WARDYŃSKI + PARTNERS

Exchange of Tax Information

Warsaw, June 2016

Contents

Common Reporting Standard to be implemented in Poland 3
Tough luck of the American taxpayer 5
When a beneficiary must step out of the shadows 7
Uncovering the secrets of tax havens 10
Automatic exchange of information about employment income, directors' fees and pensions 12
Authors 14
Private Client Practice 16
About Wardyński & Partners 17

Common Reporting Standard to be implemented in Poland

Tomasz Piejak

Poland is introducing regulations implementing a new global standard for automatic exchange of information about tax matters, developed by the OECD.

With the increasing possibilities for investing abroad in a wide range of financial products, it has become harder and harder for states to determine the amount of tax they are owed. The existing exchange of information among EU member states about interest on accounts of foreign taxpayers has proved inadequate. Such taxpayers may escape taxation, concealing income on investments abroad from the tax authorities and failing to contribute their fair share to the budgets of the states where they reside. The tax administration may not be aware of how much income their tax residents earn on foreign sources, or even of the fact that they have investments abroad. Thus the automatic exchange of tax information has become a key goal at the international level. A need has arisen to expand the categories of income and other information that is subject to automatic exchange, and to extend such exchange to countries that are not EU member states.

Global standard for automatic exchange of tax information

In response to the need for a more effective battle against tax avoidance, the Organisation for Economic Co-operation and Development published a set of guidelines known as the Common Reporting Standard in July 2014 as a global standard for automatic exchange of tax information. The main assumption of the guidelines developed by the OECD is to impose on financial institutions of a country the obligation to provide information to its tax authorities on accounts maintained for foreign entities. The information gathered is to be periodically and automatically forwarded to the tax authorities of the countries where the holders are residents. Poland has committed to adopting the standard by 2017.

This will be done via an entirely new law. In September 2015 a proposal for an Act on Mandatory Automatic Exchange of Tax Information was released. However, during the course of further legislative work on the project, a need was identified to consolidate all issues related to exchange of tax information (both new and existing) within a single act. This led to the next draft, dated 19 May 2016, of the Act on Exchange of Tax Information with Other Countries. Under current law, issues related to tax information and exchange are addressed primarily in the Tax Ordinance, and in bilateral tax treaties and other international agreements. Chapter VIIa of the Tax Ordinance includes general and specific rules for exchange of information. Because of the extensiveness of the proposed changes, it was determined that including them in the Tax Ordinance would have a negative impact on the structure of that law. Thus it was proposed to include them in

a separate act and to move the current rules from Chapter VIIa of the Tax Ordinance to that act.

One of the goals of the proposed new act is to implement into Polish law the guidelines of Council Directive 2014/107/EU of 9 December 2014 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation. This directive is consistent with the Common Reporting Standard developed by OECD. The new regulations were supposed to be implemented into the national law of the EU member states by the beginning of 2016, but the Polish bill is only now at the phase of public consultations. If the work continues on schedule, the act is supposed to enter into force on 1 September 2016.

What will the automatic exchange of tax information involve?

The act imposes on Polish financial institutions (such as banks, brokerages, investment funds and insurance companies) an obligation to regularly inform the Minister of Finance and authorities designated by the minister of accounts maintained for foreign taxpayers. This information will then be forwarded by electronic means to the tax administration of the countries where the holders of the accounts are residents. Significantly, the exchange will occur automatically, i.e. without prior request by the taxpayer's country of residence. The Minister of Finance will forward the account information concerning each year by 30 September of the following year.

Introduction of the global standard is one of the most important changes in international exchange of tax information, alongside the solutions agreed in the FATCA treaty with the United States and the act of 9 October 2015 implementing that treaty (as we discuss in more detail in the article "Tough luck of the American taxpayer"). So far Poland has been required to provide such information primarily at the request of foreign tax administrations. The truth is that currently EU member states, including Poland, already automatically exchange information about certain types of income received by foreign taxpayers (including interest on bank accounts). However, the proposed new act expands the scope of exchange of information about income, which may effectively prevent taxpayers from concealing capital abroad. Moreover, it creates the possibility for automatic exchange also with countries that are not EU member states (implementation of the global standard).

