

## **CASH POOLING DOES NOT TRIGGER TRANSFER PRICING DOCUMENTATION DUTIES**

We wish to draw your attention to the **developing line of taxpayer-friendly authority of Polish courts** in relation to the transfer pricing documentation duties for cash pooling agreements.

According to recent judgements of Provincial Administrative Courts in Warsaw (case no. III SA/Wa 1076/14) and Bydgoszcz (case no. I SA/Bd 863/14), taxpayers are not required to prepare transfer pricing documentation for cash pooling agreements between groups of companies and unrelated banks.

In the cases cited above, the courts held that an entity acceding to a cash pool actually contracts with the bank and thus there is no transaction between related parties (even where the pool leader role is fulfilled by a company in the same group). The transaction is only between individual cash pool participants and the unrelated bank. In effect, there is no need to prepare transfer pricing documentation for such transactions.

If this issue pertains to your business and you are interested in our assistance, please contact your WTS&SAJA consultant or our office.

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