

Friday, April 10th, 2020

TAX

VAT: companies are temporarily allowed to assess the VAT amounts declared on a flat-rate basis.

The tax authorities have indicated that companies cannot benefit from any extension of the deadline for filing returns or payment or from any financial discount of VAT duties.

However, companies which cannot collect all the documents needed for their VAT returns, in the current context of confinement, are authorised to draw up these returns using a flat-rate assessment system.

Companies can thus complete their monthly VAT returns by making a simple estimate of the amount of VAT due for a month and by paying, the following month, a deposit corresponding to the amount of this estimate, under the conditions edicted by the tax authorities during periods of paid holidays (BOI-TVA-DECLA-20-10-10 n° 260). However, the administration points out that a limited margin of error is tolerated: the amount of the advance payment thus made must not be less than 20% of the amount actually due.

For the only companies that have experienced a decline in turnover due to the Covid-19 crisis, the administration accepts, exceptionally and for the duration of the containment decided by the authorities, that they may make their declarations for the months of March and April 2020 by paying a flat-rate VAT deposit, calculated on the basis of the amount of tax declared for the previous month(s), under the following conditions:

- for the March return (made in April), companies may pay a flat-rate deposit equal to 80% (or 50% for companies which have closed down completely since mid-March or whose activity is estimated to have fallen sharply by 50% or more) of the amount declared for February (paid in March) or, if they have already used a deposit the previous month (February), a flat-rate deposit equal to 80% (or 50%) of the amount declared for January (paid in February) ;
- for the April declaration (submitted in May), VAT declaration and payment procedures identical to those used for the month of March will be granted if the confinement period is extended and makes it impossible to declare a regularisation declaration on that date

Thursday, April 9th, 2020

SOCIAL

Partial activity: when does the employer receive the partial activity allowance?

Employers must submit an online application for the partial activity allowance every month on their personal space at activitepartielle.emploi.gouv.fr in order to receive the partial activity allowance from the State.

The State will then calculate the amount of the partial activity compensation per employee based on the declaration made by the employer for each employee.

The payment of the partial activity compensation allowance (by the Service and Payment Agency - SPA) takes place in principle within 12 days after the online submission of the request for reimbursement of the allowances paid to the employees.

URSSAF allocation: it cannot be combined with the €1,500 from the solidarity fund.

URSSAF offers exceptional financial assistance www.secu-independants.fr/action-sociale/demander-une-aide which varies according to the situation and which may in particular correspond to the payment of your social security contributions.

However, if you receive the €1,500 aid offered to certain very small businesses and the self-employed ([see the Wednesday 25 March flow](#)), you are not eligible for this aid from URSSAF. (Social Security)

Wednesday, April 8th, 2020

SOCIAL

The employer may use outdated protective masks, under specific conditions

The Department of Labour authorizes the use of expired FFP2 masks provided that the expiry date does not exceed 24 months.

However, it is required that :

- the masks have been stored in accordance with the storage conditions indicated by the manufacturer or distributor ;
- before being used, the masks must be subjected to 4 successive tests: verification of the integrity of the packaging by visual inspection; verification of the appearance of the mask (original colour) also by visual inspection; verification of the strength of the elastics and the nasal strip holding the mask in place; carrying out a test to check the fit of the mask on the face.

Professional illness and inexcusable misconduct: details from the Ministry of Labour

An employee who has contracted a professional disease or who has been the victim of an accident at work is entitled to reimbursement of his or her medical expenses and the payment of daily social security benefits and/or a pension in the event of impairment of working capacity.

The law provides for additional compensation in the event of inexcusable fault on the part of the employer, which is the case when the employer fails to fulfil his safety obligation when he was, or should have been, aware of the danger to the employees and did not take the necessary steps to protect them from it.

The labour administration recalls that it is the employer's responsibility to avoid risks to employees as far as possible and, if they cannot be avoided, to assess them in accordance with the Government's recommendations in order to take all necessary protective measures.

The administration adds that, in the event of infection with the Covid-19 virus, if the employee is covered by social security for an accident at work, any inexcusable fault on the part of the employer can only be accepted if it is shown that the employer was aware of the danger to which the employee was exposed to and that he did not take the necessary measures recommended by the Government to protect the employee from it, in particular the measures taken to comply with the barrier gestures and the rules of distancing.

TAX

Tax deadlines are being extended

Companies facing financial difficulties related to the Covid 19 pandemic may request an extension of their direct tax due dates in April. They must complete the application form on impots.gouv.fr.

Tuesday, April 7th, 2020

SOCIAL

Coronavirus: Work Council's meetings focused on new technologies

[Ord. 2020-389 du 1-4-2020 : JO 2](#)

The procedures for meeting, informing and consulting employee representative bodies are modified.

Article 6 of Order 2020-389 of April 1, 2020 extends the possibility of using videoconferencing to hold CSE meetings and authorizes their organization by conference call or instant messaging (as an exception and temporary measure), after the employer has **informed** their members.

In "normal times" the use of videoconferencing to convene the CSE must be authorized by joint agreement of the employer and the elected members of the CSE; it is also possible at the sole initiative of the employer but limited to 3 meetings per calendar year.

This possibility is also authorized under the same conditions for all meetings of **other employee representative bodies** governed by the provisions of the Labour Code.

FINANCES

The request for a tax deferral and dividends payment in 2020

A large company that requests an extension of its tax deadlines must commit to not paying dividends in 2020 and not repurchasing shares in 2020.

