

AUXADI

FRANCE

COUNTRY FILE - 2019





F R A N C E

France is the sixth largest economy in the world with a GDP of 2.794.700 MUSD and occupies a strategic position in the centre of Europe.

With a population of more than 67 million people, France is the third most populous country in Europe, and enjoys one of the highest human development indices on the planet. In addition, since 1999, it has been one of the founding members of the Eurogroup.

France ranks as the 32nd out of 190 countries in the World Bank's Ease of Doing Business Index. France is a country of services. This sector contributes nearly 70% of GDP and employs three quarters of the population according to the World Bank. In fact, France is one of the main tourist destinations in the world. The Industry sector, especially manufacturing, accounts for 20% of the country's wealth, highlighting the telecommunications, electronics, automotive and aerospace sectors.

In the country, foreign companies receive the same aid as national ones. These include aid for productive investment, credit for innovation and credit for learning, tax exemptions or loan guarantees. In France there is freedom of establishment, although certain sectors such as gambling, private security or the arms trade require prior authorization. In 2019, the government has extended the list to include sectors linked to research and development of new technologies, such as the aerospace and civil protection sectors, or R&D in cybersecurity, robotics or artificial intelligence.

On the other hand, France has one of the most expensive workforce and the highest taxes in the European Union. Since 1 January 2019, companies are obliged to withhold personal income tax on salaries, payments to professionals or rents. Up to this date only withholdings were made on financial profits and capital increases.

France: country overview



32nd

Ranked on the World Bank's
Ease of Doing Business Index



M\$ 2,794,700

Gross Domestic Product



\$ 37,970

INB per capita / year



98%

Public debt



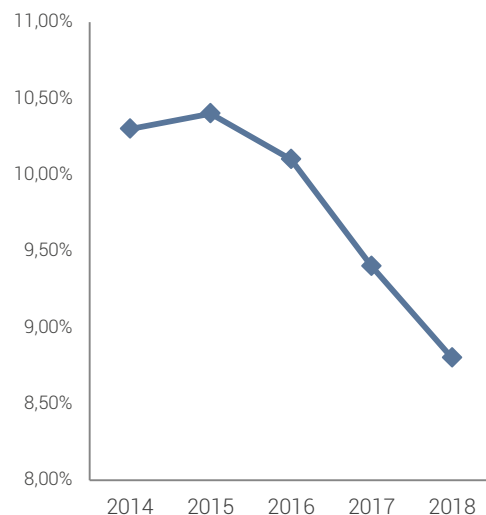
67,118,648

Inhabitants



8.8%

Unemployment rate



Main economic sectors



Real Estate



Electronic Products



Finance and Insurance



Pharmaceutical and Chemical Industry



Agrifood



Tourism



The formalities for setting up a company in France have been greatly simplified thanks to the "One-Stop Shop for the creation of companies", where all administrative formalities can be carried out. A company can be set up in just 4 days at a cost of less than 1% of per capita income. France is ranked 30th in the Doing Business Index 2019 for starting a business.

4
days



The minimum wage in France is US\$1,694.6 per month. The ordinary working day is 7 hours and the maximum number of working days per week is 6. Workers in France are affiliated to the Social Security or URSSAF (Union de Recouvrement des Cotisations de Sécurité Sociale et de Allocations Familiales).

1.694,6
\$/month



France has a wide network of double taxation agreements with the major trading partners. Most of them stipulate a reduced rate (from 0% to 15%). The country offers a wide range of tax incentives to investors.

0-15%
reduced rate



Companies are required to submit their Accounts in accordance with the French General Accounting Plan (GAP) as well as in French language. From January 1st 2014, the FEC (Fichier des écritures comptables) must be available in the event of a tax or accounting inspection or a request from the French administration. Companies are obliged to publish their accounts according to the basic system, abbreviated or developed according to their legal form and size.

PGC



Except for some “sensitive” sectors, there are no administrative restrictions on foreign investment in France.

