

Private Client

Contributing editors

Anthony Thompson and Sara Walter



2018

GETTING THE
DEAL THROUGH 

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DEAL THROUGH 

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Anthony Thompson and Sara Walter

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Tax

1 How does an individual become taxable in your jurisdiction?

There are two types of tax obligations in Poland: unlimited and limited.

Individuals with their place of residence in Poland are subject to the unlimited tax obligation, which means that they are taxed on their worldwide income, regardless of where the income is earned. A person passes the residence test for Poland when an individual is a person who is physically present in Poland for more than 183 days during a tax year or has a centre of personal or economic interests in Poland (centre of vital interests). The provisions of the relevant tax treaties should be taken into account while applying this rule.

The limited tax obligation arises when individuals do not have a place of residence in Poland, and they are taxed solely on their income derived from a Polish source. The concept of domicile is not recognised in Poland.

2 What, if any, taxes apply to an individual's income?

Personal income tax (PIT) is paid by individuals. A progressive income tax scale is applied to individuals in Poland. Tax rates vary depending on income earned, defined as: 'the total revenue minus tax deductible costs, earned in a given taxable year'.

The Polish tax bands are relatively low: 18 per cent and 32 per cent. When taxpayers earn less than 85,528 zlotys during the fiscal year, they are in the first tax band, and if more than 85,528 zlotys they are in the second band. It is worth stressing that according to statistics, only approximately 3 per cent of taxpayers pay the higher tax band of 32 per cent. Most wealthy taxpayers optimise their profits using regulations intended for natural persons conducting a business activity. These individuals are taxed according to the tax scale; however, at their request, they may tax their income at a 19 per cent flat-rate tax rate that is dedicated to natural persons conducting a business activity. It may be assumed that the most affluent Polish taxpayers are self-employed in Poland for tax purposes.

PIT is imposed on different sources of income such as:

- a labour-based relationship and an employment relationship, including a cooperative employment relationship;
- retirement or disability pension;
- personal services;
- non-agricultural business activity;
- special departments of agricultural production;
- lease, sublease, tenancy, subtenancy and other similar agreements;
- monetary capital and property rights;
- paid disposal of, among other things, real property or parts thereof, and real property interests;
- moveables;
- activity conducted through controlled foreign company; and
- other sources.

A taxpayer's personal and family situation may be taken into account in the tax system, especially in income taxes, in the form of reliefs and tax exemptions. Poland, like most other EU countries, provides various tax credits such as: internet tax credit, tax credit for an individual retirement security account, and a tax credit for charitable donations. Since the Polish tax system favours families in many tax respects, a large part of tax credits concerns a taxpayer's personal situation. Therefore,

Polish income tax provides for a child tax credit, joint taxation (with children) of single parents, and joint taxation of spouses; with the aim of ensuring a family has a reduced financial burden.

3 What, if any, taxes apply to an individual's capital gains?

Income on capital gains is subject to personal income tax at a flat rate of 19 per cent. Such income is not aggregated with income taxable pursuant to general Polish income tax rules. Income on capital gains should be calculated separately in an annual tax return.

It is noteworthy that according to Polish law, gains derived from the sale of real property are treated as separate income from capital gains.

4 What, if any, taxes apply if an individual makes lifetime gifts?

Lifetime gifts are taxable in accordance with transfer upon death under the Polish Inheritance and Gift Tax Act (the answer to that question is provided in more detail in question 5).

5 What, if any, taxes apply to an individual's transfers on death and to his or her estate following death?

Natural persons are the only taxpayers of inheritance tax. Inheritance tax is imposed on acquisition as a result of inheritance of property (moveable and immovable) located in Poland, and property rights exercised in Poland, including money. Tax is also applied to the acquisition of property located outside of Poland and rights exercised abroad when at the time of the decedent's death, the beneficiary was a Polish national or had a permanent place of residence in Poland. If neither the decedent nor the beneficiary were Polish citizens or had a permanent residence in Poland at the moment of death, inheritance tax is not levied.