Facing Covid-19 Coronavirus epidemic, it is possible to request an extension of tax deadlines. Deferrals are granted for a period of three months without any penalty and without any justification.

The Minister of the Economy indicated on 27 March 2020 that companies, especially large companies, who apply for these measures should not pay dividends. In order to clarify the scope of this announcement, an explanatory sheet in the form of questions and answers has been put online at www.economie.gouv.fr.

This measure is only relative to "large companies" (at least 5,000 employees or consolidated turnover > 1.5 billion euros in France). These thresholds apply at group level and not at entity level.

Monday, April 6th, 2020

TAX

Personal income tax return: additional delay

The Government has announced a postponement of the 2019 personal tax reporting deadline.

The schedule by department is as follows:

- Thursday, June 4th, 2020 for Departments N° 01 to 19 and non-residents (zone 1) ;
- Monday, June 8th, 2020 for Departments N° 20 to 54 (zone 2);
- Thursday, June 11th, 2020 for Departments N° 55 to 976 (zone 3).

Online reporting will be possible as of Monday, April 20th, 2020 at www.impots.gouv.fr.

Taxpayers who file on paper will be given an extra month to file. The deadline is extended to Friday, June 12th, 2020.

Note: All taxpayers are required to file online, regardless of their tax base. The only exception: **when** home is not equipped with internet access, who are not able to file their tax return online or who reside in areas where no mobile service is available ("white zones").

SOCIAL

Occupational medicine and coronavirus
(Ord. 2020-386 du 1-4-2020 : JO 2)

The Government took measures to adjust, during the Covid-19 crisis, the procedures for carrying out the tasks of the labor health services.

As part of their preventive mission, the labor health services are involved in combating the spread of Covid-19, in particular by:

- the **circulation of prevention messages** to employers and employees against the risk of contagion ;
- **support for companies** in defining and implementing appropriate prevention measures against this risk;
- **support for companies** that, as a result of the health crisis, have to increase or adapt their activity.

The labor doctor may prescribe a work stopping or a screening.

As an exception, during the period of application of this rule and according to the terms defined by Decree (to be published), the labor doctor may :

- **test** for Covid-19 according to a protocol defined by the ministers responsible for health and labour (to be published);
- prescribe and, where applicable, renew a **work stoppage** in the **event** of infection or suspected infection with Covid-19 or as part of the epidemic prevention measures taken pursuant to Article L 16-10-1 of the CSS (Social Security Code).

Labor medicine visits (excluding Coronavirus) are postponed.

The Ministry of Health has indicated that medical examinations considered **as** non-essential by the labor doctor must be postponed.

The ministerial order of 1 April 2020 confirms this measure and provides some additional clarifications. It is relative to medical examinations that were to be carried out from 12 March 2020 for **employees** on permanent contracts, fixed-term contracts or temporary employment contracts.

The postponement of a visit is not an obstacle, where applicable, to **hiring** or **returning to work**.

Medical **examinations** that have been postponed after the period of application of the ministerial order will be **organized** by the labor health services according to the terms and conditions defined by Decree by Supreme Court (to be published) and no later than 31 December 2020.

Workplace actions not related to coronavirus are suspended

Labor health services may postpone or adjust their investigations in or with the company, including workplace actions, when they are not related to the Covid-19 epidemic.

However, if the labor doctor considers that the **urgency** or **seriousness** of the risks to workers' health justifies an investigation, it can be carried out without delay.

Note: On the other hand, if the company requests the assistance of the labor health service on an **action relating to the prevention of coronavirus** - for example, if its opinion is required on the cleaning and disinfection of work premises - the service team must respond to this request, and cannot take advantage of the postponement option provided for in the ministerial order.

MISCELLANEOUS

Travel certificate: a digital version is available

As of today, a new digital certificate is now available on the website of [the Ministry of the Interior](#).

This digital travel certificate can be presented to the police on smartphones.

As a reminder, going out without a certificate or with a non-compliant certificate is punishable by a lump-sum fine of €135 (€375 for the increased lump-sum fine).

Thursday, April 2nd, 2020

SOCIAL

Partial unemployment and additional compensation from the employer

As we mentioned in our [live TV news of April 30th](#), the allowances paid by the company to maintain the salary of their employees (beyond 84% of the net salary) will be exempt from social security contributions (excluding CSG CRDS).

TAX

To defer payment of your indirect taxes

This postponement is possible without justification, without formality and without penalty for a period of 3 months.

What are the direct taxes: corporation tax, business property tax, payroll tax...).

It should be noted that deferral for VAT as well as the salary withholding tax are not possible.

What can be done about VAT in practice?

If your company is in difficulty, it is possible to ask for a payment delay. Important: this request must be made according to the usual procedure, i.e. by asking the tax department and proposing a precise payment schedule as well as documents justifying the financial difficulties encountered. Please also note that you will have to pay late payment interest.

Good to know: the government has announced an accelerated processing of applications for VAT credit refunds.

For other taxes :

The payment of business property tax or property tax - when it is monthly - can be stopped by logging on to www.impots.gouv.fr.

The outstanding amount will be deducted at the time of payment of the balance, without penalty.

Please note: you can request a refund of your March payment if they have been withheld on your bank account.

Income tax for the self-employed

Self-employed workers may modulate their rate or advance payments of withholding tax.

They can also defer their advance payments from one month to the next (limited to three terms).