Establishment formalities have been greatly reduced. Nowadays, all administrative procedures can be carried out at the nearest one-stop-shop named “Centre des formalités des entreprises”. It takes more than a week to set up a trading company.

To develop an activity in France, investors have a wide range of business structures at their disposal:

	Short-Term Solution	Long-Term Solution	
	LIAISON OFFICE	BRANCH	SUBSIDIARY
DESCRIPTION	Representative office in France with no commercial activities.	Through its representative, this branch of the foreign company can legally link to its parent company (i.e. it can sign sales contracts).	Company under the French law that can undertake all kinds of activities.
CHARACTERISTICS	<ul style="list-style-type: none"> • Simple structure (extension of a foreign company in France). • Commercial activity only if registered with the Commercial Register (Registre du commerce et des sociétés - RCS). • Without autonomy. 	<ul style="list-style-type: none"> • Uncomplicated structure that can perform sales-related activities. • Can take decisions independently as a representative branch in France Legally binding transactions for the foreign company. 	<ul style="list-style-type: none"> • Autonomous legal entity. • Transactions binding only on the subsidiary.

Control of competition and mergers and acquisitions

Ensuring that launching operations in France are notified to the French competition authority is the key, whether for Gaulish or foreign companies. Sometimes the transactions involved would exceed the legal turnover thresholds for “mergers”.

The concept of clustering mainly covers:

- Mergers between two previously independent entities;
- Acquisitions made by one or more persons for the purpose of controlling all or part of the companies concerned, directly or indirectly;
- Setting-up a joint venture or commercial alliance to perform on a lasting basis all the functions of an autonomous economic entity.

The thresholds established by French legislation relating to concentration are as follows:

- An aggregate worldwide pre-tax turnover of all the companies concerned in excess of 171 MUSD/150 million euros.
- Aggregate pre-tax turnover on French territory of at least two of the companies involved amounting to more than 57 MUSD/ 50 million euros.

If these thresholds are exceeded, the French competent authority must be informed of the operation to be carried out before making the acquisition.

The French competition authority will communicate its decision on those transactions which do not seriously harm competition within 25 working days.



Choice of legal structure

The most common forms of limited liability company are *Société Anonyme (SA)*, *Société de Responsabilité Limitée (SARL)* and *Société Simplifiée par Actifs (SAS)*. There are other options, although they are less common due to the greater degree of responsibility required of partners in case of financial difficulties. These are called *Société en Nom Collectif (SNC)*, *Société Civile y Groupement d'Intérêt Economique (GIE)*.

In France, the main forms of limited liability company are:

	SARL SOCIÉTÉ DE RESPONSABILITÉ LIMITÉE	SA SOCIÉTÉ ANONYME (WITH MANAGEMENT BOARD)	SAS SOCIÉTÉ SIMPLIFIÉE PAR ACTIFS
MINIMUM STOCKHOLDER'S EQUITY	There is no minimum: enough capital to cover long-term financial needs. The amount is defined by the partners in the Statutes. At least one fifth of the contributions must be paid when the company is formed and the remainder within five years thereafter.	Minimum of 42.180 USD/37.000 euros. Half of the stockholder equity has to be paid up on incorporation and the rest within five years thereafter.	There is no minimum: enough capital to cover long-term financial needs. The amount is defined by the members in the Statutes. At least one fifth of the contributions must be paid when the Company is incorporated and the remainder within five years thereafter.
PARTNERS/ SHAREHOLDERS	From 2 to 100 natural or legal persons or a sole proprietorship with limited liability (EURL). At least one Annual Meeting: annual approval of the Accounts, review of contracts by simple majority in General Ordinary Assembly.	At least seven (one of them shall be a natural person) At least one Annual Meeting: annual approval of the Accounts and ordinary decisions by simple majority in Ordinary General Assembly. Modifications of the Statutes require a two-thirds majority in A. G. Extraordinary.	At least one individual or legal person (SAS unipersonal). Some decisions have to be adopted in Ordinary General Assembly such as the approval of the Accounts, mergers and acquisitions, changes in the capital and the liquidation of the Company.
RESPONSABILITY OF THE PARTNERS/ SHAREHOLDERS	Restricted to contributions, except in the case of civil or criminal lawsuits.	Restricted to contributions, except in the case of civil or criminal lawsuits.	Restricted to contributions, except in the case of civil or criminal lawsuits.
MANAGEMENT BOARD	One or more members of the Board of Directors who cannot be legal persons but are not required to be partners or shareholders.	A natural person as Chairman of the Board and Executive Chairman or two natural persons who share these positions. Deputy Presidents: up to 5. Board of Directors: from 3 to 18 members plus an auditor.	At least one president (natural or legal person) and possibly a Board of Directors with other members. The Society may be represented by a person invested with the powers of the Statutes (Executive President or Deputy) in addition to the President.
AUDIT	Mandatory audit if the Company exceeds one of the following three thresholds: net turnover of more than USD 3,534,000/ EUR 3.1 million; balance sheet total of more than USD 1,767,000/ EUR 1.55 million; more than 50 employees.	Compulsory Auditor.	Auditor required for Companies owned by (or owning) another Company IN CASE OF CONTRARY account auditor required if the Company exceeds 2 of the following 3 thresholds: pre-tax turnover in excess of 2,280,000 USD/2 million euros; balance sheet total in excess of 1,140,000 USD/1 million euros; more than 20 employees.
TAX REGIMEN	Corporation Tax or Income Tax option (if you have less than 5 years and less than 50 employees) or if you are made up of members of the same family.	Corporation Tax or Income Tax option (if you have less than 5 years and less than 50 employees).	Corporation Tax or Income Tax option (if you have less than 5 years and less than 50 employees).



Labour Aspects

Labor relations are regulated by the French Labor Code (Code du Travail) as well as by specific collective agreements that reflect the practices of each sector.

Employers can hire employees according to their needs through different types of contracts allowed in French legislation. The most common contract is permanent (CDI, Contract à Durée Indéterminée).

In France there is no special requirement for the hiring of EU citizens. In the case of non-EU foreign workers, an administrative work authorization is required. The procedure could take more than three months of paperwork and the company must give the reasons for their choice.

Compulsory contributions are made at an estimated 43% of the gross salary. Relations between France and Spain in matters of Social Security are governed by the European Convention on Social Security as members of the Council of Europe. Guarantee equal treatment, a single applicable application, the maintenance of acquired rights during acquisition, and the provision of benefits abroad.

The national minimum wage (SMIC) established by law in France is EUR = 1 525.47 per month or €10.03 per hour for a week of 35 hours. Employees in France are entitled to five weeks of paid leave. There is the possibility that a worker can be hired for a working day exceeding 35 hours, with a limit of 39 hours per week and that this excess time compensated with the reduction of working time, RTT (*réduction du temps de travail*). RTT works just like holidays.

It should also be noted that remuneration varies according to the age of the beneficiary and his level of initial training.



Level of Training/Qualification prior to Professional Contract

	NONPROFESSIONAL TITLE/ DIPLOMA LEVEL IV/ UNDERGRADUATE DEGREE/ DIPLOMA	PROFESSIONAL TITLE OR DIPLOMA EQUIVALENT TO OR HIGHER THAN THE PROFESSIONAL LEVEL, OR DIPLOMA OF HIGHER EDUCATION
< 21 YEARS	At least 55% of SMIC	At least 65% of SMIC
21 – 25 YEARS	At least 70% of SMIC	At least 80% of SMIC
26 <	At least SMIC or 85% of the conventional minimum wage of that sector, whichever is higher	At least SMIC or 85% of the conventional minimum wage of that sector, whichever is higher

The administrative formalities related to the hiring of new employees have been simplified by the introduction of a single form for new employees called *déclaration préalable à l'embauche* (declaration prior to hiring) that can be delivered online.

Since January 1, 2019, monthly deductions have begun to be applied to the salary for the income tax. The employer retains monthly payments deposited in the French administration, so that part of the income tax of the individuals that will be presented by the employee in the month of May is advanced. The deduction of these taxes does not exempt the employee from making the income statement.