Information subject to exchange

Under the proposed act, information about accounts will contain primarily identification of individuals or other entities they control who are the holders of the accounts, including their state of residence, the tax number assigned to them by their state of residence, the account number, and the amount of income, such as interest, dividends and proceeds from the sale of financial assets and other income generated from assets held in the account (capital gains). To minimise the chance of concealing any untaxed sources of income, institutions will also be required to provide information about account balances.

Control of reporting by financial institutions

The Minister of Finance will be authorised to conduct an inspection at financial institutions of the correctness and timely performance of their reporting obligations. As a rule, financial institutions will be permitted to file amendments to the information provided, but not during the course of an audit. The minister or designated authority will be authorised in

particular to demand clarifications and access to books and records and make copies of them. If irregularities are found, a deadline for rectifying them would be set. Failure to comply with reporting requirements or to correct irregularities within the time provided would result in imposition of a fine on the financial institution of up to PLN 1 million. Issues concerning such inspections not addressed in the new act would be governed by provisions of the Tax Ordinance concerning tax proceedings and tax audits, as relevant.

Summary

It appears that introduction of a smoothly operating global system for exchange of tax information is a question of time. The approaching changes show that concealing income abroad constitutes an increasingly serious problem for tax authorities, which currently do not have adequate instruments at their disposal to combat underpayment of taxes resulting from concealment of assets abroad. Adoption of the Act on Exchange of Tax Information with Other Countries should in theory comply with the Common Reporting Standard developed by the OECD and codified in EU law. But it remains to be seen whether in its proposed form this will be an effective solution to the problem of tax avoidance. Regular transmission of information about accounts should indeed enable the tax authorities to monitor foreign investments precisely and to identify income that has escaped taxation. The question remains whether financial institutions will properly perform the reporting obligations imposed on them and whether the tax administration will be in a position to effectively eliminate irregularities in this respect.

Tough luck of the American taxpayer

Wojciech Marszałkowski

The amendment to Poland's Penal Code which entered into force on 15 April 2016 modified the rules concerning liability for perjury. The increased sanctions affect persons making false statements pursuant to requirements arising out of implementation of FATCA rules in Poland.

The Foreign Accounts Tax Compliance Act, or FATCA as it is known, is an American law which is a weapon in the fight against tax avoidance and concealment of assets by American citizens or other persons who for whatever reason are subject to the US income tax regime.

The Agreement between the Government of the United States of America and the Government of the Republic of Poland to Improve International Tax Compliance and to Implement FATCA, popularly known as the FATCA Agreement, was signed on 7 October 2014. The agreement imposes obligations on

the Polish state and local financial institutions to identify, gather and exchange information on US taxpayers.

Within a year after signing of the FATCA Agreement, pursuant to the Polish Act Implementing the FATCA Agreement, FATCA shifted from the international level down to the level of customers of financial services provided by financial institutions. Many holders of bank accounts received a letter from their bank requiring them to submit a statement on whether or not they have the status of a US taxpayer, or requesting them to submit a W-8 or W-9 identification form. They could also be warned that filing a false statement could expose the person to liability for perjury.

I solemnly swear to tell the truth…

When called upon to declare his status, the holder of an account is required to provide the statements indicated in the request by the financial institution. These statements are made under pain of criminal responsibility for false testimony, and Art. 233 of Poland's Penal Code is applicable. A condition for criminal responsibility under that provision is that the person making the statement or signing the form was duly instructed of the threat of criminal responsibility for making a false statement. Under the Act Implementing the FATCA Agreement, the proper wording of the instruction is "I am aware of the criminal responsibility for making a false statement." If the statement is made on form W-8 or W-9, the information included in the forms is deemed sufficient to satisfy the requirement for instructing the user of the account.

…the whole truth…

Most Polish taxpayers without ties to the United States can declare without hesitation that they are not American taxpayers. But there is a certain group of actual targets of FATCA who for various reasons may have severed ties with the United States but because they hold US citizenship are still deemed by the Internal Revenue Service to be American taxpayers. Such persons have often failed to file US tax returns or report to the IRS for many years, and consequently are exposed to serious civil and criminal sanctions under FATCA and other American laws. These sanctions can be so severe that they have sparked a debate on whether they constitute "excessive fines" barred by the 8th Amendment to the US Constitution. Suffice it to say that they can be enough to wipe out all of a taxpayer's assets.

