



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION
Indirect Taxation and Tax administration
VAT and other turnover taxes

VAT IN THE EUROPEAN COMMUNITY

APPLICATION IN THE MEMBER STATES,

FACTS FOR USE BY

ADMINISTRATIONS/TRADERS

INFORMATION NETWORKS, ETC.

Note

This document collates a range of basic information on the application of VAT arrangements in the Member States which has been obtained from the tax authorities concerned.

The sole purpose of distributing details of national provisions is to create a work tool. In no way does this document reflect the views of the Commission of the European Communities. Nor does it signify approval of the relevant legislation.

FRANCE

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GENERAL INFORMATION

1. IF A FOREIGN TRADER WANTS TO OBTAIN INFORMATION ABOUT YOUR VAT SYSTEM, WHOM SHOULD HE CONTACT? (ADDRESS, TELEPHONE, FAX, E-MAIL)

If a trader established abroad wishes to obtain information about the French VAT system, he should write to or telephone the following department:

Directorate-General of Public Finance
Communication Mission
139, rue de Bercy – Bâtiment Necker
F-75012 Paris
Tel.: (+33-1) 53 18 03 84

which will send him all the relevant information in the form of leaflets, brochures, etc. He may also contact the tax attachés at the French Embassies in London, Berlin, Brussels, Rome, Madrid and Washington.

If the trader is established in France, he can approach the corporate tax office responsible for his place of establishment.

If a Community trader is not established in France, he can obtain information from the following department:

Service des impôts des entreprises étrangères (SIE – tax office for foreign companies)
10, rue du Centre
TSA 20011
93 465 NOISY-LE-GRAND Cedex
Tel.: (+33-1) 57-33-85-00
Fax: (+33-1) 57-33-84-04
E-mail address: sie.entreprises-etrangeres@dgfip.finances.gouv.fr

Information on recent tax measures can be obtained at the website www.impots.gouv.fr under the heading "professionnels".

2. WHAT IS THE ADDRESS OF THE NATIONAL TAX ADMINISTRATION WEBSITE? WHICH CATEGORIES OF INFORMATION ON VAT ARE AVAILABLE ON THAT WEBSITE (GENERAL INFORMATION, LEGISLATION, CONTACT POINTS, FORMS, ETC.)? AND IN WHICH LANGUAGE(S)?

The site www.finances.gouv.fr, which provides information on all the areas of activity of the Ministry for the Economy, Finance and Industry, provides a link to the site www.impots.gouv.fr referred to above, which more specifically provides information on taxation, including VAT. Some of the information on this site is given in English.

3. WHERE IS IT POSSIBLE TO FIND NATIONAL VAT LEGISLATION AND REGULATIONS? IN WHICH LANGUAGES ARE THEY AVAILABLE?

VAT tax legislation is set out in the General Tax Code (*Code général des impôts*) and its Annexes, and in the Manual of Tax Procedures (*Livre des procédures fiscales*). This information is available on the website www.impots.gouv.fr under the heading "documentation", sub-heading "la documentation fiscale en ligne" and at the website www.legifrance.gouv.fr.

Official instructions from the Directorate-General of Public Finance are published in official tax bulletins. Those published since 2001 are available on the website www.impots.gouv.fr, under the heading "documentation", subheading "La documentation fiscale en ligne".

The authorities' doctrine is set out in the basic documentation, Series 3 CA. It is available on the website www.impots.gouv.fr, under the heading "documentation", subheading "La documentation fiscale en ligne" and on the website www.legifrance.gouv.fr.

VAT REGISTRATION OF FOREIGN TRADERS

4. WHAT ARE THE CIRCUMSTANCES GOVERNING THE NEED TO BE REGISTERED FOR VAT?

All persons liable for VAT or similar taxes in France must be registered for VAT. Foreign traders are required to register in France as soon as they deliver goods or provide services there, either directly or through a permanent establishment, for which they must pay VAT in France. Since France has availed of the option set out in Article 194 of the Directive to make the recipient of the goods or services who is identified for VAT purposes in France liable for the tax when the provider is not established in France, the taxable person engaging in operations in France for which the recipient is liable for VAT on this basis is not required to identify himself/herself in France for VAT purposes.

If they do not have permanent establishments, traders established outside the European Community must appoint a tax representative.

Taxable persons established in a European Union Member State other than France should register directly with the tax office for foreign companies (*Service des impôts des entreprises étrangères*) at the DRESG – *Direction des Résidents à l'Étranger et des Services Généraux*. They can, however, appoint an agent to act on their behalf, nevertheless they alone remain liable for the tax. Specific information relating to these traders can be obtained on the website www.impots.gouv.fr, under the heading "professionnels", sub-headings "Accès spécialisés" and "Enterprises étrangères".

Taxable persons established in another European Union country who own buildings in France which are let and are therefore liable for VAT, and who do not engage in other operations for which they are liable for the tax in France, can lodge declarations with the tax office in the place where the building is located. If the application of this rule means

that declarations have to be lodged with several offices, the taxable persons concerned can comply with their obligations by lodging a declaration with the tax authorities responsible for foreign residents and general services (DRESG), unless the rent obtained from the furnished buildings they own is subject to income tax under the heading of industrial and commercial profit, in which case they must lodge their declarations with the tax office in the place where the building generating the highest turnover is located.

Exemption from VAT registration requirements is governed by Article 214 of Directive 2006/112/EC of 28 November 2006, transposed as Article 286b of the General Tax Code.

