

WORLDWIDE

Amsterdam
Ankara
Antwerpen
Ari
Asunción
Athens
Bangalore
Bangkok
Barcelona

Belgrade
Beijing
Birkirara
Bogotá
Bologna
Bosnia
Bucharest
Budapest
Buenos Aires

Cairo
Cali
Casablanca
Doha
Dauca
Dubai
Durban
EpeyMeie
Farrara

Fukuoka
Geneve
Gozira
Guadalajara
Guatemala
Hanoi
Hong Kong
Istanbul

Jakarta
Jeddah
Kampoa
Karsruhe
Kaurus
Kogenturf
Kolkata
Köln

Kuala Lumpur
Kyiv
Lagos
Lisbon
Lima
Ljubljana
Lodi
London
Los Angeles

Luanda
Lublin
Luxembourg
Malaga
Manila
Montevideo
Medellin
Mexico City
Miami

Milan
Moscow
Montevideo
Montreal
Moscow
Mumbai
Munich
Naples

New Delhi
New York
Osaka
Oslo
Ottawa
Paris
Pavia
Plesteft
Pune

Prague
Puebla
Rabat
Riga
Rio de Janeiro
Rome
Rosario
Rzeszow
Santiago de Chile

Sao Paulo
Santolevo
Seoul
Shanghai
Shenzhen
Sidney
Singapore
Skopje
Stockholm

Strasbourg
Taipei
Tegucigalpa
Tel Aviv
The Hague
Tokyo
Toronto
Touin
Trento

Udine
Valencia
Varna
Venice
Vinnia
Warsaw
Zagreb
Zürich

REAL ESTATE INVESTMENT IN POLAND – PART I

I. Introduction to Poland's Real Estate Market

Poland's real estate market is experiencing dynamic growth, offering attractive opportunities across residential, commercial, and industrial sectors. With stable economic growth, increasing demand for office and warehouse spaces, and numerous infrastructure projects, Poland appeals to both domestic and foreign investors. Key growth drivers include investments in revitalization and the development of green real estate.

II. Can Foreign Nationals and Companies Buy Property in Poland?

The ability of foreign nationals and companies to buy property in Poland hinges on a few key factors, such as the country of origin, the type of property in question, and whether it's a residential apartment or land.

For citizens of the EU and EEA, the process is straightforward—no special permits are needed, and they enjoy the same rights as Polish nationals. However, for non-EU/EEA buyers, things get a bit more complex. Buying an apartment? No problem. The purchase of residential premises by foreigners does not require a permit unless it involves acquiring a share in land rights (e.g., perpetual usufruct or co-ownership). In such cases, non-EU citizens may need to obtain a permit. And finally, acquiring land, especially agricultural or forest land, requires a permit from the Ministry of Interior and Administration, and even then, strict conditions apply.

And what about the Companies?

They follow a similar rulebook. Foreign businesses can invest in Polish real estate, but the type of property and its location might dictate whether they need to navigate the bureaucratic maze of permits.

III. Any Example of Companies with Foreign Ownership?

For companies where a foreign national owns at least 50% of shares, the company is treated as a foreign entity, and property acquisition requires a permit. However, through specific provisions in the company's articles of association, particularly regarding voting rights, it is possible to structure the company in a way that it is not classified as a foreign entity under the Act of 24 March 1920 on the Acquisition of Real Estate by Foreigners. This allows the company to acquire property under general rules without the need for additional permits.

IV. Property Purchase Agreements in Poland

- **Reservation Agreement (Umowa Rezerwacyjna)** – This is an optional step often used in real estate transactions, particularly for properties under development. The reservation agreement secures the buyer's right to purchase the property for a specified period, typically in exchange for a fee. It is not legally binding in terms of transferring ownership

of obligating the parties to conclude the sale, but it provides the buyer with an exclusive opportunity to proceed to the next stage of the transaction.

- **Preliminary Agreement (Umowa Przedwstępna)** – This outlines the key terms of the transaction, such as price and conditions. All preliminary agreements, regardless of their form, must include all the elements of the final agreement. If the agreement is made in the form of a notarial deed, it provides additional protection for the parties, as it enables the court to issue a declaration replacing the party’s will under Article 64 of the Polish Civil Code, should one party refuse to sign the final agreement.
- **Final Agreement (Notarial Deed)** – This document transfers ownership of the property and must be executed by a notary. If the buyer does not speak Polish, a sworn translator must be present. Sworn translation is a regulated profession in Poland, and the list of translators is publicly available on the **Ministry of Justice's website**.
- **Registration in the Land and Mortgage Register** – After the transfer of ownership is executed by a notary, the notary lodges a motion with the court, which then makes the entry in the Land and Mortgage Register.