US taxpayers must decide how to proceed. The obvious choice is the fully legal and transparent approach, for example participation in the programme for voluntary disclosure of foreign assets. Riskier options could raise issues under the criminal law.

…and nothing but the truth

Art. 233 §6 of the Penal Code provides that the regulations on perjury apply as relevant to a person who submits a false statement, if the law provides for the possibility of taking such a statement from the person under threat of criminal responsibility. This means that the perjury regulation applies as well to persons submitting statements pursuant to the Act Implementing the FATCA Agreement.

It should be recognised that the user of a bank account who knowingly submits a false statement is exposed to criminal responsibility, and the offence is subject to punishment of 6 months to 8 years in prison. The high potential punishment, comparable to that imposed on a person guilty of assault causing gross bodily harm, results from a recent amendment of the Penal Code. As recently as the first quarter of 2016 the same

offence was punishable by up to 3 years' imprisonment.

A person who makes a false statement out of fear of other criminal responsibility for himself or a family member may receive lighter treatment. If a person chose not to disclose his or her status as an American taxpayer because of the potential criminal sanctions the person could face for failure to comply with obligations to the IRS, it could be argued in that situation that their action should be classified as falling within a certain privilege. Even in that case, however, the statutory threat is fairly high, at 3 months to 5 years in prison.

The stiffening of the sanction for making false statements appears to be a side effect of the amendment designed to extend the application of Penal Code Art. 233 to other types of prohibited acts. Apart from the limited practical value of this comparison, it should be pointed out that the interests of the US IRS in this sense enjoy more extensive protection than the interests of Poland's own State Treasury. The Fiscal Penal Code provides for a standard of punishment of up to 5 years' imprisonment in such a case, rather than the maximum of 8 years in the case of an offence affecting the US tax authorities. It should be expected that this discrepancy will be caught and corrected by the Polish justice system.

American taxpayers who have neglected their obligations to the IRS face a choice where whichever path they take carries some legal risk. It is a risk that can be managed, however, in order to avoid the most severe consequences of FATCA.

When a beneficiary must step out of the shadows

Wojciech Marszałkowski

Introduction of the OECD's common standard for automatic exchange of financial information, as well as worldwide enforcement of FATCA by the United States, means that structures previously offering confidentiality will now be affected by the mandatory international system of exchange of tax information. This applies in particular to trusts and foundations.

Trusts and foundations in international practice

In the past, persons seeking confidentiality or greater privacy surrounding their capital holdings often decided to create trustee/beneficiary structures, specifically a trust or a private foundation. These constructions were based on the assumption that the formal owner of the assets, acting externally, is the trust or foundation, and the income generat-

ed under this structure will subsequently be distributed among the beneficiaries under the rules set forth in the founding instrument.

Regulations existing for years ensured the confidentiality of such structures. This meant that the only entity visible to the outside world—whether in dealings with investors, financial institutions, or tax authorities—was the trustee or the private foundation. Over the years, such structures—often registered in tax havens—could accumulate significant amounts of capital. The assets could not be attributed to the beneficiaries until such time as there was a distribution from the trust structure.

From the state's point of view, this situation was highly disadvantageous, because it enabled the payment of tax to be postponed for many years. States did not have the ways and means to control and collect information about structures that were often located in exotic, far-off corners of the world. It was necessary to expand cooperation in the exchange of tax information between countries so that information flowed simply and automatically between the interested states. It also became necessary to introduce instruments requiring financial institutions to gather and forward information not only about entities formally registered as the holder of an account, deposit, policy or the like but also about the persons truly controlling the entity.

Breakthrough in exchange of information

Appropriate regulations were introduced for the first time in the US Foreign Account Tax Compliance Act of 2010, commonly known as FATCA, which imposed on remitters a 30% withholding tax if they did not collect and forward to the US tax authorities information about American entities directly or indirectly holding an account at the institution. The United States encouraged other countries to sign bilateral agreements under which the parties would exchange information obtained from their own domestic financial institutions. Poland entered into such an agreement with the US which went into effect on 1 July 2015.

