

30 June 2022: CIT, FATCA / CRS and MDR 2021 reporting deadline

30 June 2022 is the extended deadline for taxpayers (whose tax year corresponds to the calendar year) to submit their annual CIT-8 returns for 2021. Such returns (with small exceptions) are to be signed and submitted to a Polish tax office electronically. Some taxpayers (who are not entered in the Polish commercial register) are additionally required to provide the Polish tax authorities with their financial statements (also in electronic form). A failure to submit a tax return on time, even if no tax was due, may result in a fine.

Furthermore, the deadline for annual CIT reporting is connected with a compliance obligation applicable to the use of taxable arrangements (as defined in DAC6 / mandatory disclosure rules). Cross-border taxable arrangements in respect of income taxes, which were executed or brought tax benefits in 2021, should be reported electronically on the MDR-3 form by the end of June 2022. The deadlines set for domestic taxable arrangements (also to report the use of schemes – MDR-3) are still suspended until Poland lifts the state of COVID-19 pandemic threat.

Last but not least, 30 June 2022 is also the deadline for CRS (OECD AEOI) and US FATCA reporting with regard to 2021 financial accounts. In case of FATCA, nil reporting is obligatory as well.



VAT grouping in Poland delayed until 1 January 2023

The Polish government and Parliament decided to postpone the introduction of VAT grouping from 1 July 2022 to 1 January 2023 (please refer to April 2022 Tax News for Financial Institutions for details). Therefore, not until the next year will Polish taxpayers be entitled to establish a group for VAT purposes (which means that transactions between VAT group members are not subject to output VAT and do not give the right to deduct input VAT).

As a side-effect, transactions between a branch and its head office (if a VAT group is involved) may be subject to VAT also only starting from the next year. VAT grouping regulations (including those which will come into force on 1 January 2023) seem to implement some solutions from the Danske Bank (C-812/19) and Skandia (C-7/13) cases. Implementation is not perfect, but Polish tax authorities have begun to argue that transactions between a branch and its head office being part of a VAT group – are subject to VAT as if concluded between separate taxable persons.

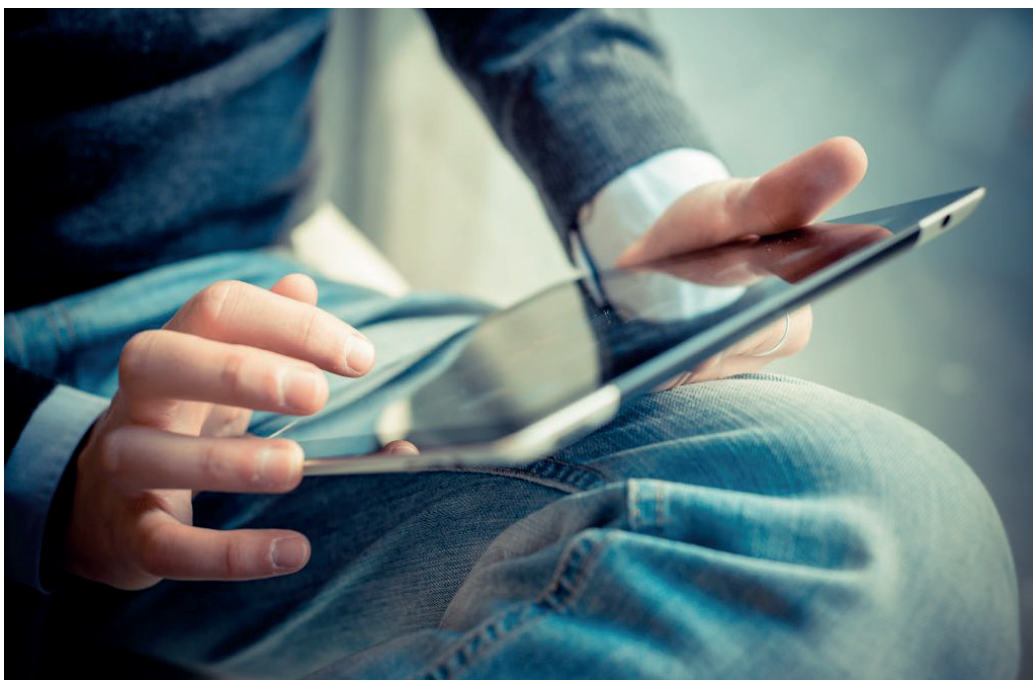
Electronic structured invoices obligatory as from 2024