Payers of inheritance tax are grouped into three categories depending on their relationship with the testator as follows:

- the first group consists of: the spouse, descendants (children, grandchildren, etc), ascendants (parents, grandparents, etc), son-in-law, daughter-in-law, siblings, stepfather, stepmother, and parents-in-law.
- the second includes: descendants of siblings (niece, nephew, etc), siblings' spouses, siblings of spouses' spouses, the spouse's siblings' spouses, other descendants' spouse's siblings of parents (aunties, uncles, etc), and the stepchildren's descendants and spouses.
- finally, the third group comprises other acquiring parties, including unrelated parties.

Determining the base and the rate of Polish inheritance tax depends on the specific tax group to which the testator belongs and on the minimum tax-exempt amount. Currently, tax-exempt amounts are as follows:

- for acquirers from tax group 1: 9,637 zlotys;
- for tax group 2: 7,276 zlotys; and
- for tax group 3: 4,902 zlotys.

Tax on inheritance applies to the acquisition of ownership of assets over the tax-free amount.

The table below presents the rates of Polish inheritance tax:

Taxable base		Tax scale
Above	Up to	
(1) from acquirers in group I		
–	10,278 zloty	3%
10,278 zlotys	20,556 zloty	308.30 zlotys + 5% of the surplus over 10,278 zlotys
20,556 zlotys	–	822.20 zlotys + 7% of the surplus over 20,556 zlotys
(2) from acquirers in group II		
–	10,278 zlotys	7%
10,278 zlotys	PLN 20,556 zlotys	719.50 zlotys + 9 per cent of the surplus over 10,278 zlotys
20,556 zlotys	–	1,644 zlotys + 12 per cent of the surplus over 20,556 zlotys
(3) from acquirers in group III		
–	10,278 zlotys	12 per cent
10,278 zlotys	20,556 zlotys	1,233.40 zlotys + 16 per cent of the surplus over 10,278 zlotys
20,556 zlotys	–	2,877.90 zlotys + 20 per cent of the surplus over 20,556 zlotys

The taxpayer has 14 days from the day the decision of the revenue office determining the tax rate has been delivered to pay the inheritance tax (unless the notary collected it earlier).

Poland is unique among tax jurisdictions across the world for exempting the testator's immediate family members from inheritance tax. Such a solution aims to allow a family to accumulate wealth across generations, and therefore the provisions of inheritance tax give preference to the family. The beneficiaries need to report the acquisition to the competent head of their tax office within six months from the day the tax obligation has arisen.

6 What, if any, taxes apply to an individual's real property?

Real estate tax (RET) is a local tax, which is classified in the wealth tax group. RET is levied on buildings or their parts, lands and constructions by the local tax authorities. Tax on a building or plot of land is calculated separately for each area. For fixed installations or constructions, the book value is taken into account.

Natural persons are RET taxpayers when they are owners, free-holders or usufructuaries of the real property, or they are dependent holders of real estate being in the ownership of the state treasury or municipalities.

Each local authority sets its own tax rate that is binding within their jurisdictions only. The maximum rates are specified in the RET Act. Real estate tax is an annual tax; however, taxpayers should pay instalments proportionate to the duration of the tax obligation. Moreover, they should submit information on the real property within a specified period.

Some properties are exempted from RET such as: sheltered workshops, research institutes, and entrepreneurs with a 'research and development centre' status.

The sale of real property is subject to 19 per cent income tax.

7 What, if any, taxes apply on the import or export, for personal use and enjoyment, of assets other than cash by an individual to your jurisdiction?

When an individual imports or exports assets other than cash for personal use and enjoyment, no specific taxes will be imposed. However, when the purchase is carried out within the scope of the entrepreneur's business activity, it may trigger VAT and customs duty.

8 What, if any, other taxes may be particularly relevant to an individual?

Poland does not provide for either wealth tax or exit tax.

VAT is a broad-based tax levied on the supply of goods and services in Poland. The rate depends on the nature of the goods or the services

rendered. The standard rate is 23 per cent and it is charged on most goods and services. A reduced rate of 8 per cent or 5 per cent is imposed on supplies such as: certain food, medicines and certain transport services. A zero per cent rate applies to the intra-community supply of goods, exports of goods, some international transportation and related services.