But the milestone was joint development by the OECD and G20 countries in 2014 of a global standard for exchange of tax information, the Common Reporting Standard (CRS). Fifty-five countries have undertaken to exchange tax information from the beginning of 2017 for the first time based on CRS as implemented in their national legislation. Another 46 jurisdictions—including Switzerland—will join the automatic exchange programme at the beginning of 2018. CRS was also adopted as part of EU law pursuant to Council Directive 2014/107/EU of 9 December 2014, requiring member states to implement relevant regulations in this area by 31 December 2015. Poland did not meet that deadline, but on 24 May 2016 the Ministry of Finance published its proposed Act on Exchange of Tax Information with Other Countries, which is expected to enter into force in the second half of 2016.

What does it mean for trusts and foundations?

Under the new reality, there are two situations to consider which a trust institution may find itself in. First, the trust or foundation itself may be deemed to be a reporting financial institution (RFI) which must collect and forward to the tax authorities information about the beneficiaries of the funds gathered at the institution. Second, a trust may the holder of an account at an RFI. Then it will be necessary to determinate the scope of information about the participants in the structure which may be required to be provided to the reporting institution.

The trustee administering the trust structure should consider whether the trust qualifies as an RFI. CRS and FATCA provide complex rules for making this determination. Generally speaking, it may be assumed that the trustee will have a reporting obligation if the trustee has its headquarters or management in a state participating in information exchange and:

- It holds financial assets for the account of others
- In its economic activity it trades in money market instruments or manages a portfolio of assets for and on behalf of others, or
- In its economic activity it invests, administers or manages financial assets or funds for others.

If the trust qualifies as an RFI, it will have to collect information concerning the details of accounts subject to reporting (account number, name and identification number of the RFI), the personal details of the account holder, the account balance as of the end of the calendar year (or other reporting period applied) and a detailed list of gross interest, dividends, proceeds from trading or redemption of financial assets, and other income obtained in connection with the trustee's exercise of this function.

The trustee is also required to report the persons controlling the trust or foundation and provide their personal details. Controlling persons include the settlor or founder, backer, trustee and beneficiaries. All of these persons must be disclosed, with an indication of the total value of the assets of the trust/foundation and amounts of payments to such persons during the given reporting period. Significantly, any controlling person who is a legal person is required to exercise due diligence in determining the details of the persons controlling the entity. The draft of the Polish act provides for fiscal penal responsibility for persons who fail to collect and forward information or provide inaccurate or incomplete information.

It should be stressed that the rules indicated above apply to all reporting financial institutions with respect to the reported accounts. Thus even if the trustee or foundation is not classified as an RFI, the reporting obligation will lie e.g. with the bank where the bank account is opened, the brokerage managing the trust's portfolio, or the insurer issuing an investment policy. These entities will also be required to determine the controlling persons if their due diligence shows that the account holder is not acting on his own account. In that situation, the reporting institution will probably demand such information from the trustee or foundation, under the threat of refusing to open a new account or closing an existing account.

When is the beneficiary not a controlling person?

There is a certain legal category of beneficiaries who are not subject to reporting.

In most jurisdictions, the settlor or founder of a trust or foundation may indicate the character of the entitlements vested in the beneficiaries—in particular, who will be a beneficiary of the trust structure and at what time and to what extent the beneficiary will be able to participate in the assets and profits of the trust/foundation. Such beneficiaries are known as express (or direct) beneficiaries because their rights and entitlements in the trust can be determined.

But it is also permissible to establish discretionary beneficiaries, who instead of an enforceable claim for payment of a specific share at a specific time have only the right to be considered by the trustee when taking decisions on distributions from the assets of the trustee/foundation. Thus whether and to what extent the trustee transfers assets from the trust to such beneficiaries is up to the trustee. Beneficiaries of this type are treated as reported persons only during the reporting period in which they actually receive payment from the trust/foundation. It thus may happen in the case of a discretionary trust that none of the beneficiaries are reported by the financial institution.

