



LEGAL SERVICES



FOREIGN BRANCH AND REPRESENTATIVE OFFICE 2023

- ▶ BRANCH OF
A FOREIGN COMPANY
- ▶ REPRESENTATIVE OFFICE



THE GLOBAL ADVISORY
AND ACCOUNTING NETWORK



FOREIGN BRANCH AND REPRESENTATIVE OFFICE

Branch of a foreign company

According to the Polish law, foreign entrepreneurs may set up branch offices to carry out business activity on the Polish territory. An entrepreneur from a foreign country is allowed to establish a branch on condition that a Polish entrepreneur enjoys equivalent rights in the country of origin of the foreign entrepreneur (reciprocity rule), unless the international agreements ratified by Poland state otherwise. The above does not concern entrepreneurs from EU and EEA, countries as well as from countries that are parties to association agreements with the EU in the area of the freedom of establishment. Such entrepreneur's may freely set up branch offices on the Polish territory.

A branch does not possess legal personality, it constitutes an integral part of the foreign enterprise and cannot acquire rights or incur obligations in its own name, cannot sue or be sued. However, branches have significant independence with respect to employment matters. The scope of business activity of the branch may not go beyond the foreign entrepreneur's scope of activity. Some special regulations (both in Poland and European Union) regarding opening a branch may be applicable to specific industries, e.g. when opening a branch of a foreign bank, insurance company or investment company. In such cases, the opening of a branch should be seen in light of those specific regulations (which may differ from the general rules).

Representative office

Foreign entrepreneurs may set up their representative offices in Poland. The representative office does not constitute a separate legal entity and is treated as part of a foreign enterprise's organizational and functional structure.

It cannot acquire rights or incur obligations, sue or be sued. The representative office may be established by the foreign entrepreneur only to advertise and promote the business of the entrepreneur in Poland.

The performance of certain activities by the employees of a representative office may entail the risk of creating a permanent establishment for tax purposes.

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