



DORADZTWO
PODATKOWE

Tax Alert No. 248/11.03.2022



March 31 is the deadline for submitting a statements regarding real estate companies

By March 31, 2022¹, real estate companies and their shareholders / partners must file information on:

- 1) in the case of information provided by real estate companies – entities owning, directly or indirectly, shares along with the number of such participation rights held by each of them
- 2) in the case of information provided by shareholders (partners) of real estate companies - the number of shares.

Shares are also understood to mean shares, an aggregate of rights and obligations, titles or rights of a similar nature.

The disclosure must be submitted electronically to the Head of the National Tax Administration within 3 months from the end of the tax year.

Definition of real estate company

A real estate company means an entity other than natural person, obliged to prepare a balance sheet in line with provisions on accounting, in which:

- for entities commencing their business activity - as at the first day of the tax year, at least 50% of the market value of assets (directly or indirectly) consisted of real estate located in Poland or rights thereto, with the value exceeding PLN 10m; or
- for other entities as at the last day of the year preceding the tax (financial) year:
 - (1) at least **50% of the book value of assets (directly or indirectly) consisted of real estate located in Poland** or rights thereto,
 - (2) with the book value exceeding **PLN 10m** or an equivalent amount determined according to the relevant exchange rate; and
 - (3) in the year preceding the tax (financial) year, taxable revenues (revenues included in the net financial income) from:
 - letting, subletting, lease (and other similar contracts); and/or
 - from the transfer of ownership to real estate or rights thereto, and from shares in other real estate companies,

constituted at least **60% of total taxable revenues** (revenues included in the net financial income).

¹ assuming that the tax year coincides with the calendar year. For companies having a different fiscal year, the deadline for filing the statements is the end of the third month after the end of the real estate company's fiscal year.

DORADZTWO
PODATKOWE
TAX
ADVISORY

KANCELARIA
PRAWNA
LAW
FIRM

BUSINESS
CONSULTING

OUTSOURCING

CORPORATE
FINANCE

PLATFORMA
WIEDZY
KNOWLEDGE
PLATFORM



The definition of real estate company refers to the entity's asset structure, meaning that it can also be met by entities which do not have legal personality, nor are income taxpayers.

Shareholders / partners disclosure obligations

Who must submit information

Polish regulations provide new disclosure obligations on:

- real estate companies and
- taxpayers (partners / shareholders) holding, directly or indirectly, at least 5% of the voting rights in a real estate company or all rights and obligations, giving at least 5% of the right to participate in the profit of a company that is not a legal person, or at least 5% of the total number of participation units or rights of a similar nature thereto.

How can we help?

If you wish, we can assist you with the above reporting obligations for real estate companies and their shareholders / partners, in particular:

- we will explain the scope of information to be reported,
- we will indicate the entities and the scope of their reporting obligations,
- we will assist you in preparing and submitting reports to the Head of National Tax Administration.

If you are interested in the above information and its impact on your business, please contact:

Justyna Bauta-Szostak justyna.bauta-szostak@mddp.pl phone 00 48 502 241 631

Gniewomir Parzyjagła gniewomir.parzyjagla@mddp.pl phone 00 48 664 718 736

or your advisor at MDDP.

MDDP is one of the largest Polish companies providing comprehensive consulting services in the area of taxes, law, business consulting, corporate finance, accountancy and payroll outsourcing, as well as professional trainings and conferences.

Since 2004, we have been continually increasing the team of advisers equipped with experience acquired both in reputable advisory companies and the largest enterprises on the Polish market. Our Clients include leading international corporations and the largest Polish companies from all sectors of economy.

We consider trust to be the basis of successful cooperation. We support our Clients in taking the most important business decisions. We combine international experience in business with the knowledge of regulations and the specificity of a given industry. We focus our activities mainly on the Polish market and ensure full involvement and individual approach to the cooperation.

This Tax Alert does not constitute legal or tax advice. MDDP Michalik Dłuska Dziedzic i Partnerzy spółka doradztwa podatkowego spółka akcyjna shall not be liable for the use of the information contained in the alert without prior consultation with legal or tax advisors.

DORADZTWO
PODATKOWE
TAX
ADVISORY

KANCELARIA
PRAWNA
LAW
FIRM

BUSINESS
CONSULTING

OUTSOURCING

CORPORATE
FINANCE

PLATFORMA
WIEDZY
KNOWLEDGE
PLATFORM