Summary

Introduction of automatic exchange of tax information on such a broad scale clearly represents a milestone in combating aggressive tax practices. But it also poses a challenge, particularly for those actively participating in the exchange of information—i.e. reporting financial institutions. For beneficiaries of trust relationships, it is the last moment to conduct tax due diligence and plan the next steps so that the first automatic exchange of tax information does not come as a surprise.

Uncovering the secrets of tax havens

Aldona Leszczyńska-Mikulska

Work in the OECD to expand the exchange of tax information seeks to bring into the mainstream jurisdictions that have typically been regarded as tax havens or countries applying harmful tax competition.

Just a few years ago the OECD published a list of countries that do not participate in bilateral exchange of tax information (black list), or only to a limited extent (grey list). The threat of sanctions and injury to their reputation on the international arena has convinced most of the countries on the OECD's black list and grey list to enter into bilateral tax information exchange agreements (TIEAs).

Under agreements of this type, not only tax information is subject to exchange, but also for example information about ownership structures of entities. The range of taxes covered by the exchange of information is also broad. States regarded as tax havens have agreed to share information not only about their residents, but also about all entities falling within their territorial jurisdiction—including to obtain information held by such entities. The exchange will also cover banking information and information held by the administrative services sector. States or territories which are former British colonies have made the greatest commitments to cooperate in exchanging tax information, including the Bahamas, Bermuda, the British Virgin Islands, the Cayman Islands, Guernsey, Jersey, and the Isle of Man.

Poland has concluded 15 TIEAs (when the FATCA Agreement with the United States is

included). Agreements with Andorra, the Bahamas, Bermuda, the British Virginia Islands, the Cayman Islands, Gibraltar, Guernsey, the Isle of Man, Jersey and San Marino are already in force, while those with Belize, Dominica, Grenada and Liberia are awaiting entry into force (according to the Ministry of Finance website).

Depending on the provisions of the specific TIEA, information is exchanged upon request (such provisions are found in most of the TIEAs concluded by Poland), but under some agreements exchange is also conducted automatically or spontaneously.

Generally, under the TIEA a party requested to provide assistance is not required to provide information that is not in the possession of its authorities or persons falling under its territorial jurisdiction, or cannot be obtained from such persons.

Typically the TIEA permits a state to refuse to provide information subject to legal protection or information that would reveal any commercial, economic, industrial or professional secrets.

A state requested to provide assistance may also refuse, among other grounds, if the requesting party has not pursued all means available in its own territory to obtain the information, unless applying such means would be disproportionately difficult or disclosure of the information would violate public policy.

TIEAs also contain provisions releasing the states from a requirement to provide information that would reveal confidential information shared between legal counsel and their clients in connection with legal advice or for use in existing or potential proceedings.

Consequently, Belize, Bermuda, the Cayman Islands, Gibraltar, Montserrat and the Turks and Caicos Islands have been removed from the Polish list of countries and territories applying harmful tax competition, set forth in regulations issued by the Minister of Finance. Jersey also no longer appears on the list of tax havens. On 28 October 2015 the European Union concluded an agreement with Liechtenstein on exchange of information about financial accounts, which is to enter into force on 1 January 2017 with respect to data from the beginning of 2016. This means that Liechtenstein will also no doubt be dropped from the list of tax havens in Poland.

Automatic exchange of information about employment income, directors' fees and pensions

Aldona Leszczyńska-Mikulska

Member states of the European Union, following other jurisdictions around the world, are stepping up their work on extending the scope of automatic exchange of tax information, which is regarded as the most effective means of combating tax avoidance.

Under Council Directive 2011/16/EU on administrative cooperation in the field of taxation (amended in 2014 and 2015), Poland was required to implement regulations providing a legal basis for automatic exchange between EU member states not only of information about typical income of individuals from financial accounts (such as bank interest), but also other categories of non-financial income.

Under the directive, the automatic exchange of information between member states also covers:

- Income from employment
- Directors' fees
- Life insurance products
- Pensions
- Ownership of and income from immovable property.