The following qualify for exemption: taxable persons supplying goods on an occasional basis (in particular, individuals occasionally supplying new means of transport) and persons eligible for special arrangements (non-taxable legal persons, taxable persons qualifying for exemptions based on taxable amount, flat-rate farmers) when the value of their intra-Community acquisitions did not exceed during the previous year, or does not exceed during the current year at the time of purchase, the threshold of EUR 10 000.

Special arrangements also apply to small businesses which can take advantage of the exemption from VAT based on taxable amount.

This arrangement exempts all taxable persons, whatever their legal form and tax status (except for farmers under the simplified scheme for agriculture), from paying tax when the value of their turnover during the previous calendar year did not exceed:

- EUR 81 500 for supplies of goods, sales for consumption on the premises and accommodation services;
- EUR 32 600 for other services.

In addition to taxable persons carrying out operations in France for which they are liable for VAT, the following must also register:

- all taxable persons to whom services are supplied for which they are liable for the tax in France pursuant to Article 283-2 of the General Tax Code (Article 196 of Directive 2006/112/EC). Taxable persons who engage only in operations in France that do not entitle them to a deduction (exempt taxable persons, taxable persons whose acquisitions are below the threshold and flat-rate farmers) must register for VAT purposes under this rule. Because of their status as taxable persons, they are liable for VAT for the services falling under the general principle of taxation at the place of the customer, laid down in Article 44 of Directive 2006/112/EC, which were supplied to them by providers not established in France;
- persons who, while exempt from paying VAT on intra-Community acquisitions (Article 256a of the General Tax Code), engage in such acquisitions for an amount exceeding the threshold of €10 000 or have opted for taxation of their intra-Community acquisitions in France below this threshold;
- taxpayers who provide services in line with the general principle of taxation at the place of the customer pursuant to Article 44 of Directive 2006/112/EC to a taxable person established in another European Union Member State liable for VAT under Article 196 of the same Directive.

They will be informed in writing either upon request or on the initiative of the tax department.

5. WHAT ARE THE SITUATIONS WHERE REGISTRATION IS UNNECESSARY BECAUSE THE RECIPIENT OF THE GOODS OR SERVICES IS LIABLE FOR THE TAX? IN SUCH SITUATIONS, IS IT POSSIBLE TO REGISTER ON A VOLUNTARY BASIS?

Cases where registration is not required because the VAT is paid by the purchaser, the recipient or the customer include the following:

- the supply of services whose place of supply is France in accordance with Article 259-1 of the General Tax Code (Article ?? of the VAT Directive), for which the tax is payable by the taxable person to whom the services are supplied pursuant to Article 283-2 of this Code (Article 196 of the VAT Directive);
- supplies of goods and services carried out by taxable persons established outside France on behalf of the purchaser or customer who has a VAT number in France (Article 283-1 2nd sub-paragraph of the General Tax Code), since as of 1 September 2006, France introduced the option available to Member States to appoint the person to whom the goods or services are supplied in France as the person liable for payment of VAT when the supplier is not established in France;
- the goods or services supplied as a result of an intra-Community acquisition, referred to in the second sub-paragraph of paragraph I of Article 258 D of the General Tax Code, for which the tax is payable by the recipient pursuant to Article 283(2)(b) of this Code;
- the supplies of natural gas or electricity referred to in Article 258-III of the General Tax Code carried out by a supplier established outside France when the tax is paid by the purchaser who has a VAT number in France (Art. 283-2d of the General Tax Code);
- supplies of goods and services relating to recuperable material and fresh industrial waste for which the tax is paid pursuant to Article 283-2e of the General Tax Code by the recipient or customer who has a VAT number in France.

6. WHOM SHOULD A FOREIGN TRADER CONTACT TO GET REGISTERED FOR VAT? (DETAILS ABOUT THE DEPARTMENT, INCLUDING ADDRESS, TELEPHONE, FAX AND E-MAIL...)

Foreign taxable persons may apply for a VAT identification number:

- if they are established in France: to the competent Business Formalities Centre (*Centre de Formalités des Entreprises*): chamber of commerce and industry, chamber of trades or registry of the commercial court, depending on the activity being carried out.

They inform the competent agency of the date they intend to commence trading and obtain a number. There is a Business Formalities Centre in each Departmental Directorate of Public Finance, to which businesses may apply.

This Centre will provide them with the information necessary for registration.

- if they are not established in France: to the tax department for foreign enterprises of the DRESG; the address and telephone number are given above under Question 1. This department will also issue a registration number and an intra-Community VAT number.

7. PLEASE DESCRIBE THE DETAILED PROCEDURES (INCLUDING NECESSARY DOCUMENTS) FOR ISSUING VAT IDENTIFICATION NUMBERS, SPECIFICALLY TO FOREIGN TRADERS.

The procedure depends on the situation of the company in France.

If it has a permanent establishment in France, it must apply to the Chamber of Commerce and Industry to sign a statement of establishment (a “Mo” statement for legal persons and a “Po” statement for natural persons), allowing it to be registered with all the administrative departments and in particular the tax authorities. The latter will then carry out the necessary formalities to register the company and allocate it an intra-Community VAT number.

If the company does not have a permanent establishment in France, the procedure is as follows:

- if the enterprise is established outside the European Community, it must appoint a tax representative identified for VAT in France, who will carry out the formalities at the tax centre responsible for him;

- if the enterprise is established in a Member State of the European Community other than France, it must register with the *Service des impôts des entreprises* (corporate tax department) at the address below:

Service des impôts des entreprises étrangères (SIE – tax office for foreign companies)

10, rue du Centre

TSA 20011

93 465 NOISY-LE-GRAND Cedex

Tel.: (+33-1) 57-33-85-00

Fax: (+33-1) 57-33-84-04

E-mail: sie.entreprises-etrangeres@dgfip.finances.gouv.fr

The registration formalities involve drawing up a registration declaration specifying the nature and conditions of the business. The company is then allocated a registration number and an intra-Community VAT number.