9 What, if any, taxes apply to trusts or other asset-holding vehicles in your jurisdiction, and how are such taxes imposed?

Trusts and private foundations are unknown to the Polish legal system, and therefore they are not used in Poland. Until 2017, optimisation structures in Poland have been established by using closed-end funds. However, from January 2017 the taxation of the investment funds has been changed. The new provisions have repealed the existing regulations constituting a basis for exemption from corporate income tax for Polish closed-end investments funds (CIF) and foreign collective investment institution of a closed type.

In practice, this means that profits of these funds are subject to the standard income tax of 19 per cent if derived from the following:

- participation in Polish or foreign tax partnership;
- interest on loans granted to such entities;
- interest on equity contributions to such entities;
- donations and fully and partially free-of-charge performances of such entities; or
- securities issued by these entities and from the sale of participation in such entities.

The above-mentioned exclusions from the CIT exemption aim at the elimination of tax optimisation schemes involving Polish CIF that has been a part of the chain of tax transparent vehicles, including the Luxembourg special limited partnership.

However, it should be noted that some types of CIF's income are still exempt within specific exemption and considering above exclusions (eg, income from real property directly owned by CIF).

Polish open-end funds and special open-end funds (not applying the policies of closed-end funds) may benefit from full tax exemption without any limitations.

As for funds from the European Union or European Economic Area there is CIT exemption for them when:

- they are subject to income tax in the state where they have their registered office on all of their income, wherever obtained;
- the only subject of their activity is collective investment of funds raised through a public offering of participation units in securities and money-market instruments;
- they operate pursuant to a licence from the competent financial market regulator in the state where they have their registered office;
- their activity is subject to direct supervision by the competent financial market regulator of the state where they have their registered office;
- they have a depository holding the fund's assets; or
- they are managed by entities operating pursuant to a licence from the competent financial market regulator of the state where such entities have their registered office.

The above eligibility for CIT exemption will only be applicable in cases when foreign funds operate in a country with which Poland has concluded a double tax treaty or other international agreement allowing Polish tax authorities to receive tax information from the tax authorities of the investment funds.

The CIT exemption is not applicable to collective investment undertakings when:

- they operate in the form of a closed-type collective investment undertaking or are an open-type collective investment undertaking operating under the investment rules and restrictions applicable to closed-type collective investment undertakings; or
- under their founding documents their participation units are not offered through a public offering or admitted to regulated trading or an alternative trading system and can also be acquired by natural persons only if they make a one-time acquisition of participation units of no less than €40,000.

10 How are charities taxed in your jurisdiction?

Polish law provides for two primary forms of not-for-profit, non-governmental organisations (NPOs): associations and public foundations. Polish NPOs may apply for public benefit organisation (PBO) status.

PBOs are exempt from paying taxes (such as: CIT, real estate tax, transfer tax, etc) devoted to their statutory goals. Associations and foundations that do not acquire PBO status are exempt from paying CIT under the condition that their statutory objectives fall within particular categories such as: science, education, culture, sports, environmental protection, support for technical infrastructure in rural areas, healthcare, social care, religious worship, the occupational and social rehabilitation of the disabled, and charity.

The NPOs will be obliged to pay tax on unrelated business income. In addition, foundations and associations are not subject to inheritance and gift tax in Poland.

Trusts and foundations
11 Does your jurisdiction recognise trusts?

Not applicable.

12 Does your jurisdiction recognise private foundations?

Not applicable.

Same-sex marriages and civil unions
13 Does your jurisdiction have any form of legally recognised same-sex relationship?

Same-sex marriages are illegal in Poland; therefore, the people in such relationships are not privileged in scope of succession and taxes.

Homosexuals are not subject to intestate succession. However, there are no obstacles to prevent either party in such a relationship from drawing up a will that decides who will receive a party's estate. Nevertheless, a person in a same-sex relationship can receive the right to a tenancy from the deceased partner. This was confirmed by the Supreme Court in its resolution, in which it was held that the person of the same sex who is connected through emotional, physical and economic ties with the tenant, may receive the right to the tenancy from the deceased partner just as a wife or a cohabiting partner can.