Income Tax Rates

<1.600 USD/1.404€	0%
From 3.935 USD/3.452€ to 4.589 USD/4.026€	14%
From 16.866 USD/14.795€ to 25.766 USD/22.602€	33%
+ 54.397 USD/47.717€	43%

Fiscal tax table for 2018 payable in 2019

There is a special contribution that concerns people with very high incomes and that will be included in the income tax. This contribution must be paid together with the income tax if the following amounts are exceeded:

- 250,000 euros, in the case of taxpayers whose marital status is single, widowed, separated or divorced
- 500,000 euros, for married taxpayers, who are in fact subject to a common income tax filing system.

Special Contributions

	One person	Common tax
Less than or equal to 285.000 USD /250.000 euros	0%	0%
285.001-570.000 USD /250.001- 500.000 euros	3%	0%
570.001- 1.140.000 USD /500.001 euros – 1.000.000 euros	4%	3%
More than 1.140.000 USD /1.000.000 euros	4%	4%



Types of contracts

CDD - Fixed Term Contract

This is a contract that gives a set end and date. This type of contract can be renewed but only once and under certain conditions. If the employee continues to keep his employment on the expiration date of the contract, this will become CDI (contract of indeterminate duration): In this type of contracts the worker has the right to paid vacations as well as to settlement if it is not renewed.

CDI - Contract of indeterminate duration

It is an indefinite contract in which the duration of the contract is not specified.

CTT - Temporary work contract

This is a type of contract that only temporary employment agencies or temporary agencies carry out. In this case it is the temporary company that hires the employee to put it at the disposal of a company. To formalize it, two contracts are signed; one between the temporary work company and the company that needs the work and another between the employee and the temporary agency. During the time the contract lasts, the employee is under the control of the company.

Professionalization contract

Contrat de professionnalisation. This contract is aimed towards young people between 16 and 25 years old to complete their initial training and job seekers aged 26 and over. The purpose of the professionalization contract is to acquire a recognized professional qualification in the form of either a diploma, professional title registered in the National Register of Professional Certifications (RNCP), professional qualification certificate (CQP) branch or interbranch, or another type of qualification recognized by the classifications of a national collective agreement.

Apprenticeship contract

Contrat d'apprentissage. The apprenticeship contract is a written contract of limited duration (fixed-term contract) or of indefinite duration (CDI) between an employee and an employer. It allows the apprentice to take alternate course in the company under the responsibility of a master apprentice and apprentice training center (CFA) for 1 to 3 years. There is an age requirement (min – 16 and max – 30 years of age).

Monthly gross minimum compensation for apprenticeship

	Age 16 - 17	Age 18 – 20	Age 21-25	Age 26 <
1º año	468,23USD /410,73€	743,42 USD /652,12 €	919,11USD /806,24 €	Salary + high between the SMIC (€ 1522) and the conventional minimum wage corresponding to the work done during the counter-learning
2º año	676,33USD /593,27 €	884,43USD /775,82 €	1.057,75USD /927,94 €	Salary + high between the SMIC (€ 1522) and the conventional minimum wage corresponding to the work done during the counter-learning
3º año	953,80USD /836,67 €	1.161,91USD /1.019,22 €	1.352,67USD /1.186,55 €	Salary + high between the SMIC (€ 1522) and the conventional minimum wage corresponding to the work done during the counter-learning



France has an extensive network of double taxation agreements with most of the countries with which it has commercial relations (more than 100 agreements have been signed). Most of these agreements provide for a reduced rate of withholding (from 0 to 15%).

Besides, the French tax authorities may adopt advance administrative decisions on investment projects.

There is a wide range of tax incentives for investors. The most important is the research tax credit (*Crédit d'impôt recherche*).

Corporate Tax

Taxable income subject to corporate income tax is based on accounting profit and adjusted for non-deductible expenses and provisions transferable to the following tax year.