The necessary information and papers for registration are provided by the above-mentioned departments.

THRESHOLDS

8. WHICH THRESHOLD DO YOU OPERATE AS REGARDS INTRA-COMMUNITY DISTANCE SELLING UNDER ARTICLE 34 OF VAT DIRECTIVE (2006/112/EC)?

http://ec.europa.eu/taxation_customs/resources/documents/taxation/vat/traders/vat_community/vat_in_EC_annexI.pdf

9. WHICH THRESHOLD DO YOU OPERATE AS REGARDS ACQUISITIONS BY NON-TAXABLE LEGAL PERSONS OR EXEMPT PERSONS UNDER ARTICLE 3 OF THE VAT DIRECTIVE (2006/112/EC)?

http://ec.europa.eu/taxation_customs/resources/documents/taxation/vat/traders/vat_community/vat_in_EC_annexI.pdf.

APPOINTMENT OF TAX REPRESENTATIVES BY FOREIGN (NON-EU) TRADERS

10. IN WHAT CASES DOES A TAX AGENT HAVE TO BE APPOINTED?

When VAT payments are due in France from a taxable person established or domiciled in a State outside the European Community, that person must appoint a representative domiciled in France to deal with the tax authority responsible for collection. The representative undertakes to fulfil the formalities incumbent on the taxable person and to pay the tax on his behalf (Article 289A of the General Tax Code).

Foreign enterprises which engage exclusively in the transactions set out below, on which they are exempted from paying tax but in respect of which they are nevertheless required to make certain declarations, must also appoint a tax representative:

- transactions for which the enterprise is exempted from paying tax under Article 277-A-II-4 of the General Tax Code: exports or supplies exempted under Article 262b-I of the General Tax Code (intra-Community supplies and transfers assimilated to such supplies);
- transactions exempted under Article 291-III-4 of the General Tax Code (imports of goods dispatched or transported to a place situated within the territory of another European Community Member State and which are delivered by the importer as supplies exempted under Article 262b of the General Tax Code.

For both categories of transaction, the trader established outside the European Community must appoint as an ad hoc representative a taxable person established in France and accredited by the tax department, to make the declarations required for the transactions concerned.

11. WHAT ARE THE CONDITIONS GOVERNING THE APPOINTMENT OF A TAX REPRESENTATIVE?

These rules are set out in Article 289 A of the General Tax Code in the version applicable from 1 January 2002.

The representative must be a VAT-registered person established in France.

Any taxable person, whether liable to pay VAT or exempt, may be accredited by the administration as a tax representative. Consequently, lawyers, solicitors, advisers, etc. may be tax representatives, since their activities have been subject to VAT since April 1991 and the tax arrangements applicable to them were harmonised from January 1992 (as a result of the merging of the professions of legal adviser and lawyer in France, pursuant to Law No 90-1259 of 31 December 1992).

12. WHAT ARE THE RIGHTS AND OBLIGATIONS OF A TAX REPRESENTATIVE?

The tax representative undertakes to complete the formalities required of the person who has appointed him (making the statement of establishment, book-keeping, signing turnover returns and paying the tax).

The tax representative is legally responsible for meeting his obligations and legally liable for the tax owed.

The tax representative has the same rights as all other taxable persons.

13. WHAT ACTION CAN YOU TAKE IN THE EVENT OF FAILURE BY A TRADER IN ANOTHER MEMBER STATE TO APPOINT A TAX REPRESENTATIVE IN YOUR TERRITORY?

Foreign enterprises must appoint a single tax representative for all their transactions in France.

This provision means that, if the foreign firm fails to meet its obligations, tax increases may legitimately be notified to the tax representative.

In the event of failure to designate a tax representative, the VAT and any related penalties are payable by the other party to the taxable transaction by virtue of Article 289-A-1 of the General Tax Code.

14. IS A BANK GUARANTEE REQUIRED?

The representative is not required to set up a bank guarantee. However, he must have a good tax record.

APPOINTMENT OF TAX REPRESENTATIVES BY FOREIGN TRADERS ESTABLISHED IN THE EU

It should be noted here that with effect from 1 January 2002 tax representation has been abolished for traders established in an EC Member State.

15. IS IT POSSIBLE TO APPOINT A TAX REPRESENTATIVE?

Community traders are no longer authorised to appoint a tax representative to make tax returns or pay the VAT for which they are liable in France. They must now be directly registered. However, they still have the option of appointing an agent, in which case the original of the letter of authority appointing the agent must be submitted to the competent tax department.

16. WHAT ARE THE CONDITIONS GOVERNING THE APPOINTMENT OF A TAX REPRESENTATIVE?

Appointment of an agent is optional. The agent may be domiciled in France or abroad.

An original of the letter of authority appointing the agent must be produced for the tax department responsible for the Community trader in France, even if the trader's former tax representative is appointed as agent of the Community taxable person. (Until 31 December 2001, Community traders were required to appoint a tax representative.)

This authorisation must be exclusive, written in French, signed by a person entitled to commit the Community trader and accepted by the agent.

17. WHAT ARE THE RIGHTS AND OBLIGATIONS OF A TAX REPRESENTATIVE?

Unlike a tax representative, an agent acts on the sole responsibility of the authorising enterprise, which alone is liable for the tax.

18. ARE THERE SITUATIONS WHERE A BANK GUARANTEE IS REQUIRED?

A bank guarantee is not required in respect of the agent.

