE OF INVOICES

20. Cases where an invoice needs to be issued.

As a rule, persons subject to VAT are required to issue invoices in respect of supplies of the goods or services. This rule also applies to any payment of the full amount due, or of a part thereof, made on account before the supply of goods or services. If the purchaser of the goods is a natural person who does not conduct business activities, the taxable person is under obligation to issue an invoice at the request of that purchaser.

21. What are the rules on corrective invoices (credit / debit notes)?

A corrective invoice must be, as a rule, issued in cases where, after the invoice had been issued, a discount was granted, the price was increased, or if a mistake was discovered in the price, rate, or amount of the tax, or in any other item of the invoice.

A corrective invoice should include, amongst others: a sequential number and the date of issue, some data included in the invoice in which respect the corrective invoice is issued, the name of goods or services in respect of which a discount was granted, the amount and type of discount granted, the amount of reduction of input VAT.

A purchaser who received a corrective invoice is obliged to correct the deduction of the amount of input VAT.

22. What is the time limit for issuing invoices?

In accordance with a general rule, invoices are issued not later than on the seventh day from the date of supply of goods or services.

23. What are the rules for summary invoicing?

In the case of sales of goods of a continuous nature, under long-term contracts, a taxable person may indicate on the invoice the month and year of the sale. The invoice is issued not later than on the seventh day from the date of supply .

24. What are the conditions imposed on self-billing?

An invoice confirming a supply of goods or services can be issued by the recipient who is an active taxable person registered for VAT. This issue is regulated in Article 10 of the Ordinance of the Minister of Finance of 25 May 2005 on the refund of tax to certain taxable persons, refund of input tax, issuance of invoices, method of storage of invoices, and on the list of goods and services to which exemptions from VAT do not apply (Journal of Laws No 95, item 798).

The recipient of goods or services must, amongst others, have an agreement concluded with the supplier of goods or services, which authorises him to issue invoices, corrective invoices and duplicate copies of invoices in the name and on behalf of the supplier of goods or services.

Moreover, within ten days from the conclusion of the above-mentioned agreement, a written information about the agreement must be submitted to the Heads of Tax Offices competent for both parties.

25. Is there any specific rule in relation to outsourcing of invoices to a person who is established outside the EU?

No.

•CONTENT OF INVOICES

26. Under what conditions must the VAT number of the customer be on the tax invoice?

As a rule, in cases where both the supplier and the recipient are taxable persons registered for VAT, their tax identifying number must be included on the invoice. Invoices issued for natural persons not involved in business activities, as well as for natural persons who carry out business activity in the form of individual farms, do not have to include the recipient's tax identifying number.

27. Any other specific rule in relation to the content of the invoice.

In certain circumstances single tickets, proofs of payment for radio-communication services, documents regarding tax exempted banking and insurance services, proofs of payment for paid motorways can also be considered as invoices.

•ELECTRONIC INVOICING

28. As regards invoices sent with advanced electronic signatures, is it obligatory to use qualified certificated and secure-signature-creation devices? If so, please give details.

Invoices can be issued, sent and stored in electronic form, provided that the authenticity of their origin and the integrity of their content is guaranteed:

- 1) by means of a secure electronic signature within the meaning of Article 3.2 of the Act of 18 September 2001 on the electronic signature (Journal of Laws No 130, item 1450, as amended), verified by means of a valid qualified certificate, or
- 2) by means of electronic data interchange (EDI), in accordance with the agreement on the European model of the electronic data interchange, when the agreement relating to the exchange provides for the use of procedures guaranteeing the authenticity of the origin of invoices and integrity of the content.

29. As regards invoices sent by electronic data interchange, is an additional summary document on paper obligatory? If so, please give details about its content and procedure.

No, in the case of invoices sent by electronic data interchange there is no obligation to supply their paper version. Neither is it required to prepare a paper summary of invoices issued in electronic form.

30. Do you allow invoices issued pursuant to Article 233 (1) second subparagraph of Council Directive 2006/112/EC ("by using any other electronic means")? If so, under which conditions and formalities?