Because Poland did not manage to make the required transposition of the directive with respect to automatic exchange of information by 1 January 2015, 2016 will be the first period in Poland for which the Ministry of Finance will exchange information with its counterparts in other EU member states from three of the five categories of information about individuals referred to in the directive. Notwithstanding the delay, the exchange will cover data from 1 January 2014 forward.

Under Art. 305ja of the Tax Ordinance, which is the immediate legal basis for automatic exchange of information in this respect, the Minister of Finance shall provide at his own initiative, to the tax authorities of another EU member state, available information about income earned by an individual with his or her place of residence in the territory of that member state concerning, among other things, income from:

- Employment
- Activity performed personally as referred to in Art. 13 (7) and (9) of the Personal Income Tax Act, i.e. income received by persons, regardless of the manner of appointment, who are members of management boards or supervisory boards, income obtained under contracts for management of an enterprise, managerial contracts or other agreements of a similar nature
- Retirement or disability pensions.

It should be pointed out that exchange will cover only information that is provided in declarations filed by remitters of personal income tax (e.g. on forms such as PIT-11, PIT-40 or IFT-1). This means that information provided only in a tax return filed by an individual, not through a remitter, will not be covered by automatic exchange.

So far the Tax Ordinance does not provide for automatic exchange of information about life insurance policies, ownership of real property, or income from real property. So now such information will not be provided by Poland to other EU member states, but probably in the near future Poland will join the automatic exchange of information in this area as well. Nonetheless, because the national law of other EU member states does provide for exchange of information about real estate and insurance products, it may happen that the Polish Ministry of Finance will receive information from other member states about Polish residents who own property abroad, obtain income from property in other member states, or receive payments from foreign life insurers.

The essence of automatic exchange of information is that information about taxpayers' income between EU member states will be shared between the member states without any demand or other request from the tax authorities. Information about income obtained in one member state by a taxpayer who is a resident of another member state will be transmitted by the tax authority there, at its own initiative, to the tax authority of the taxpayer's country of residence.

In practice, these changes mean that taxpayers who are Polish tax residents and who have not reported on their Polish tax return their income from other EU member states (except for Austria, which has a different deadline for implementation of the directive) should expect to deal with the need to file an amended return, pay interest on delay, and possibly face fiscal criminal charges.

Directive 2014/107/EU, amending Directive 2011/16/EU, provides for further expansion of the automatic exchange of information from 1 January 2017 in order to increase the flow of data about income obtained by individuals. Poland's further implementation of the provisions of Directive 2014/107/EU, among other regulations, is to be accomplished pursuant to the Act on Exchange of Tax Information with Other Countries. A new government draft of such an act (also involving countries from outside the EU) was published in May. The new act would implement, for example, the Common Reporting Standard for automatic exchange of information on tax matters and enable the automatic exchange of information concerning individual tax interpretations of cross-border relevance, as well as transfer-pricing arrangements.

According to the drafters, the new act would also allow tax authorities and tax inspectors to obtain meaningfully aggregated information which could then be used to analyse the phenomenon of tax-base erosion and shifting of income to lower-tax countries. The new act is supposed to enter into force on 1 September 2016.

Authors

Aldona Leszczyńska-Mikulska is a legal adviser and tax adviser in the Tax Practice. She advises individual clients and private investors. She provides ongoing tax advice on income tax, taxation of transactions, and international tax law, including advice connected with management and sale of assets, investments, and restructuring of investments and property. She also advises on legal matters connected with dispositions in the event of death (including estate planning and legal issues of succession in family businesses) and issues of marital property (including drafting spousal agreements). She also deals with tax aspects of M&A transactions. She represents clients in tax litigation and in tax proceedings before administrative authorities.

E-mail: aldona.leszczynska-mikulska@wardynski.com.pl

Tomasz Krzywański is an *adwokat* trainee in the Tax Practice and the Private Client Practice. He handles issues of tax optimisation and asset planning. He serves clients in matters involved Polish and international aspects of succession and inheritance. He provides ongoing legal and tax advice for individual clients involving protection, management and investment of their assets. He has advised on projects involving asset structuring using foreign private foundations and trusts, and on restructuring of family-controlled companies. He also provides legal assistance in matrimonial litigation and conflicts between heirs. He assists clients in issuance, confirmation and recognition of Polish citizenship.