INVOICING

RULES ABOUT INVOICING

19. WHERE CAN THE RELEVANT RULES (LAWS, REGULATIONS, INSTRUCTIONS, GUIDELINES? ETC.) BE FOUND?

The Directive of 20 December 2001 was transposed into national law by Article 17 of the Amended Finance Act for 2002 (Law No 2002-1576 of 30 December 2002) which amends the invoicing rules provided for in particular in Article 289 of the General Tax Code with effect from 1 July 2003.

Details have been provided by special instruction in the Official Tax Bulletin 3 CA No 136 of 7 August 2003.

ISSUANCE OF INVOICES

20. CASES WHERE AN INVOICE NEEDS TO BE ISSUED

Article 289-I-1 of the General Tax Code, in the version applicable from 1 July 2003, requires every taxable person to ensure that an invoice is issued either by himself or, in his name and on his behalf, by his customer or a third party, in respect of:

- supplies of goods or services which he has made for another taxable person or for a non-taxable legal person;

Clarification: Exports exempted from VAT in France under Article 262 I of the General Tax Code constitute supplies of goods within the meaning of Article 289-I-1 of the same Code. The invoices relating to them must therefore be issued in accordance with the provisions of the General Tax Code when the supply in question is made for the benefit of a taxable person or a non-taxable legal person.

It is specified that, concerning exports, the concept of taxable person must not be understood literally. Consequently, the invoicing requirement applies as soon as the goods in question are supplied for the benefit of a trader established outside the European Community. This avoids the supplier of the exported goods not issuing an invoice on the grounds that his customer is not, strictly speaking, a taxable person liable to VAT.

In this respect, it is recalled that the customs regulations require exporters to attach an invoice to their customs declaration, including in cases where the goods are intended for private individuals and in particular in the case of mail order or Internet sales.

- supplies of goods referred to in Articles 258A and 258B of the General Tax Code and supplies of goods exempted under Article 262b-I and Article 298e-II of the same Code;

- any payment on account made to him before one of the transactions referred to in the first two indents is carried out;

Henceforth, an invoice must therefore be issued for all payments on account made in the context of the transactions referred to in the first two indents above and no longer only for the transactions for which these payments lead to VAT becoming due.

- for the supply to public auctions of second-hand goods, works of art, collectors' items or antiques.

The taxable person must retain a copy of all the documents issued.

DO THE REGULATIONS PROVIDE FOR EXEMPTION FROM THE OBLIGATION TO ISSUE AN INVOICE IN SPECIFIC SITUATIONS (FOR EXAMPLE IN THE CASE OF EXEMPTED, TAXED OR ZERO-RATED SUPPLIES)?

Yes. Taxpayers are not required to invoice the operations they carry out or which are deemed to be carried out on French territory that are exempt from VAT pursuant to Articles 261 to 261 E of the General Tax Code (instruction published in the Official Taxation Gazette number 3 E-1-08 of 8 February 2008).

21. WHAT ARE THE RULES ON CORRECTIVE INVOICES (CREDIT / DEBIT NOTES)?

According to the General Tax Code, any document or message which modifies the original invoice and which makes specific, unequivocal reference to it is assimilated to an invoice. Corrective invoices issued under these conditions must contain all the compulsory details.

- sending of a replacement invoice:

To be valid as a corrective invoice, the new invoice cancelling and replacing the previous invoice must make a precise reference to the original invoice and expressly mention its cancellation.

- sending of a credit note:

In so far as the person who has carried out the invoiced taxable transactions intends to benefit from the offsetting or refund of the VAT relating to the price or to the part of the price which is not taxable or which is refunded, the credit notes must make reference to the original invoice and indicate the amount exclusive of tax of the rebate granted and the amount of the corresponding VAT; in correlation, the customer who is a taxable person liable for VAT is required to reduce the amount of any deduction he has already made of the tax on the original invoice by the amount of tax shown on the credit note.

Sending corrective invoices to a taxable person not established in France is now possible but forms part of a procedure designed to ensure that the VAT invoiced by mistake has not already been refunded in line with the procedures for making refunds to non-resident taxable persons (BOI 3 D 2-10 of 6 August 2010).

22. WHAT IS THE TIME LIMIT FOR ISSUING INVOICES?

According to Article 289-1-3 of the General Tax Code, invoices must in principle be issued immediately upon the supply of goods or services.

Just like the rules applicable in economic affairs, in principle the tax provisions do not allow any delay for issuing invoices corresponding to the transactions carried out by a taxable person.

In principle, the invoice must therefore be issued on occurrence of the chargeable event for these transactions in respect of VAT.

However, this principle may be relaxed in the following situations:

- deferred invoicing is accepted in general if it does not exceed the few days which may be required for the administrative management of enterprises.
- deferred invoicing is also accepted in certain specific situations:

* for supplies of movable tangible property where the chargeable event occurs on transfer of ownership, it is accepted that the invoice is issued only when the property is handed over to the customer where this occurs shortly after the occurrence of the chargeable event. This period may not exceed one month.

Failing this, the invoice must be issued without waiting for the physical transfer. Subject to this specification, the invoice must be issued on handing over the property to the customer at the latest, i.e.:

- the day of removal by the customer or the day of dispatch where transport is undertaken by a carrier acting on behalf of the purchaser;
- the day of receipt by the customer where the transport is undertaken by the vendor or by a carrier acting on his behalf.

* for sales where the price is not fixed at the time of the sale but is nevertheless determined by factors no longer under the control of the parties, the invoice must be issued as soon as the price is known.

23. WHAT ARE THE RULES FOR SUMMARY INVOICING?

Companies carrying out frequent transactions for one and the same customer during the same calendar month may be dispensed from issuing invoices for each transaction under certain conditions.