Most probably starting from 2024, issuing and receiving a new type of e-invoices, i.e. structured invoices, will be mandatory for all VAT taxpayers established in Poland.

This follows from the draft decision of the European Commission on the application of a special measure derogating from certain provisions of the VAT Directive. The obligatory invoices are to apply only to entities established in Poland. This means that entities which are not established in Poland, even if they are registered for VAT purposes in Poland (e.g. branches or other fixed establishments), may not be obliged to accept or issue electronic invoices.

For intra-community transactions (ICS / ICA) it should still be possible to issue invoices in paper form.

This is good news as there should be more time to get ready for such a fundamental change. We recommend that this process should begin as soon as possible and the available time be used effectively.



Contact us



Jakub Żak

Partner

Tax Advisory Department
e-mail: jazak@deloitteCE.com
tel: +48 513 136 220



Agnieszka Ostrowska

Partner Associate

Tax Advisory Department
e-mail: aostrowska@deloitteCE.com
tel: +48 604 949 986



Przemysław Skorupa

Director

Tax Advisory Department
e-mail: pskorupa@deloitteCE.com
tel: +48 502 788 720



Paweł Skorłutowski

Senior Manager

Tax Advisory Department
e-mail: pskorlutowski@deloitteCE.com
tel: +48 734 166 431



Przemysław Borowiec

Senior Manager

Tax Advisory Department
e-mail: pborowiec@deloitteCE.com
tel: +48 664 718 664

The above publication contains general information only. Deloitte Touche Tohmatsu Limited (“DTTL”), the global network of its member firms and affiliates (collectively, the “Deloitte organization”), do not provide professional service or advice through it. You should seek professional advice before making any decisions or actions that may affect your company's finances or operations. We make no representations, warranties, or commitments (whether express or implied) regarding the accuracy and completeness of the information contained in this publication. DTTL, its member companies, their affiliates, their employees and agents are not liable for any loss or damage arising directly or indirectly from the use of this publication. DTTL and its member firms and affiliates are separate and independent legal entities.

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited (“DTTL”), its member firms and their affiliates (collectively, the “Deloitte organization”). DTTL (also referred to as “Deloitte Global”), each of its member firms and affiliates are legally separate, independent entities that cannot make decisions or commit other entities to third parties. DTTL, each of its member firms and affiliates are responsible only for their own acts and omissions and not for the acts and omissions of other member firms and affiliates. DTTL does not provide services to clients. Please visit www.deloitte.com/pl/onas for more information.

Deloitte is a leading international company that provides clients with services including audit, consulting, financial advice, risk management, tax advice. Our global network of member firms and affiliates (collectively, the “Deloitte organization”) covers more than 150 countries and territories and serves most of the Fortune Global 500® companies. To find out how approximately 345,000 Deloitte employees fulfill the company's mission, please visit the website: www.deloitte.com. Deloitte Central Europe is a regional unit operating within Deloitte Central Europe Holdings Limited, a member of Deloitte Touche Tohmatsu Limited in Central Europe. The services are provided by subsidiaries and affiliates of Deloitte Central Europe Holdings Limited, which are separate and independent legal entities. The subsidiaries and affiliates of Deloitte Central Europe Holdings Limited are some of the leading professional services companies; they employ a total of over 9,000 employees in 39 offices in 19 countries.