Both income tax and gift and inheritance tax preclude the more favourable treatment of people in a same-sex relationship. This means that people in such relationship may not benefit either from: the joint-taxation of spouses for income tax purposes, or the exemption from gift and inheritance tax. Gift and inheritance tax is levied on a person in a same-sex relationship at the highest amount, since these people are classified in the third tax group and they are treated as other acquiring parties.

14 Does your jurisdiction recognise any form of legal relationship for heterosexual couples other than marriage?

No. Poland does not provide any regulations of legal relationship for heterosexual couples other than marriage. Individuals in such relationships do not enjoy any tax and succession benefits. They are treated as single and unprivileged taxpayers.

Succession
15 What property constitutes an individual's estate for succession purposes?

An individual's estate for succession purposes includes all the decedent's property rights and obligations of a civil law character.

An estate may consist of the right of ownership in immovable property or moveable property (including among others: perpetual usufruct, lien and mortgage, and the cooperative right of ownership to the premises).

It should be noted that both autonomous possession and dependent possession may be included in the individual's estate.

Also, receivables resulting from concluded contractual relations or unjust enrichment constitute an individual's estate.

Moreover, heirs acquire the rights of the testator connected with the work performed by the testator. This means that the estate relates to property claims to which the worker is entitled due to an employment

relationship (eg, the outstanding remuneration for work which the testator has undertaken).

The decedent's securities (cheques and bills) and copyrights are inheritable.

However, the decedent's rights and obligations that are personal in nature (eg, support duty) are excluded from the estate. It should be noted that decedent's debt is also inheritable.

16 To what extent do individuals have freedom of disposition over their estate during their lifetime?

In general, mutual wills and contracts of inheritance are forbidden under Polish law. There is only one exception to this rule (ie, a contract of renunciation of inheritance), in which a person who is a statutory heir renounces the statutory inheritance after the death of the testator. This agreement should be concluded in the form of a notarial deed. Unless otherwise agreed, the renunciation of inheritance includes also descendants of the person who renounces the estate.

The testator may dispose its estate during its lifetime in the form of legal donations. Such legal donations may take the form of a disposal of all or a large part of estate's assets accumulated over the life of the testator.

Moreover, if the decedent was married at the time of the death and a marital property regime was set out between spouses, the decedent's estate consists of its separate property and its share of the community property. The other half passes automatically to the surviving spouse as the surviving spouse's share of the marital property.

17 To what extent do individuals have freedom of disposition over their estate on death?

The guiding principle of Polish succession law is the testament's freedom. It means that the testator has the right to withdraw from statutory succession and it may dispose freely its own estate on death.

Nevertheless, Polish succession law protects the closest relatives of a decedent by forced share. Only descendants, a surviving spouse and the decedent's parents have the right to a statutory portion (ie, these heirs that would have inherited statutorily in the absence of a will). The forced share takes the form of a financial claim directed to a testamentary heir and is equivalent to one-half or two-thirds of the share that would have been received by a claimant under statutory rules. A claim for a forced share should be brought to a court within three years from the date of the estate's opening.

Polish succession law protects the testator's testamentary freedom in such a way that a will is invalid if it was concluded in a state excluding conscious or free decision-making or the testator expresses its intent under the influence of error or threat. Two other important principles affect the interpretation of a will. First, a will should be interpreted in a manner as to ensure that the testator's intentions are satisfied at the maximum level. Second, if a will may be interpreted in various ways, the interpretation should reflect the testator's binding dispositions.

18 If an individual dies in your jurisdiction without leaving valid instructions for the disposition of the estate, to whom does the estate pass and in what shares?

Statutory succession should be applied when no (valid) testament exists or the persons, who were appointed as heirs in the testament, disclaimed the testament, or they are unable to become heirs. There are four groups of heirs under Polish succession law. The range of these entities is determined by family ties such as: blood ties, marriage or adoption.