(NB: invoices relating to transactions giving rise to the issuing of successive statements of account or payments delivered at the end of periods to which these statements or payments relate are not summary invoices strictly speaking and are not therefore concerned by the provisions below.)

The issuing of summary invoices is accepted only if the enterprises encounter a material impediment in accomplishing their invoicing obligations on account of the existence of

very frequent transactions for one and the same customer during one and the same month.

This possibility was already accepted by the authorities under strict conditions.

Henceforth, recourse to summary invoicing is no longer subject to the existence of several customers involved in the carrying out of frequent transactions.

Taxable persons who do not issue an invoice on carrying out each transaction must provide their customers with numbered delivery notes on delivery of goods or with numbered supply notes on the supply of services for each calendar or financial year, on an ongoing basis.

The following must appear on these notes or documents in lieu thereof: the name and address of the customer, the date of the transaction and the quantity and precise description of the goods or services supplied. They must be issued in duplicate, the original is given to the customer and the copy is retained for the purposes of the supplier's accounts. These notes may be issued electronically.

Since the delay in invoicing may not exceed one month, the summary invoice must therefore be issued no later than at the end of the calendar month during which the chargeable event occurred.

24. WHAT ARE THE CONDITIONS IMPOSED ON SELF-BILLING?

Instruction 3 CA No 136 of 7 August 2003 sets out the simplifications provided for by the Directive, and in particular that allowing enterprises to have recourse to self-billing, i.e. the issuing of the invoice by the supplier's customer.

(Article 289-1-2 of the General Tax Code henceforth expressly recognises the possibility for suppliers to assign the physical preparation of their invoices to a third party (outsourcing) or to their customer (self-billing)).

25. IS THERE ANY SPECIFIC RULE IN RELATION TO OUTSOURCING OF INVOICES TO A PERSON WHO IS ESTABLISHED OUTSIDE THE EU?

Where the third party appointed by the taxable person to issue the invoice in his name and on his behalf is established in a country with which no legal instrument for mutual assistance exists with a scope similar to that provided for in Council Directive 76/308/EEC of 15 March 1976, Directive 77/799/EEC of 19 December 1977 and Council Regulation (EEC) No 218/92 of 27 January 1992, the following rules apply:

- the taxable person must inform the authorities in writing, indicating the name and address of the third party appointed in cases where the latter draws up invoices regularly in the name and on behalf of this taxable person. For this purpose, he files a declaration with the territorially competent tax department within the same time limits as his declaration of results or profits. Where appropriate, this declaration must be communicated to the tax centre on its request;

- the invoices concerned must be issued on occurrence of the chargeable event and use of the possibility of issuing summary invoices under the conditions set out above is not authorised.

The declaration may be sent to the management department on plain paper or electronically.

CONTENT OF INVOICES

26. UNDER WHAT CONDITIONS MUST THE VAT NUMBER OF THE CUSTOMER BE ON THE TAX INVOICE?

The VAT identification number of the customer must appear on the invoice for intra-Community supplies and when the customer is liable for the payment of VAT on the intra-Community supply of goods or services.

27. ANY OTHER SPECIFIC RULE IN RELATION TO THE CONTENT OF THE INVOICE

Not applicable.

ELECTRONIC INVOICING

28. AS REGARDS INVOICES SENT WITH ADVANCED ELECTRONIC SIGNATURES, IS IT OBLIGATORY TO USE QUALIFIED CERTIFICATED AND SECURE-SIGNATURE-CREATION DEVICES? IF SO, PLEASE SPECIFY.

It is not necessary for the signature to be based on a qualified certificate. However, the certification and signature device adopted must be sufficiently secure to guarantee the authenticity and the integrity of the electronically transmitted invoices.

The enterprise to which the invoices are addressed must verify the authenticity and the integrity of the document by means of the data inserted in the electronic certificate attached to the electronic signature.

29. AS REGARDS INVOICES SENT BY ELECTRONIC DATA INTERCHANGE, IS AN ADDITIONAL SUMMARY DOCUMENT ON PAPER OBLIGATORY? IF SO, PLEASE GIVE DETAILS ABOUT ITS CONTENT AND PROCEDURE.

An enterprise issuing or receiving paperless invoices (Article 289a of the General Tax Code), regardless of who has physically transmitted or received the messages in its name and on its behalf, must ensure that a sequential recapitulative list of all the messages transmitted or received and any anomalies they may contain is kept and stored on paper or data medium during the storage period.

At least the following information must appear on this list:

- the number and date of the invoice;
- the date and time of composition of the message;
- the amounts exclusive of tax and all taxes payable on the transaction, as well as the currency code if the invoice is not denominated in euros;
- the identity data of the transmitter or the receiver provided by the remote transmission system;
- the version of the software used.

30. DO YOU ALLOW INVOICES TO BE ISSUED PURSUANT TO ARTICLE 233(1), SECOND SUBPARAGRAPH, OF THE VAT DIRECTIVE ("BY USING ANY OTHER ELECTRONIC MEANS")? IF SO, UNDER WHICH CONDITIONS AND FORMALITIES?

France allows no electronic means other than electronic signatures and computerised data interchange.

31. ANY OTHER SPECIFIC RULE IN RELATION TO ELECTRONIC INVOICING.

Not applicable.

STORAGE OF INVOICES

32. WHAT ARE THE RULES ON THE PLACE OF STORAGE OF INVOICES?

Paper invoices must be stored on French territory. In the case of invoices that have been sent electronically:

- either the taxable persons store their invoices on French territory;
- or they use the option available to them of storage outside French territory. They must then ensure that the country is linked to France by a convention providing for mutual assistance with a scope similar to that provided for in Council Directive 76/308/EEC of 15 March 1976 on mutual assistance for the recovery of claims relating to certain contributions, duties, taxes and other measures, Council Directive 77/799/EEC of 19 December 1977 concerning mutual assistance by the competent authorities of the Member States in the field of direct and indirect taxation and Council Regulation (EEC) No 218/92 of 27 January 1992 on administrative cooperation in the field of indirect taxation and a right to access by electronic means, download and use all the data concerned.

