

Providing loans to individuals not linked through a capital company - legal, tax regulations, and obligations (as of January 2026)

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Capital companies, such as limited liability companies (spółka z o.o.) or joint-stock companies (spółka akcyjna), are increasingly considering granting loans to individuals not connected financially or personally. This can be occasional support (e.g., for employees or contractors) or an element of a business model (e.g., financing clients). Depending on the nature and scale of activity, various legal and tax obligations arise. This article discusses key regulations, focusing on aspects relevant to accounting firms servicing such entities.

1. Legality of Providing Loans by the Company

According to the Civil Code (Articles 720-724 CC), the loan agreement is a civil law transaction available to any entity, including capital companies. A company can grant loans to individuals not connected if the action falls within its legal capacity and does not violate the object of business specified in the KRS (although granting loans does not require registration in the PKD as a main business if it is occasional).

Key Distinction:

- **Occasional Loans** → do not require special permits or registration.
- **Professional/Regular Granting of Consumer Credit** → the company becomes a lending institution and is subject to the regulations of Chapter 5a of the Consumer Credit Act and oversight by the KNF.

2. Lending Institution - When Must the Company Meet Additional Requirements?

Definition of a lending institution (Article 59a of the Consumer Credit Act): an entrepreneur granting consumer loans as part of their business, outside of banking activities.

Requirements (current for 2026):

- Legal form: exclusively limited liability company (sp. z o.o.) or joint-stock company (S.A.).
- Minimum share capital: depending on scale, but for new entities often requires 1,000,000 PLN covered by cash contribution (details on the KNF website).
- Entry into the register of lending institutions maintained by the KNF.
- KNF supervision (from January 1, 2024, includes compliance control with the Consumer Credit Act, including cost limits).

If the company grants loans occasionally (e.g., a few times a year, not as the main source of income), it is not considered a lending institution and does not have to meet these requirements. In case of doubt, legal consultation or application for individual interpretation is recommended.

3. Consumer Credit Act - Obligations of Non-Bank Lenders

If the loan meets the definition of consumer credit (loan agreement/credit to the consumer for private purposes), the Consumer Credit Act applies fully, regardless of the status of the lending institution.

Main obligations of the company as a lender:

- Conduct a creditworthiness assessment (Article 9a of the UKK) - a mandatory positive assessment before concluding the agreement.
- Provide the consumer with an information form (standard form with APR, costs, conditions).
- Conclude the agreement on a durable medium (in writing or electronically).
- Consumer's right to withdraw from the agreement within 14 days.
- Limits on non-interest costs (max. 25% of the loan amount + 30% annually, overall limit 100%).

- Prohibition of rollovers and other practices that increase debt.

Violation of these obligations may lead to free credit sanctions (repayment of principal only) or penalties from UOKiK/KNF.

4. Tax Aspects

4.1. Civil Law Transactions Tax (PCC)

- Rate: 0.5% of the loan amount (Article 7(1)(4) of the PCC Act).
- Taxpayer: borrower (individual).
- Obligation: submitting PCC-3 declaration and payment within 14 days of concluding the agreement.
- Company's role: no settlement obligation, but it is advisable to inform the borrower (to avoid disputes).

Exemptions do not apply in the case of loans from non-bank companies.

4.2. VAT

The service of granting cash loans (including charging interest) is subjectively exempt from VAT (Article 43(1)(38) of the VAT Act). VAT invoices are not issued, and interest is not subject to VAT taxation.

4.3. CIT

Interest received from the borrower constitutes the company's financial income

(Article 12(1)(1) of the CIT Act). Taxed at a rate of 9% (for small taxpayers) or 19%.

Accounting: revenue on the due date of interest (accrual basis) or upon receipt (cash basis).

5. Other Obligations

5.1. AML / Anti-Money Laundering

If the company regularly grants loans (lending institution), it is a obligated institution and must:

- Implement AML procedures.
- Identify clients and beneficial owners.
- Assess risk and report suspicious transactions to GIIF.

For occasional loans over €15,000, financial security measures apply (client identification).

5.2. Documentation and Reporting

- Loan agreement in writing (recommended for amounts above 1,000 PLN).
- Record of interest income in KPiR or accounting books.
- For larger scale – reports to the KNF (for lending institutions).

Summary and Recommendations

Granting loans to individuals not connected is possible but requires caution – especially with consumer credit. Occasional activities do not generate additional registration burdens, while professional activities require adjustments to comply with lending institution requirements. Accounting firms should draw clients' attention to PCC obligations on the borrower's side, proper accounting of interest, and potential UKK risks.

In case of doubts, it is recommended to obtain an individual interpretation from KAS or consult a lawyer specializing in financial law.

Key Citations

- Act of May 12, 2011 on consumer credit (consolidated text, ISAP)
- Act on civil law transactions tax (Article 7, current rates for 2026, Entrepreneur's Guide)
- KNF website: Sector of lending institutions
- VAT Act (Article 43(1)(38), exemption of financial services)
- Interpretations and industry articles: PoradnikPrzedsiębiorcy.pl, GOFIN.pl, Prawo.pl