In the first group, the surviving spouse and descendants will inherit. Here, the principle that children and a spouse inherit in equal parts applies; however, the spouse's share cannot be less than one-quarter of the entire estate.

In the second group, in the absence of descendants, the spouse and decedent's parents will inherit. In this case, the inheritance attributable to the spouse must correspond to half of the decedent's estate. If the decedent's parents have died, the inheritance attributable to this parent goes to the decedent's siblings or, if the decedent's siblings have died, their children.

The third group of heirs is entitled to the succession solely when there are no heirs in the first two groups. This category includes: the decedent's grandparents or, if they are also deceased, their children.

The fourth group consists of children of the decedent's spouse whose parents were not alive when the estate is opened. Last of all, the municipality in which the decedent last resided will inherit, or if the decedent's residence cannot be determined or it is located abroad, the State Treasury.

Here, it should be indicated that the sequence of the inheritance and the range of the entities entitled to the succession presented above is a result of amendments to the Polish succession law from 2009. So far, provisions in the scope of statutory succession have been rigorous and have prevented grandparents and their descendants from succession. Another key change is the testator's stepchildren's entitlement to the succession; however, they inherit only when their parents have passed away. The amendment was designed to strengthen family ties and to limit the municipality's and state treasury's access to the succession in a situation where a member of the testator's family is still alive.

19 In relation to the disposition of an individual's estate, are adopted or illegitimate children treated the same as natural legitimate children and, if not, how may they inherit?

Adopted and illegitimate children are treated the same as natural legitimate children under Polish succession law.

Children adopted in a full manner inherit on the same terms as the testator's own children. They do not inherit from their biological parents and their relatives. It should be noted that when the spouse adopts the other spouse's child (eg, from the previous relationship) the above rule is not applied.

In the case of a partial adoption (eg, someone from the family takes care of a child), the adopted child will always inherit from its adopter, but not from the adopter's family (ie, other children, spouse or parents). This is because partial adoption creates a bond only between the adopter and the adopted child.

20 What law governs the distribution of an individual's estate and does this depend on the type of property within it?

Key changes have been introduced in the area of international succession. The European Union's Succession Regulation, Regulation (EU) No. 650/2012, came into force in 17 August 2015, which is a binding act for 25 EU countries (with the exception of Denmark, Ireland and the United Kingdom). Under the new regulation, the decedent's habitual residence at the time of its death is relevant to determine the proper succession law.

Until 17 August 2015, the applicable succession law was that of the testator's nationality and in the case of real property, the country where the property was located. This means that Polish courts have had jurisdiction to rule on the succession when the decedent had Polish citizenship at the time of death, the decedent's habitual abode was in Poland or the decedent's property or assets were held in Poland.

21 What formalities are required for an individual to make a valid will in your jurisdiction?

To make a valid will in Poland, a testator should be a person over 18 years old with full legal capacity, who prepares the will personally. The will may be revoked at any time.

The testator may express its last will through one of three ordinary forms of will.

The first is the simplest and the most popular; the will should be written entirely by the hand of the testator, who must sign and date it.

The second may be made in the form of a notarial deed. This type of a testament is the safest, since it is more difficult to give rise to contestation of the validity of a testament prepared in a notarial deed. Moreover, a testament drawn up as a notarial deed assures that the testament's substance precisely reflects the testator's intention.

The last type of ordinary will is not widely used. It is based on making a will by declaring its content orally before a local government officer in the presence of two witnesses. The document needs to be signed by the testator, the local government officer, and the witness.

The Polish Civil Code provides also three types of special wills:

- first is a nuncupative will, which may be prepared only when the testator is unable to make a testament in an ordinary form or is in immediate danger of death;
- second, the will of a soldier, which may be prepared only during a time of war or mobilisation; and

- third, in certain situations, while travelling, a testament may be prepared on a Polish ship or plane. The testator should make an oral declaration to the captain of the ship or the plane or his deputy in the presence of two witnesses.