Every taxable person must ensure that, for control purposes, the administration has online access allowing downloading and use of the stored data,

- whatever the place of storage in France or outside national territory;

- whoever is responsible for storing the invoices in his name and on his behalf.

The invoices must be accessible as quickly as possible from his principal establishment or registered office. The taxable person must take all due measures to facilitate access to the invoices. For example, he may make available to the tax administration officials:

- a person (IT manager, etc.) responsible for assisting them in the consultation of documents;
- a dedicated computer workstation for consultation only, not connected to any local network and comprising the invoices for the period verified;
- a paper copy of the invoices transmitted electronically.

The competent authorities of the European Community Member States have a right to access by electronic means, download and use the invoices stored within French territory by or on behalf of taxable persons coming within their jurisdiction, within the limits set by the regulations of the State of establishment of the taxable person and in so far as this is required for control purposes.

This right of access will be effected online from the registered office or the establishment of the taxable person established in another European Community Member State. This provision does not allow these same competent authorities to access invoices from French territory.

33. IS PRIOR NOTIFICATION OF INVOICES STORED IN ANOTHER COUNTRY AN OBLIGATION? IF SO, PLEASE SPECIFY.

According to Article L.102C, third paragraph, of the Tax Procedures Code, taxable persons are required to declare the place of storage of their invoices if this is located outside France. The declaration must be made to the territorially competent tax authority.

34. WHAT IS THE OBLIGATORY STORAGE PERIOD FOR INVOICES?

Electronically transmitted invoices must therefore be stored in their original format in accordance with the time limits and conditions provided for in Article L.102B of the Tax Procedures Code, i.e.:

- on data medium for a period at least equal to that of right of recovery provided for in Article L.169, paragraph 1, of the Tax Procedures Code;
- on any medium of the enterprise's choice for the following three years.

35. WHAT ARE THE SPECIFIC RULES ON STORAGE FORM AND POSSIBLE CONVERSIONS?

The original content of the information transmitted and received must be stored. It must be stored for the six-year period provided for in Article L.102B of the Tax Procedures Code. The information resulting directly from the invoice messages must be supplied automatically by the system to the data medium on which the invoice messages are stored. The storage obligation covers the entire message transmitted or received, including the non-compulsory information.

Where a service provider runs the electronic invoicing, the original content of the information transmitted or received must be stored separately for each enterprise using electronic invoicing. Consequently, joint storage of the invoices, containing information relating to several enterprises, would not comply with the texts.

The recapitulative list and the file of partners must be stored under the same conditions.

The information transmitted or received electronically must be identical. If during the period set out in Article L.102 B of the Tax Procedures Code, the equipment or software is changed, the taxpayer must ensure that files are converted and are compatible with the equipment used during the inspection.

Furthermore, it is provided that, on request by the tax administration, the content of the invoice messages is decrypted by the enterprise responsible for ensuring the delivery of an invoice, whoever has physically transmitted the messages in its name and on its behalf.

It must also be decrypted by the enterprise receiving these invoices, regardless of who has received them in its name and on its behalf.

All the information contained in the invoice message, whether compulsory or optional, must be decrypted.

Decryption consists in producing the message in a format which is commonly accepted in commercial practice.

The transmission system used must allow the company to respond to selective requests by the tax administration.

If the tax administration so requests, a paper copy of the decrypted information is provided.

The decryption obligation refers solely to a few invoices or series of invoices expressly requested by the tax administration. It is not therefore of a systematic nature.

36. ANY OTHER SPECIFIC RULE IN RELATION TO INVOICE STORAGE.

Not applicable.

SIMPLIFIED INVOICES

37. WHAT ARE THE SITUATIONS WHERE SIMPLIFIED INVOICING IS ALLOWED PURSUANT TO ARTICLE 238 OF THE VAT DIRECTIVE (2006/112/EC)? AND WHAT ARE THE SPECIFIC RULES?

The Directive of 20 December 2001 allows Member States to waive certain compulsory information on invoices in respect of supplies of goods or services in their territory where the amount of the invoice is minor.

In this context, it is accepted that invoices for a total amount exclusive of tax not exceeding EUR 150 need not mention the following information:

- the individual identification number assigned to the taxable person and under which he has supplied the goods or services;
- the reference to the relevant provision of the General Tax Code or the corresponding provision of Directive 2006/112/EC of 28 November 2006 or any other indication that the transaction qualifies for an exemption measure.

Nevertheless, dispensation from referring to the relevant provision is not therefore applicable for the transactions giving rise to the VAT reverse charge procedure or eligible for the profit margin scheme.

Measures applicable to certain activities

With due regard for the procedures, it is accepted that the documents delivered to customers for certain transactions constitute invoices even though not all the information has been provided.

Receipts delivered at the toll gates containing all the information provided for in Article 242h-A of Annex II to the General Tax Code and including a space reserved for the information to be supplied by the user are therefore considered as invoices. It is therefore accepted that the identification of the customer is not mentioned by the service provider issuing the receipt.

It is accepted that these provisions apply under the same conditions as the slips delivered by automatic machines which do not allow the supplier to indicate the information identifying the customer (e.g. car park tickets).

Measures applicable to invoices for payments on account

The invoices for payments on account delivered pursuant to Article 289-I-1-c of the General Tax Code need not include all the compulsory information when the information needed to draw them up is not known at the time they are issued.

