

# Investment Agreement

## Agreement for Key Investors Regarding Tax Implications of an Investment

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Large, complex investments can involve many tax issues. The Ministry of Finance offers an investment agreement—an instrument that allows you to obtain a binding interpretation of tax law provisions. This agreement can help you manage tax risks and clarify the tax implications of your investment.

Whether you are investing in a new plant, expanding production or changing production processes, an investment agreement can be key to ensuring tax certainty for your plans.

## What is an Investment Agreement?

An investment agreement is an agreement between an investor and the Minister of Finance regarding the tax implications of an investment. It is more than just a combination of [several tax instruments](#) into a single, coherent solution that safeguards tax compliance.

## What Might Be the Scope of the Investment Agreement?

The investment agreement may include equivalents of:

- [an advance pricing arrangement](#),
- [an individual tax ruling with respect to anti-avoidance rules](#),
- binding excise information,
- binding rate information,
- an individual tax ruling.

The scope of an agreement depends on your investment and your needs. There is no limit on the number of issues that can be addressed within an investment agreement.

You receive a consistent solution for various tax issues that would otherwise be covered by different instruments. You save time and benefit from a flexible procedure, thanks to direct contact with [the Investor's Tax Service Centre](#).

## What Are the Benefits of an Investment Agreement?

- **Safeguarding the tax implications of an investment:** An investment agreement is binding on tax authorities.
- **Long-term stability:** An investment agreement can be concluded for up to 5 tax years.
- **Wide range:** In an investment agreement, we strive to address all tax aspects of your investment. This also applies to issues identified after the request for an investment agreement has been submitted.
- **Individual approach:** In an investment agreement, you have the opportunity to consider the specifics of your investment and your business. You can supplement the application with documents and other materials relevant to your investment.
- **Support in determining the facts:** Based on the information obtained, Ministry of Finance employees will help you identify the circumstances relevant to assessing the tax consequences of your investment.
- **Flexibility of the procedure:** The procedure is less formal and offers an individual approach to the investor. We can jointly determine the schedule of proceedings or agree on the dates for potential supplementation of the application. You can also withdraw the application at any time, even after agreeing on the content of the investment agreement.
- **No surprises:** During the proceedings, you can obtain prior information about the expected outcome. You decide whether you want to enter into such an investment agreement.
- **Easy contact:** In the course of the proceedings, you can meet with the employees handling your case through reconciliation and status meetings. This allows you to present your position during a direct meeting—either in person or online.

- **Support of the Investor's Tax Service Centre:** After concluding an investment agreement, you can count on ongoing support from [the Investor's Tax Service Centre](#) throughout the investment implementation period.

## Who Can Apply for an Investment Agreement?

You can apply for an investment agreement if you plan or implement an investment in Poland worth at least PLN 50 million (until the end of 2024 – PLN 100 million). It does not matter whether you already run a business in Poland or are considering your first investment.

## What Investments Can an Investment Agreement Include?

The investment agreement may concern investments in tangible fixed assets or intangible and legal assets related to:

- establishment of a new plant,
- expansion of the production capacity of an existing plant,
- introducing products not previously produced at the existing plant,
- fundamental changes to the production process of an existing plant,

You can also apply for an investment agreement if you plan to acquire assets belonging to an establishment that has been closed or would have been closed if the purchase had not taken place. The assets must be acquired by an investor unrelated to the seller, and the acquisition of shares of the enterprise itself is excluded.

## Not Sure if an Investment Agreement Is Right for You?

Before submitting a request to conclude an investment agreement, we can organize a preliminary meeting with [the Investor's Tax Service Centre](#) staff (also available online). During these meetings, you can:

- learn more about the investment agreement process;
- assess how well the investment agreement meets the needs of your business,
- establish a preliminary schedule for the upcoming procedure,
- prepare for the potential submission of an application.

Write to us at:

[centrum.obsługi.inwestora@mf.gov.pl](mailto:centrum.obsługi.inwestora@mf.gov.pl)

## Investment Agreement Step by Step

**Step 1. Identify Your Needs:** Try to identify the tax issues that are significant for your investment.

**Step 2. Contact [the Investor's Tax Service Centre](#):** We will organize a preliminary meeting where you can learn more about the investment agreement. This will help you make an informed decision on whether the investment agreement meets your needs.

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**Step 3. Submit an Application for an Investment Agreement:** You can attach a business plan and other documents to your application if you believe they might be helpful. Remember that you can also supplement your application later.

**Step 4. Clarifications:** If any issues require additional explanation, the Ministry of Finance will reach out to you. You can provide clarifications in writing or during consultation meetings.

**Step 5. Reconciling the Agreement:** Together we will reconcile the terms of the investment agreement. If we do not reach an agreement, you can withdraw or modify your application without any consequences.

**Step 6. Finalizing the Agreement:** After negotiating the terms, the investment agreement can be concluded. We can also agree on the possibility of holding regular meetings regarding your investment.

**Step 7. Monitoring and Support:** Concluding an investment agreement is not the end of our cooperation. [The Investor's Tax Service Centre](#) will support you throughout the entire investment process. We will provide you with the necessary information, and if your plans or circumstances change, we will help you adjust the investment agreement accordingly.

You will also be assigned a dedicated advisor who will be your point of contact for tax-related issues concerning your investment. We can also organize regular meetings with the Investor's Tax Service Centre staff regarding your investment.

## Application for Concluding an Investment Agreement

The application for concluding an investment agreement must include:

- particulars identifying the investor;
- e-delivery address, unless the investor has agreed to receive correspondence via the e-Tax Office account,
- a description of the planned or ongoing investment,
- the declared value of the investment and an explanation of how it was determined,
- the proposed duration of the agreement,
- the proposed subject matter of the agreement,
- other elements depending on the scope of the application (these elements are specified in Article 20zt of the Tax Ordinance).

The application must be submitted electronically.

Within 30 days of submitting the application for the investment agreement, the investor is required to pay a [preliminary fee](#).

If the agreement is refused or an amendment of the agreement is denied, the initial fee will be refunded to the investor in full.

## Amendment of the Investment Agreement

You can submit a request to amend the investment agreement at any time. An amendment may also be initiated by the Minister of Finance.

## Termination of the Investment Agreement

The investor may terminate an investment agreement at any time and without justification.

The Minister of Finance may terminate an investment agreement only in cases specified by law.

## Fees

**Initial Fee:** PLN 50,000, charged to each investor, including in the case of a joint application.

In case of refusal to conclude or to amend an investment agreement, the initial fee is refunded to the investor in full amount – meaning the investor does not bear the negative consequences of a refusal.

**Initial Fee on the Application to Amend the Agreement:** PLN 25,000 per investor.

**Main Fee:** Charged in connection with the conclusion of the agreement. The amount is specified in the agreement and can range from PLN 100,000 to PLN 500,000.

**Main Fee on the Application to Amend the Agreement:** Can range from PLN 50,000 to PLN 250,000, as specified in the agreement.

## Where Can You Get More Information About the Investment Agreement?

If you plan or have already started an investment in Poland worth at least PLN 100 million (soon PLN 50 million), it is time to consider concluding an investment agreement.

You do not have to be certain about submitting an application for the investment agreement to contact us. We offer you a preliminary meeting where you can present your investment plans and learn more about the agreement.

We encourage you to contact [the Investor's Tax Service Centre](#). We are open to meetings, both in person and online.

Write to us at:

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## Regulations

The regulations concerning the Investment Agreement are specified in section IIC of the Act of 29 August 1997 – Tax Law (the Journal of Laws 2021, item 1540, as amended).