

January 2020

The rules of using the data contained in the White List in the light of the tax explanations of 20 December 2019

On 20 December 2019 the Ministry of Finance published tax explanations concerning the rules of using the data contained in the list of VAT payers. The purpose of the explanations is to facilitate the fulfilment of obligations related to making payments to the accounts included in the list, as well as to explain the negative tax consequences for the taxpayers and the possibilities of avoiding them. We kindly invite you to read the summary of the most important issues.

| | |
|--|---|
| WHITE LIST | <p>White list is a list of VAT payers held in electronic form by the Head of the National Tax Administration. The list allows to check information on the status of entities:</p> <ul style="list-style-type: none"> ■ registered as VAT payers, including entities which registration as VAT payers has been restored ■ in respect of which registration was refused or which were removed from the register as VAT payers. |
| WHAT DATA ARE CONTAINED IN THE WHITE LIST | <p>The White List contains information about the taxpayer, among others its:</p> <ul style="list-style-type: none"> ■ name ■ tax identification number (NIP), company registration number (KRS) and statistical number (REGON) ■ address of the seat ■ VAT registration status ■ details (numbers) of the settlement accounts. |
| PAYMENT TO THE ACCOUNT INCLUDED IN THE WHITE LIST | <p>From 1 January 2020, taxpayers who make payments to contractors who are active VAT taxpayers on account of a transaction with the value exceeding PLN 15,000 are, as a rule, obliged to make payment on the settlement account included in the White List.</p> |
| CONSEQUENCES OF FAILURE TO VERIFY THE CONTRACTOR | <p>Payment to an account other than the one included in the White List exposes the taxpayer to negative tax consequences:</p> <ul style="list-style-type: none"> ■ non-deductibility of an expense or the need to increase tax revenue ■ joint liability with the contractor for the VAT liability. Joint liability will only apply to the amount of VAT related to a specific transaction for which payment has not been made to the account included in the White List. |

| | |
|---|--|
| POSSIBILITY OF AVOIDING SANCTIONS | <p>If a payment is made to an account outside the White List, the taxpayer, in order to avoid negative consequences, should notify the tax office competent for the issuer of the invoice of this fact within 3 days from date of payment order. The purchaser will also avoid joint liability in VAT, if he pays due amount using the split payment mechanism.</p> |
| DUTY OF VERIFICATION | <p>The obligation to verify with the White List occurs, among others, in case of payments made to:</p> <ul style="list-style-type: none"> ■ settlement accounts referred to in Article 49.1.1 of the Banking Law Act, maintained by banks or SKOK (Polish saving and credit union). Note: Accounts maintained by foreign banks which do not have a branch in Poland are not included in the list ■ virtual accounts - which are not shown in the list, but when verifying such an account, the taxpayer should receive information whether it is an account linked with a settlement account included in the White List ■ factoring company accounts. Factoring companies often use virtual accounts. In such cases payments made to virtual accounts shall be assigned to a settlement account included in the White List ■ settlement accounts of foreign entities registered in Poland as active VAT payers, Note: If a foreign entity does not use Polish VAT identification number for the purposes of a given transaction, the taxpayer is not obliged to examine whether the account to which the payment is made is included in the list ■ the contractor's settlement account, if as a result of deduction of receivables up to a lower amount, the taxpayer is left with an amount to pay, and the value of the entire transaction exceeds PLN 15 000 (even if the payment is below the indicated limit) ■ a settlement account to which an advance or an instalment is paid, if the value of the entire transaction exceeds PLN 15 000. |
| NO OBLIGATION TO VERIFY | <p>There is no obligation to verify with the White List and file notification of payment made to an account outside the White List for payments made to:</p> <ul style="list-style-type: none"> ■ bank's or SKOK's own account - these are not shown in the list ■ fiduciary and escrow accounts - payment on such an account should be seen more as a security of funds until the execution of the contract rather than the payment to a settlement account <p>Note: If the payment to the fiduciary and escrow account has been confirmed by an invoice issued by the active VAT taxpayer, the purchaser should submit the notification of payment to the unlisted account</p> <ul style="list-style-type: none"> ■ accounts to which payments are made by insurers as part of damage claim settlement ■ in case of payments made using publicly available payment platforms maintained by operators; payments made using payment cards, PayPal, PayU or DotPay platforms do not constitute payments made by bank transfer. |
| DATE OF VERIFICATION OF THE CONTRACTOR'S ACCOUNT | <p>The contractor's account shall be verified with the White List on the day of the transfer order. In the case of a deferred payment date or a standing order, the day of the transfer order shall be the day on which the taxpayer ordered the bank to make such transfer. The White List makes it possible to obtain information about the date and time on which the taxpayer verified the contractor's account. It is possible to examine the status of the contractor up to 5 years back.</p> |

CONTACT US

This document has been prepared for information purposes only and is of a general nature. Before taking any action pursuant to the above information, we recommend that you obtain a valid opinion of TPA experts.



Wojciech Sztuba
Managing Partner
+48 604 966 422
[Email](#)



Krzysztof Kaczmarek
Managing Partner
+48 604 966 220
[Email](#)



Krzysztof Horodko
Managing Partner
+48 603 935 516
[Email](#)



Krzysztof Dziekoński
Partner
+48 663 760 790
[Email](#)



Małgorzata Dankowska
Partner
+48 663 877 788
[Email](#)



Damian Kubiś
Partner
+48 604 338 546
[Email](#)



Ewa Znamierowska
Partner
+48 602 523 526
[Email](#)



Łukasz Korbas
Partner
+48 603 558 869
[Email](#)



Iga Kwaśny
Partner
+48 601 088 206
[Email](#)



Monika Tuzimek
Partner
+48 607 763 761
[Email](#)

TPA is a leading international consulting group, offering comprehensive business advisory services in 12 countries of Central and Southeastern Europe.

In Poland, TPA is one of the largest consulting companies. We provide international corporations and large domestic companies with effective business solutions in terms of tax advisory, transaction advisory, financial audit, corporate finance, accounting outsourcing as well as payroll administration services, real estate investment consultancy and HR consulting.

Legal services, offered since 2018 under the **Baker Tilly Woroszyńska Legal** brand, have been a natural addition to our interdisciplinary services. The law firm team consists of lawyers with many years of international experience in the field of transactions, litigation and advisory.

TPA Poland and Baker Tilly Woroszyńska Legal are the exclusive representatives of **Baker Tilly International in Poland** - one of the largest global networks of independent consulting companies.

As a member of Baker Tilly International, we combine the advantages of integrated, interdisciplinary 'one-stop-shop' services with local expertise and global reach of the advisory group.

www.tpa-group.pl | www.bakertilly.pl