The corporate income tax rates are as follows:

- **Large companies:** standard rate of 33.33%. In the case of companies with taxable profits at the normal rate above 8,698,200 USD/7,630,000€, an additional "social contribution" of 1.1% will be applied, so that the final rate would be 34.43%.

- **Small and medium-sized enterprises (SMEs):** SMEs are exempted from the additional "social contribution". A tax rate will be applied according to the table on this page.

Losses can be accounted for in successive years, up to a limit of one million euros (1,140,000 USD) of taxable profit, as well as 50% of the taxable profit from this amount.

Corporate groups can benefit from a tax consolidation regime that allows them to offset the income and losses generated in France from their consolidated financial statements as well as to eliminate the transactions carried out within the companies belonging to the group.

Dividends distributed to the European parent company are exempt from withholding tax if the head office is within the European Union and holds at least 10% of the shares of its subsidiary located in France.

For dividends distributed to non-EU residents, the extensive network of double taxation treaties signed by France (more than 108) offers a reduced withholding rate of 0 to 15%.

Fiscal years beginning on or after January 1 st	SMES QUALIFYING FOR THE 15% RATE	OTHER CORPORATES
2018	15% up to 43,456USD/38,120€. 28% for the part of the profit between 43,456USD /38,120€ and 570,000USD/500,000€. 33 1/3% over €500,000	28% up to 570,000USD /500,000€ 33 1/3% beyond 570,000USD /500,000€ -
2019	15% up to 43,456USD/ 38,120€ 28% for the part of the profit between 43,456USD/ 38,120€ and 570,000USD/ 500,000€. 31% beyond US\$570,000/€500,000	28% up to 570,000USD /500,000€ 31% beyond 570,000USD /500,000€
2020	15% within the limit of 43,456USD/ 38,120€. 28% beyond 43,456USD/ 38,120€.	28% of total profit
2021	15% within the limit of 43,456USD /38,120€. 26.5% beyond 43,456USD /38,120€.	26.5% of total profit
2022	15% within the limit of 43,456USD /38,120€. 26.5% beyond 43,456USD /38,120€.	25% of total profit

VAT

VAT legislation in France is based on the Community Directive 2006-112. The standard rate for goods and services in the country is 20% and the reduced rate of 5.5% is applied to food and certain agricultural products. There are other activities benefitted from an intermediate VAT rate of 10%.

The VAT is a neutral tax. Companies can cross-compensation the VAT paid on certain transactions with the one collected on others. However, this tax could become a significant tax burden if it is not properly controlled.

Local Business Tax CET, Contribution économique territoriale

The CET includes Contribution of Real Estate Companies (CFE, Cotisation foncière des entreprises) and Contribution of Companies on the Added Value (CVAE, Cotisation sur la valeur ajoutée des entreprises).

- The CFE is calculated annually by counties, who set the tax rate for companies located in their area. It is based on the rental value of fixed assets.
- The CVAE is calculated on the basis of the value added (VA) of the Company's performance during the first year.

Some companies might temporarily benefit from exemption of payment of TEC, in particular, innovative start-ups, companies with technical and scientific research activities as well as companies located in some regional areas, among others.

Local Property Tax TF, Taxe foncière

Companies are subject to property tax based on the rental value of the land and buildings occupied. There is a long list of exemptions to this tax for new buildings, equipment of industrial warehouses or companies operating in certain regional areas.

Transfer Pricing

Since 1st January 2010, French companies with an annual turnover or gross assets above 456 MUSD/400 million euros, as well as the parent companies or subsidiaries of a group exceeding this threshold, are required to make a specific contribution of documents.

The required documentation includes general information on the structure of the group (master document) as well as detailed information on the transfer pricing policy about French companies (local document). This information must be updated annually. Besides, additional documentation on transfer prices may be requested on the first meeting with the tax auditors.

French regulations are based on the OECD Guidelines. Laws and directives relating to the fight against tax fraud and anti-money laundering, major crime and organized crime (Loi Perben II), Financial Security Act.