22 Are foreign wills recognised in your jurisdiction and how is this achieved?

Yes. Foreign wills are recognised in Poland. Under article 27 of the European Union's Succession Regulation, a will is valid when it complies with the law of the state where the testator made the will, the testator's nationality, the testator's residence or habitual abode or the location of the assets (in the case of real property). If the will is valid under the above-mentioned conditions, the will is also valid under Polish law.

23 Who has the right to administer an estate?

A testator may appoint an executor of the will to ensure that all the testamentary provisions will be properly conducted; nevertheless, this institution is not widely exercised in Polish succession law. Under Polish civil law, the executor may be an adult natural person with full legal capacity, who cannot be treated as a fiduciary or a trustee. No legal education is required. The testator may appoint the executor in his will. The testator may appoint more than one executor, which means that the powers of each executor of the will may relate to different parts of the testator's estate. The executor of the will is a party to all proceedings concerning the rights and duties of persons involved in the process of managing the division of the estate.

24 How does title to a deceased's assets pass to the heirs and successors? What are the rules for administration of the estate?

The acquisition of the title to a decedent's assets does not require the completion of any formalities. This means that an heir is not obliged to submit a declaration on the acceptance or rejection of an estate. However, for practical reasons, the heir should request for confirming inheritance acquisition in the court. When heirs do not do anything within the prescribed time limit, they are deemed to have accepted the inheritance and are liable for debts to the assets of inheritance (acceptance with benefit of inventory).

The executor of the will is primarily an administrator of the estate and it is responsible for custody of the estate. Moreover, the scope of the executor's responsibilities includes payment of the debts under the succession, execution of the legacies and the handover of the ownership of succession property to the heirs pursuant to the testator's will and the Polish Civil Code. When the testator appoints the executor, until the distribution of the estate, the heirs are deprived of the right to dispose of the estate's assets. In particular, they may not sell succession property, but they may dispose their share in the estate.

The executor of the will may sue and be sued on matters arising in connection with the administration of the estate, debts under the succession, and the rights regarding the estate. The executor is entitled to remuneration due to the performed function.

25 Is there a procedure for disappointed heirs and beneficiaries to make a claim against an estate?

Heirs and beneficiaries may challenge the validity of a will before a civil court. They may claim that a given testamentary disposition is invalid on the grounds that it was made:

- in a state precluding conscious or free decision making and expression of intent;
- under the influence of an error, justifying the supposition that if the testator had not acted under the influence of an error, the testator would not have made a will of that content; or
- under the influence of a threat.

It should be noted that the invalidity of a will for the above-mentioned reasons cannot be relied on after three years have passed from the day on which the person having an interest therein learns of the cause of the invalidity and, in any case, after 10 years have passed from the opening of the succession.

Capacity and power of attorney

26 What are the rules for holding and managing the property of a minor in your jurisdiction?

A statutory representative is responsible for holding and managing the property of a minor. In most cases, a statutory representative will be one of the parents.

When none of the parents may represent the child, the guardianship court appoints a guardian for a child. In the case when parental custody is suspended, limited or deprived by the court, the court appoints a custodian to represent the minor.

It is a basic rule that a legal act performed through a representative within the limits of its authorisation, produces a direct effect for the minor. The consent of the statutory representative is required when a person with a limited capacity for legal acts (ie, minor) assumes an obligation or disposes of its right.

Nevertheless, when a child executes a contract of a type commonly executed in minor current day-to-day matters, this contract becomes valid at the moment it is performed, unless it causes serious harm to that person. A minor may, without the consent of his or her statutory representative, dispose of its earnings (such as scholarships or casual seasonal work) unless the guardianship court rules otherwise for good cause. Also, when the statutory representative of a minor gives him specific property items for unrestricted use, that child acquires full capacity for legal acts concerning these property items. According to the law, legal acts for which the consent of the statutory representative is insufficient constitute an exception.

27 At what age does an individual attain legal capacity for the purposes of holding and managing property in your jurisdiction?

According to Polish civil law, full capacity for legal acts is acquired at the moment of becoming an adult (18 years old).