V. The Role of Notaries in Real Estate Transactions in Poland

Notaries in Poland play a crucial role in real estate transactions. Under the Act on Notaries, a notary:

- Drafts the notarial deed required for the transfer of property ownership,
- Ensures the transaction complies with applicable laws,
- Submits motions for registration in the Land and Mortgage Register.
- It is important to understand that a notary—much like in other legal systems—is a neutral party whose role is limited to certifying the transaction and ensuring its compliance with the law. A notary does not act as a legal representative or advisor for either party and is not authorized to safeguard the individual interests.

VI. What about Generating Income from Real Estate in Poland?

Foreign investors can generate income from renting out residential, commercial, or industrial properties. One of the most popular trends is the build-to-rent model, which includes both modern residential buildings and attractive hotel complexes. Residential buildings under the build-to-rent model offer long-term rentals with additional amenities such as gyms, coworking spaces, or concierge services, attracting tenants seeking convenience and modern solutions. Hotel complexes in tourist destinations, such as Kraków, Zakopane, Gdańsk, or seaside resorts, are particularly appealing investment options, as short-term rentals are in high demand. These properties allow investors to generate flexible income both during the tourist season and throughout the year, providing attractive returns. Additionally, the growth of tourism in Poland makes build-to-rent complexes in popular locations a profitable long-term investment, appealing to both local residents and international tourists.

VII. Conclusions

Poland’s real estate market presents numerous investment opportunities for foreign nationals, provided they comply with local regulations. Collaborating with local experts and legal advisors ensures effective risk management and maximizes the benefits of investment. Proper preparation, along with the expertise of local specialists, is crucial for success.

WORLDWIDE

Amsterdam
Ankara
Antwerpen
Ari
Asunción
Athens
Bangalore
Bangkok
Barcelona
Belgrade
Beijing
Birkirara
Bogotá
Bologna
Borislaw
Bucharest
Budapest
Buenos Aires
Cairo
Cali
Casablanca
Daha
Dauada
Dubai
Durban
EpeaMeie
Farrara
Fukuoka
Geneve
Gozria
Guadalajara
Guatemala
Hanoi
Helsinki
Hong Kong
Istanbul
Jakarta
Jeddah
Kampoda
Karlsruhe
Kaurus
Kogentfurt
Koblenz
Kolkata
Köln
Kuala Lumpur
Kyiv
Lagos
Lisbon
Lima
Ljubljana
Lodi
London
Los Angeles
Luanda
Lublin
Luxembourg
Madaga
Manila
Mantova
Medellin
Mexico City
Miami
Milan
Modena
Monteney
Montreal
Moskwa
Moscow
Mumbai
Munich
Naples
New Delhi
New York
Osaka
Oslo
Ottawa
Paris
Pavia
Plešeti
Pune
Prague
Puebla
Rabat
Riga
Rio de Janeiro
Rome
Rosario
Rzeszow
Santiago de Chile
Sao Paulo
Sancievo
Seoul
Shanghai
Shenzhen
Sidney
Singapore
Slopie
Stockholm
Strasbourg
Taipei
Tegungapipa
Tel Aviv
The Hague
Tokyo
Toronto
Touzi
Trento
Udine
Valencia
Varna
Venice
Vienna
Vilnius
Warsaw
Zagreb
Zürich



**WORLDWIDE
INDEPENDENT
LAWYERS LEAGUE®**

willeague.com

Avv. Enrica Maggi, PhD – CEO of WILL, President of Int'l Real Estate Group

Adw. Małgorzata Skawińska, PhD, EMBA – Vce-President of Int'l Real Estate Group

WORLDWIDE

Amsterdam
Ankara
Antwerpen
Ari
Asunción
Athens
Bangalore
Bangkok
Barcelona

Belgrade
Beijing
Bikirkara
Bogota
Bologna
Borislava
Bucharest
Budapest
Buenos Aires

Cairo
Cali
Casablanca
Doha
Dauca
Dubai
Dubon
Epe-Mere
Ferrara

Fukuoka
Geneve
Gozia
Guadalajara
Guatemala
Hanoi
Helsinki
Hong Kong
Istanbul

Jakarta
Jeddah
Kampoda
Karlsruhe
Kaurus
Kogenturf
Koblenz
Kolkata
Köln

Kuala Lumpur
Kyiv
Lagos
Lisbon
Lima
Ljubljana
Lodi
London
Los Angeles

Luanda
Lublin
Luxembourg
Madaga
Manila
Manitova
Medellin
Mexico City
Miami

Milan
Modena
Monteney
Montreal
Moskva
Moscow
Mumbai
Munich
Naples

New Delhi
New York
Osaka
Oslo
Ottawa
Paris
Pavia
Ploesti
Pune

Prague
Puebla
Rabat
Riga
Rio de Janeiro
Rome
Rosario
Rzeszow
Santiago de Chile

Sao Paulo
Santiago
Seoul
Shanghai
Shenzhen
Sichay
Singapore
Skopje
Stockholm

Strasbourg
Taipei
Tegauqalpa
Tel Aviv
The Hague
Tokyo
Toronto
Touji
Trento

Udine
Valencia
Varna
Venice
Vienna
Vinnus
Warsaw
Zagreb
Zürich