Principio Arm's Length

Transactions between related parties should be valued in the same way as independent parties would have done under the same conditions.

- 1. Obligated to submit** The companies mentioned in article L 13 AA of the Tax Procedures Book (LPF) have to submit the declaration n°2257-SD. These are companies established in France with a net annual figure or gross assets of more than 456 MUSD/400 million euros or companies which own more than 50% of another company or which the latter own more than 50% of another company which exceeds 456 MUSD/400 million euros. In the annual declaration, taxpayers must provide certain information relating to their related-party transactions when all these transactions of the same type and valuation method are equal to or exceed USD 114,000/100,000.
- 2. Deadline for submission the corporate income tax return.** The submission of the declaration must be made within 6 months of the submission of the result declaration.
- 3. Transfer Pricing Documentation Obligations.** Taxpayers are required to prepare transfer pricing documentation when the consideration for all transactions with a related entity is at least USD 114,000/100,000.
- 4. Deadline to submit documentation.** Transfer Pricing documentation must be available to the Administration as soon as the declaration has expired.
- 5. Penalties.** The law does not provide for penalties, but failure to file may result in a tax inspection requesting additional information. The tax administration may impose fines of up to 5% of transferred profits.

Accepted methods

The comparable open market price method, the increased cost method, the resale price method, the profit distribution method and the net margin method for all transactions, among others.



Main tax obligations



Nature of procedure		Form	Term
VAT	Monthly or quarterly declarations	CA3	Del 15 al 24 del A+1 / T+1
	Application for VAT refund	3519	Del 15 al 24 M+1 / T+1
	ESL for services	DES (13964)	12 del M+1
	Declaration Intrastat trade goods	DEB (10838)	12 del M+1
INCOME TAX	Presentation of Income Tax at the end of the year	2065, 2050	03/05/A+1
	Proof of expenditure	2067	03/05/A+1
	Preparation of income tax receipts	2571	15/03, 15/06, 15/09, 15/12
	Final payment of corporate income tax	2572	15/04/A+1
	Research tax credit	2069	15/04/A+1
OTHER TAX OBLIGATIONS AND STANDARD RATES	C3S (Solidarity contribution)	11750	15/05/A+1
	Tax on company vehicles	2855	01-dic
	CFE (Contribution of Real Estate Companies)	1447	15/05/Y (primer pago)
			15/12/Y (pago final)
	CVAE (Contribution of Companies on the added value)	1329	05/05/A+1
	DAS2 – Annual statement of fees and commissions	DAS2 (10144)	30/04/A+1
	IFU Payment of investment income (interest, dividend, payments)	2561	16/02/A+1
	Withholding tax on payments of investment income	2753	15/M+1
PAYROLL AND INTEREST RELATED TAX RETURNS	Tax on Training	2485	28/02/A+1
	Contribution to continuous training	2483	03/05/A+1

Aspectos Contables



Companies in France are required to file their accounts under the General Accounting Plan (Plan Comptable Général) and to do so in French. Listed companies have additional obligations, including the regular publication of their financial statements under IFRS. Invoices and accounting documents must be kept for ten years.

Accounting Obligations

All commercial companies in France are obliged to submit their financial statements annually to the Commercial Court. These documents are published.

There are three obligatory books of accounts:

- The book (le livre journal) in which all movements are recorded
- The inventory book (le livre d'inventaire): in which a list of all the company's assets is given together with a valuation of the same.
- The general ledger (le grand livre): in which the accounts are presented briefly.
- The FEC

Consolidation Obligations

As a general rule, companies with direct or indirect control, combined control or significant influence over one or more companies are required to present their consolidated financial statements.

There are two exceptions to the rule under the French law:

- When the company is included in a larger consolidated group
- When the consolidated group does not exceed, during 2 consecutive years, 2 of the following 3 thresholds: (i) turnover of 34,200,000 MUSD/30 million euros, (ii) assets totalling 17,100,000 USD/15 million euros and (iii) 250 employees.