For instance, at the time of issuing the invoice for payment on account, it may not be possible to determine: the exchange rate to be used in the event of invoicing in a currency other than the euro, the precise date of the transaction, the quantity or the exact price of the goods or service when they are variable or uncertain.

PERIODIC VAT RETURNS

38. UNDER WHAT CIRCUMSTANCES IS A TRADER OBLIGED TO SUBMIT A VAT RETURN?

Persons who are habitually liable to pay VAT are required to submit a return giving their turnover once they are identified as such, even when they have not carried out any taxable transactions (“zero return”).

Taxable persons operating on an occasional basis must submit a return giving their turnover as soon as they carry out a transaction that renders them liable to pay VAT.

39. AT WHAT INTERVALS ARE VAT RETURNS AND ASSOCIATED PAYMENTS TO BE MADE?

Depending on the tax scheme, returns must be made monthly, quarterly or annually.

Taxable persons under the simplified scheme – those whose turnover exclusive of tax falls within the limits set out in point 41 below, and those subject to the exemption scheme and who have opted for that scheme – submit a declaration every calendar or financial year (form No CA12/CA12E), which establishes the VAT due for that period and the amount of the quarterly instalments to be paid over the next financial year.

These taxable persons declare and pay quarterly instalments in April, July, October and December; each instalment is a quarter of the tax owed for the preceding calendar or financial year before deduction of the VAT on goods that constitute fixed assets, except the one due in December, which is equal to a fifth of the tax.

Taxable persons liable to pay under the normal tax scheme – i.e. those whose annual turnover exclusive of tax is over €77 000 or €34 000 depending on the nature of their activities and those who have opted for the normal scheme – submit VAT returns every month. However, they are allowed to submit their declarations on a quarterly basis where their annual tax liability is under EUR 4 000.

40. HOW IS THE EXCESS VAT INDICATED IN THE PERIODIC RETURNS REFUNDED? ARE THERE DEADLINES FOR REFUNDS? IF SO, PLEASE PROVIDE DETAILS.

Companies that were unable to charge the tax they owed against the VAT they collected can obtain a refund of the resulting amount of VAT owed to them (General Tax Code, Article 271-IV).

Refunds are usually paid on an annual basis, but can be requested on a quarterly or monthly basis.

Companies which lodge a return giving their turnover every month can receive VAT refunds on a monthly basis. The same applies to farmers who have opted to pay the tax on the basis of monthly returns. In this case, the request must relate to an amount of at least €760, except for requests made in December which must relate to amounts of at least €150.

Companies operating under the normal tax system which pay an annual amount of VAT of under €4 000 can receive a refund of the amount of VAT owed as stated on the return lodged for the quarter in question, provided that they lodge quarterly returns. The same applies to farmers who have opted to submit quarterly returns. In these cases the request for a refund must relate to at least €760.

41. DO SPECIAL REGIMES EXIST AS REGARDS PERIODIC VAT RETURNS FOR SMALLER TRADERS AND/OR CERTAIN CATEGORIES OF BUSINESS? IF SO, PLEASE GIVE A DESCRIPTION.

Apart from the tax exemption (cf. point 51), the simplified scheme is suitable for small businesses.

It applies to taxable persons with an annual turnover **exclusive of tax** of between:

- €1 500 and €77 000 in the case of businesses engaged primarily in selling goods, articles, supplies and produce to be taken away or consumed on the premises or in supplying accommodation;
- €2 600 and €34 000 in the case of other businesses.

Businesses that automatically fall under the exemption scheme can opt for the simplified normal scheme.

42. DO YOU OPERATE SIMPLIFIED CALCULATIONS OF TAX LIABILITY? IF SO WHAT ARE THE QUALIFYING CRITERIA, TO WHOM DO THEY APPLY AND WHAT IS THE NATURE OF THE SIMPLIFICATION?

There is a simplified scheme for the assessment and collection of VAT which applies to taxable persons whose turnover falls within certain limits (cf. point 41) or who, although they automatically fall under the exemption scheme (cf. point 51), have opted to pay VAT.

The only declaratory obligation is to submit annual returns on form No CA12/CA12E not later than 30 April each year in the case of taxable persons who close their accounts on 31 December or within three months of closure of accounts for those who close their accounts during the year and have opted to submit their returns within three months of closure.

The VAT due is calculated in the standard fashion, taking account of the rate applicable to each transaction and the deductions that may be made from the amount of VAT collected.

These taxable persons pay quarterly instalments in April, July, October and December of each year. The April, July and October instalments are each equal to 25% of the VAT due for the preceding calendar or financial year before deduction of VAT on goods that constitute fixed assets. The December instalment is equal to 20% of the same amount.

Taxable persons thus only have to submit one set of returns strictly speaking each year.

RECAPITULATIVE STATEMENTS

43. AT WHAT INTERVALS ARE RECAPITULATIVE STATEMENTS TO BE SUBMITTED?

France decided to introduce returns on trade in goods to serve two purposes: that of taxation and that of statistical monitoring.

The returns are submitted monthly by traders. They may also be submitted by third parties (accountants, customs agents, transit agents, etc.) under the trader's responsibility, in which case they may relate only to individual transactions. The administration will ensure appropriate consolidation and cross-checking.

44. IS ANY ADDITIONAL INFORMATION REQUIRED OTHER THAN THAT SET OUT IN CHAPTER 6, RECAPITULATIVE STATEMENTS, OF TITLE XI OF THE VAT DIRECTIVE (2006/112/EC)?