Minors who have reached 13 years of age and persons who are partially legally incapacitated have limited capacity for legal acts. Nevertheless, when a person who does not have capacity for legal acts executes a contract of a type commonly executed in minor current day-to-day matters, this contract becomes valid at the moment it is performed unless it causes serious harm to that person. A minor may, without the consent of his or her statutory representative, dispose of his or her earnings unless the guardianship court rules otherwise for good cause.

28 If someone loses capacity to manage their affairs in your jurisdiction, what is the procedure for managing them on their behalf?

Under Polish civil law, there are two cases when someone may lose their capacity: full or partial legal incapacitation.

A person may be fully legally incapacitated, when the person has reached 13 years of age and is incapable of controlling his or her behaviour due to mental illness, mental retardation or other mental disorder

such as alcoholism or drug addiction. A guardian is appointed for that person unless the person is still under parental authority.

A partial legal incapacitation may arise when an adult (a person, who has reached 18 years of age) requires assistance to manage their affairs due to mental illness, mental retardation or other mental disorder, in particular alcoholism or drug addiction. A curator is appointed for an individual who is partially legally incapacitated.

Immigration

29 Do foreign nationals require a visa to visit your jurisdiction?

Poland is part of the Schengen area, a zone without controls on internal borders that comprises 28 countries. Third-country nationals may enter Poland if they are in possession of a valid travel document and a visa (if required).

Citizens of the following countries are not required to be in possession of a visa when entering Poland for fewer than 90 days:

- EU countries and candidate countries for EU accession (ie, Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia); and
- for holders of biometric passports: Andorra, Antigua Barbuda, Argentina, Australia, Bahamas, Barbados, Brazil, Brunei, Canada, Chile, Costa Rica, El Salvador, Guatemala, Honduras, Hong Kong, Iceland, Israel, Japan, Liechtenstein, Macao, Malaysia, Mauritius, Mexico, Monaco, New Zealand, Nicaragua, Norway, Panama, Paraguay, Saint Kitts and Nevis, San Marino, Seychelles, Singapore, South Korea, Switzerland, Taiwan (for holders of passports that include an identity card number), the United States, Uruguay, the Vatican and Venezuela.

This means that foreigners from countries such as Russia, Belarus, Ukraine, Georgia, Turkey, India or Vietnam should provide a visa before entering Poland's territory. Council Regulation (EC) No. 539/2001 includes a list of third countries whose nationals must possess valid visas.

There are three types of visas in Poland:

- a transit airport visa for citizens from: Afghanistan, Bangladesh, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Iran, Iraq, Nigeria, Pakistan, Sudan or Sri Lanka, who do not intend to leave the international transit area of the airport while travelling by air from a third state to another third state with a stopover at an airport in the Schengen area (in the territory of the Republic of Poland);
- the Schengen C-type visa, the most common type of visa, which is valid for stays of no more than 90 days per period of 180 days. The unified Schengen visa entitles the holder to stay in the territory of all Schengen states or only in the territory of Poland. Uniform visas are issued for travellers going to Poland for reasons of tourism, visiting, carrying out economic or cultural activities, participation in international conferences or sport events, business, education, etc. The visa permits a continuous stay in the territory of the Republic



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of Poland or multiple consecutive periods of stay not exceeding 90 days jointly within the period of 180 days; and

- the last type of visa, the national D-type visa, is for foreigners who intend to stay in the territory of Poland for a total of more than 90 days (at least 91 days) during one or more visits within a half-year period calculated from the date of first entry.

30 How long can a foreign national spend in your jurisdiction on a visitors' visa?

See question 29.

31 Is there a visa programme targeted specifically at high net worth individuals?

No. Poland does not provide such a programme.

32 If so, does this programme entitle individuals to bring their family members with them? Give details.

Not applicable.

33 Does such a programme give an individual a right to reside permanently or indefinitely in your jurisdiction and, if so, how?

Not applicable.

34 Does such a programme enable an individual to obtain citizenship or nationality in your jurisdiction and, if so, how?

Not applicable.

Getting the Deal Through

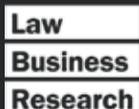
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