Auditing Obligations

It is compulsory to assign an auditor to Public Limited Companies (SA, Société Anonyme) and Limited Partnerships (SCA, Société en Commandite par Actions). It is also applicable to Partnerships (SNC, Société en Nom Collectif), Limited Liability Companies (SARL, Société à Responsabilité Limitée), Simplified Joint Stock Companies (SAS, Société par Actions Simplifiée) and Economic Interest Groupings (GIE, Groupement d'Intérêt Economique) if at least one of the following conditions is met: (i) turnover of 3,100,000 million euros, (ii) total assets of 1,550,000 € and (iii) 50 employees. The auditors are elected for a period of six years. This appointment is subject to certain advertising formalities.







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- USA



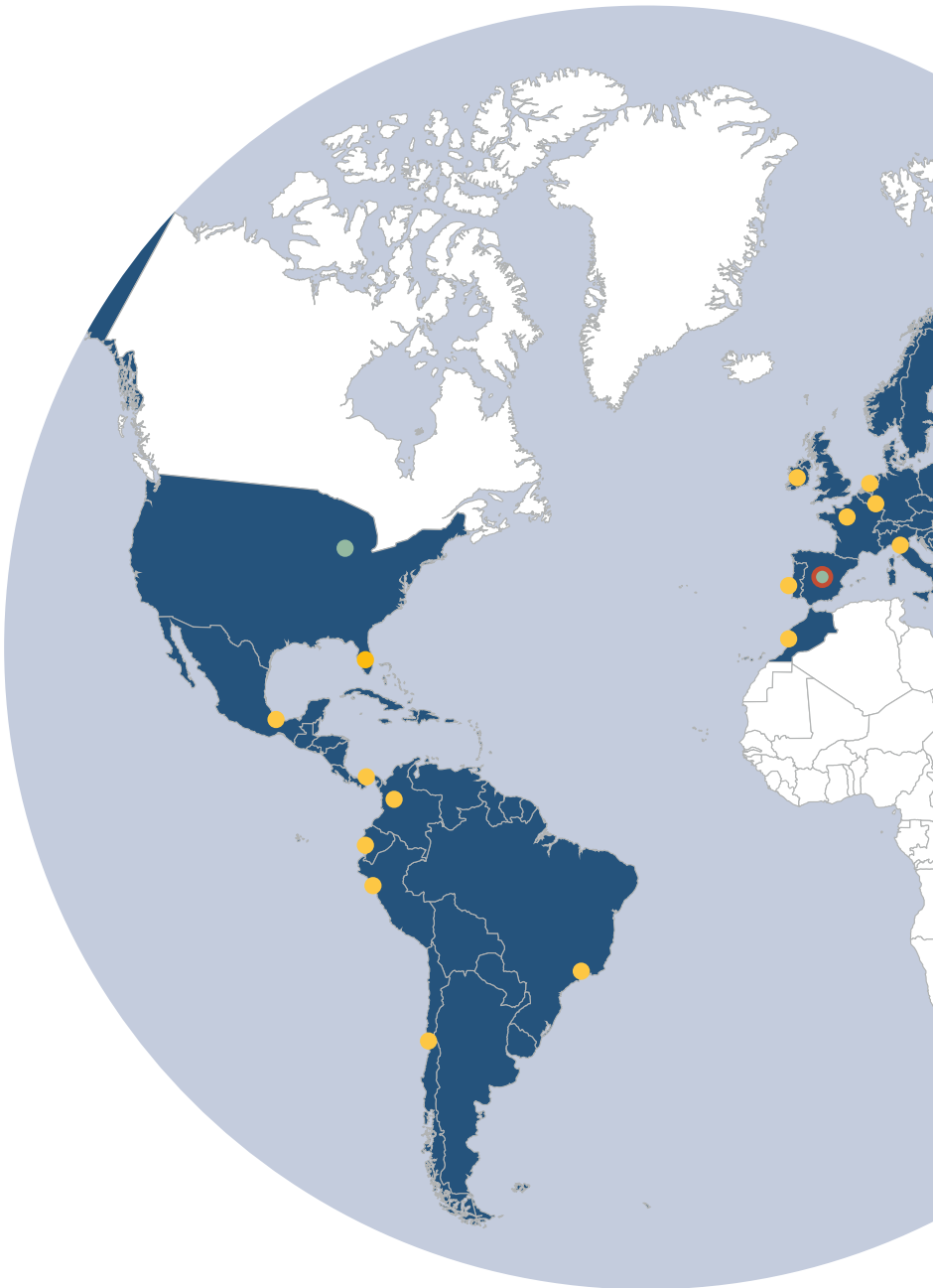
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Fully operating
subsidiaries