E-mail: tomasz.krzywanski@wardynski.com.pl

Wojciech Marszałkowski is an *adwokat* trainee in the State Aid Practice and the Tax Practice. He advises businesses drawing on support from public funding awarded under assistance programmes and individual aid, including clients active in R&D, innovation, and manufacturing. He also advises on proposals for transactions and ventures in terms of risks related to state aid. He represents clients in criminal and fiscal matters. He advises clients in tax proceedings, particularly involving carousel tax-fraud schemes and tax liability of members of management boards.

E-mail: wojciech.marszalkowski@wardynski.com.pl

Tomasz Piejak is a member of the Private Client Practice. He is a student at the Faculty of Law and Administration at the University of Warsaw, where he completed the programme in European studies at the Centre for Europe and a course of study at the School of Italian and European Law in conjunction with the University of Catania. He also studied at Sapienza University of Rome as part of the Erasmus programme.

E-mail: tomasz.piejak@wardynski.com.pl

Private Client Practice

With our knowledge and experience in Polish and international tax law, international private law, and family and inheritance law, for many years we have delivered effective solutions for wealth management, investment and planning, and business succession.

For this purpose, we created the Private Client Practice, which provides comprehensive legal and tax advisory services to individuals with regard to their personal and family assets.

The experience of the practice includes:

- International wealth planning (including tax optimisation)
- Asset and inheritance planning (contingency arrangements in the event of death, family foundations, trusts and the like)
- Legal advice on wealth succession and business succession (under family law, inheritance law and corporate law)
- Legal and tax advice on financing investments, including real estate and luxury goods
- Legal advice on artworks
- Relocation of individuals and assets in connection with changes in residence or citizenship
- Legal advice concerning Polish citizenship, including conferring, acknowledging and renouncing citizenship
- Advice on stock option plans and other incentive plans
- Advice on asset reporting obligations.

We offer our clients secure solutions reflecting the latest advances in European and global advisory practice. We assure the utmost discretion and confidence as well as client anonymity within the firm. To develop individual solutions for clients, we draw on the support of renowned foreign law firms and private bankers in Poland and abroad. We cooperate closely with our clients' wealth management advisers. We pay special attention to ensuring that our advice is comprehensive, so that we can build long-term relations with our clients and advisory strategies for years to come.

About Wardyński & Partners

Wardyński & Partners was established in 1988. Drawing from the finest traditions of the legal profession in Poland, we focus on our clients' business needs, helping them find effective and practical solutions to their most difficult legal problems.

The firm is particularly noted among clients and competitors for its services in dispute resolution, M&A, intellectual property, real estate and title restitution.

The firm now has over 100 lawyers, providing legal services in Polish, English, French, German, Spanish, Russian, Czech and Korean. We have offices in Warsaw, Kraków, Poznań and Wrocław.

We advise clients in the following areas of practice: agridesk, aviation law, banking & finance, bankruptcy, business crime, business-to-business contracts, capital markets, competition law, compliance, corporate law, difficult receivables recovery, employment law, energy law, environmental law, EU law, financial institutions, healthcare, infrastructure, insurance, intellectual property, life science, litigation, mergers & acquisitions, new technologies, outsourcing, payment services, personal data protection, private client, private equity, public procurement, real estate and construction, reprivatisation, restructuring, retail and distribution, sports law, state aid, tax, and transport.

We share our knowledge and experience through our web portal for legal professionals and businesspeople (www.inprinciple.pl), the firm *Yearbook*, and the "Law and Practice" series. We are also the publishers of the first Polish-language legal app for mobile devices (Wardyński+), available as a free download at the App Store and Google Play.

www.wardynski.com.pl

www.inprinciple.pl

Wardyński+

Wardyński & Partners
Al. Ujazdowskie 10
00-478 Warsaw

Tel.: 22 437 82 00, 22 537 82 00
Fax: 22 437 82 01, 22 537 82 01

E-mail: warsaw@wardynski.com.pl