No, there is no such possibility.

31. Any other specific rule in relation to electronic invoicing

Provisions regarding electronic invoices are included in the Ordinance of the Minister of Finance of 14 July 2005 on electronic invoicing and on sending invoices by electronic data interchange, as well as on storage of these invoices and making them available to tax authorities or fiscal control authorities (Journal of Laws No 133, item 1119). The Ordinance is available on the website of the Ministry of Finance (www.mf.gov.pl).

•STORAGE OF INVOICES

32. What are the rules on the place of storage of invoices?

Entities involved in business activities are required to notify a competent Head of a Tax Office, amongst others, about the place of storage of documents connected with their business activities. Invoices are also included among these documents.

33. Is prior notification of invoices stored in another country an obligation? If so, please specify.

In the case of invoices issued in electronic form, there is a possibility to store them on the territory of a Member State other than Poland (provided prior notification is given to the Head of the Tax Office and, in specific cases, to the Head of the Customs Office), in accordance with Article 6.2 of the Ordinance of the Minister of Finance of 14 July 2005 on electronic invoicing and on sending invoices by electronic data interchange, as well as on storage of these invoices and making them available to tax authorities or fiscal control authorities (Journal of Laws No 133, item 1119). The Ordinance is available on the website of the Ministry of Finance (www.mf.gov.pl).

34. What is the obligatory storage period for invoices?

Taxable persons are required to store originals and copies of invoices and of corrective invoices, as well as duplicates of these documents until the time-expiry of a tax liability.

35. What are the specific rules on storage form and possible conversions?

Invoices are stored in their original form, divided by accounting periods and in a manner facilitating their easy retrieval. In the case of invoices issued in electronic form, they should be stored in the form in which they were sent, in a manner which guarantees the authenticity of origin of invoices and the integrity of their content, as well as their legibility throughout their storage period.

36. Any other specific rule in relation to invoice storage

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•SIMPLIFIED INVOICES

37. What are the situations where simplified invoicing is allowed pursuant to Article 238 of Council Directive 2006/112/EC ? And what are the specific rules?

See the reply to question 27.

•PERIODIC VAT RETURNS

38. Under what circumstances is a trader obliged to submit a VAT return?

In principle, taxable persons are obliged to submit periodic VAT returns, which correspond to different tax periods.

39. At what intervals are VAT returns and associated payments to be made?

As a general rule, taxable persons must submit VAT returns to the Tax Offices at monthly intervals, not later than on the 25th day of the month following each sequential month.

40. Does a special regime as regards periodic VAT returns exist for smaller traders and/or certain categories of business? If so, please describe them.

Exempt taxable person, where the reason for the exemption is the amount of turnover, or those who only carry out activities which are exempted from VAT, are not obliged to submit VAT returns. "Small taxable persons" can submit returns quarterly, not later than on the 25th day of the month following each sequential quarter. "Small taxable persons" shall mean a person liable for VAT:

- a) whose value of sales (including tax) did not exceed the amount equivalent to EUR 800.000 in the previous tax year;
- b) who manages a broker's firm, or manages a trust fund, who is an agent, a contractor, or another person providing services of a similar nature, with the exception of consignment sales, if the amount of commission or of another form of remuneration for services provided (including VAT) in the previous tax year, expressed in PLN, did not exceed the amount corresponding to EUR 30,000.

41. Do you operate simplified calculations of tax liability? If so, what are the qualifying criteria, to whom do they apply and what is the nature of the simplification.

Small taxable persons (mentioned in point 40) can settle their VAT liabilities using cash method (the tax point and the right to deduct tax are simultaneous with the moment of payment), if they chose this method of tax settlement.

There is also a special provision for taxable persons providing taxi services. They have the right to opt for the payment of flat-rate tax, without the right to deduct input VAT. The Act on VAT also includes provisions regarding flat-rate tax for farmers, as set forth in Article 25 of the Sixth VAT Directive.