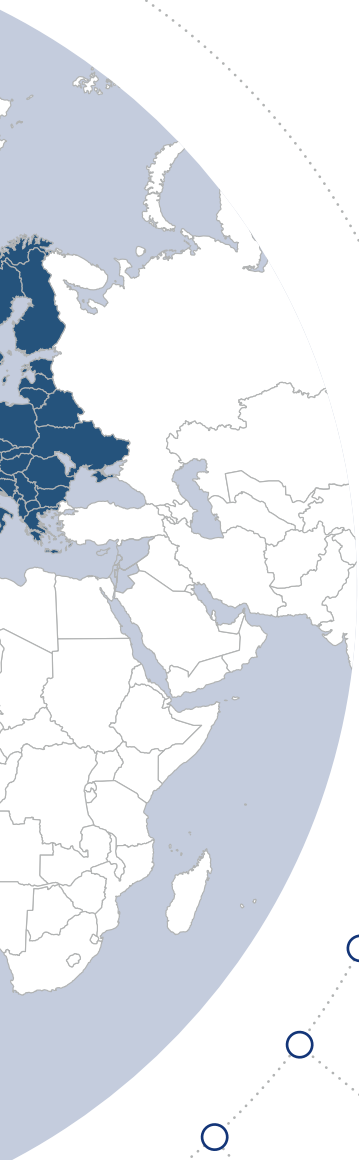
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Countries currently
being served



Services

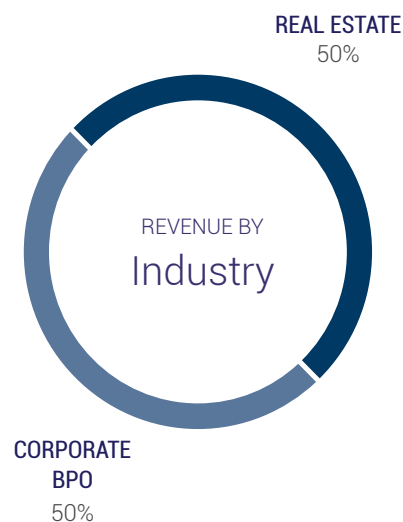
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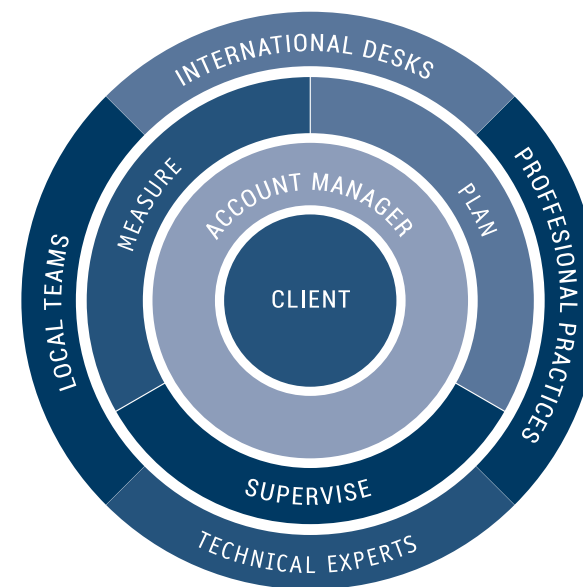
Industries

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25M USD

Turnover in 2019



+1.000

Clients



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