•RECAPITULATIVE STATEMENTS

42. At what intervals are recapitulative statements to be submitted?

Recapitulative statements (summarising information) are submitted on a quarterly basis before the 25th day following the quarter during which:

- 1) the chargeability for VAT arose in respect of the intra-Community acquisition of goods (in such cases the statement includes the intra-Community acquisition of goods ;
- 2) the chargeability for VAT arose in respect of the intra-Community supply of goods (in such cases the statement includes the intra-Community supply of goods ;

43. Is any additional information required other than that set out in Chapter 6 Recapitulative Statements of Title XI of Council Directive 2006/112/EC?

No, there is no obligation in this respect.

44. Do you operate simplified procedures as regards recapitulative statements as provided for in Article 269 of Council Directive 2006/112/EC? If so, what are the related thresholds for applying such procedures?

No, no such procedures are provided for.

•ELECTRONIC RETURNS

45. Is it possible to submit VAT returns by electronic means? If so, how and using which technology? Who should be contacted to apply to submit returns electronically?

Yes Regulations regarding the submission of VAT returns electronically are included in the Ordinance of the Minister of Finance of 11 September 2006 regarding the logical structure of returns and applications, the method of their sending, and the types of electronic signatures which they should bear (Journal of Laws No 168, item 1197, as amended). This Ordinance (together with amendments) as well as information connected with the submission of VAT returns electronically can be found on the website page of the Ministry of Finance (www.mf.gov.pl) in the part regarding "e-taxes".

46. Is it possible to submit recapitulative statements by electronic means? If so, how and using which technology? Who should be contacted to apply to submit returns electronically?

The introduction of such a possibility is envisaged.

•ADMINISTRATIVE REQUIREMENTS

47. Do you operate a flat-rate scheme? If so, to whom does the scheme apply?

Yes A flat rate scheme applies to farmers who settle their tax liabilities on the basis of a flat rate, as well as persons providing transport services for passengers (taxis) and taxi services for goods.

48. Do you operate simplified administrative requirements other than those already mentioned? If so, please give a description.

Yes. Taxable persons who provide commercial services taxed in accordance with different tax rates, or who provide both taxed commercial services and services exempted from tax, and who are not required to keep sales registers using cash registers can, in order to calculate the amount of output tax, divide the sales of goods in a given settlement period in proportion corresponding to documented purchases in the period in which purchases were made.

49. In which language(s) are forms (periodic VAT returns and recapitulative statements) available?

Tax returns and recapitulative statements (summarising information) are available in Polish.

•RIGHT TO DEDUCTION

50. For which categories of goods and services is there no right of deduction?

It is a general rule that the right of deduction of VAT does not apply in the cases of acquisition of, amongst others:

- goods and services intended for tax exempted sales;
- accommodation and catering services;
- engine fuels, diesel oil and gas used in certain categories of passenger cars with a maximum total weight not exceeding 3.5 tonnes.

51. Are there categories of goods and services in which there is a partial right of deduction? If so, what is the percentage?

In the case of purchase of passenger cars and of other vehicles with a maximum total weight not exceeding 3.5 tonnes, the amount of input VAT is calculated as 60 % of the amount of tax quoted in the invoice, or of the amount of input tax in respect of the intra-Community acquisition of goods, or of the amount of input tax in respect of the supply of goods of which a taxable person is the recipient. However, this amount cannot exceed PLN 6,000.

- **ANNEX 1 THRESHOLDS**

[http://europa.eu.int/comm/taxation_customs/taxation/company_tax/common tax base/index en.htm](http://europa.eu.int/comm/taxation_customs/taxation/company_tax/common_tax_base/index_en.htm)

- **ANNEX 2 VAT IDENTIFICATION NUMBERS**

[http://europa.eu.int/comm/taxation_customs/taxation/company_tax/common tax base/index en.htm](http://europa.eu.int/comm/taxation_customs/taxation/company_tax/common_tax_base/index_en.htm)

- **ANNEX 3 ABBREVIATIONS**

[http://europa.eu.int/comm/taxation_customs/taxation/company_tax/common tax base/index en.htm](http://europa.eu.int/comm/taxation_customs/taxation/company_tax/common_tax_base/index_en.htm)