All the statistical information required both when goods are brought in and when they are dispatched is in addition to that set out in Article 22(6) of Directive 91/680/EEC. It has to be sent in pursuant to INTRASTAT Regulation No 3330/91 of 7 November 1991 on the statistics relating to the trading of goods between Member States.

45. DO YOU OPERATE SIMPLIFIED PROCEDURES AS REGARDS RECAPITULATIVE STATEMENTS AS PROVIDED FOR IN ARTICLE 269 OF THE VAT DIRECTIVE (2006/112/EC)? IF SO, WHAT ARE THE RELATED THRESHOLDS FOR APPLYING SUCH PROCEDURES?

The simplified and optional procedures provided for in Article 22(12) of Directive 91/680/EEC cannot be operated in the context of a return intended to serve the needs of both statistics and taxation since the period within which statistical information must be made available is very short (within ten days of the end of the month during which the transactions were carried out) and identical for all traders, irrespective of the volume of their business.

ELECTRONIC RETURNS

46. IS IT POSSIBLE TO SUBMIT VAT RETURNS BY ELECTRONIC MEANS? IF SO, HOW AND USING WHICH TECHNOLOGY? WHO SHOULD BE CONTACTED TO APPLY TO SUBMIT STATEMENTS ELECTRONICALLY? WHO SHOULD BE CONTACTED TO APPLY TO SUBMIT RETURNS ELECTRONICALLY?

Foreign companies, whether or not they have tax representation and whether or not they are EC companies, are **not obliged** to submit returns or to pay VAT using electronic technology. However, if they so wish they can use the procedures for doing so available to French enterprises, through their agent or tax representative. If they wish to pay their

VAT electronically, they must have an account open in an establishment situated in France.

Two procedures are available to those who wish to submit their returns and pay their VAT by electronic means:

- electronic interchange of forms (EFI) - Internet; and
- electronic data interchange (EDI).

These two procedures are mutually exclusive.

The electronic exchange of forms (EFI) can be carried out over the internet via the tax website of the Ministry of Economic Affairs, Finance and Industry: <www.impots.gouv.fr, under the heading "*Professionnels*", sub-heading "*Espace abonné*".

This solution is particularly well suited to individual returns, allowing the taxable person to fill in his returns online, with online help. The exchange of information is rendered secure by the use of electronic signatures.

The electronic data interchange (EDI) is geared more towards professionals (e.g. accountancy firms) having to fill in a large number of returns.

It requires the technical mediation of an EDI partner approved by the Tax Directorate General. The specifications can be downloaded from the site www.edificas.org which can be accessed via the Ministry of Finance homepage.

Whichever procedure is used, taxable persons must register with the tax office for foreign companies responsible for them. This is done by submitting a subscription form which may be obtained:

- from a tax office for companies or directly from the Tax Directorate-General's server (accessible from the Ministry of Finance website) if the taxable person wishes to use EDI;
- only from the Tax Directorate-General's server if the taxable person wishes to use EFI.

Electronic payment is authorised only with electronic returns.

All the information on the electronic procedures is available on the website www.impots.gouv.fr, under the heading "*Professionnels*". It is also possible to access the different technical dossiers from this site.

47. IS IT POSSIBLE TO SUBMIT RECAPITULATIVE STATEMENTS BY ELECTRONIC MEANS? IF SO, HOW AND USING WHICH TECHNOLOGY? WHO SHOULD BE CONTACTED TO APPLY TO SUBMIT STATEMENTS ELECTRONICALLY?

With prior authorisation from customs and within the framework of a specific agreement signed with customs, the taxable person can transmit the data relating to the DEB [déclaration d'échanges de biens: declaration of trade in goods] electronically and

directly. The procedure for doing this is laid down in the Decree of 19 December 1994, published in the official gazettes of 26 and 27 December.

After registration on the www.minefi.gouv.fr website, under the heading “*Téléprocédures DEB*”, the taxable person can also use the online procedure “*DEB sur le WEB*”.

OBLIGATIONS AT IMPORTATION

48. WHO ARE THE PERSONS THAT CAN BE DESIGNATED OR RECOGNISED AS LIABLE TO PAY VAT AT IMPORTATION UNDER ARTICLE 201 OF THE VAT DIRECTIVE ?

Pursuant to Article 293 A of the General Tax Code, VAT must be paid by the person named on the import declaration as the actual recipient of the goods, in line with the Community customs rules in force.

49. WHAT ARE THE RULES FOR DECLARATION AND PAYMENT OF VAT ON IMPORTS?

The chargeable event takes place upon importation, and the tax becomes chargeable at the time when the goods are regarded as imported (Article 293 A of the General Tax Code).

50. DO YOU APPLY THE OPTION OF "POSTPONED ACCOUNTING" REFERRED TO IN ARTICLE 211 OF THE VAT DIRECTIVE? IF SO, UNDER WHICH CONDITIONS ?

France does not apply this option provided for in the second paragraph of Article 211 of the VAT Directive.

ADMINISTRATIVE REQUIREMENTS

51. DO YOU OPERATE A FLAT-RATE SCHEME? IF SO, TO WHOM DOES THE SCHEME APPLY?

Article 7 of the Finance Act for 1999 abolished the flat-rate scheme from 1 January 1999. Since then, taxable persons with turnover of not more than:

- €1 500 in the case of companies engaging in purchase and resale, sale for consumption on the premises and the provision of accommodation;
- €2 600 for taxable persons providing services

fall by default under the exemption scheme. They may, however, opt to pay VAT, in which case they fall by default under the simplified scheme or may opt for the normal scheme.

52. DO YOU OPERATE SIMPLIFIED ADMINISTRATIVE REQUIREMENTS OTHER THAN THOSE ALREADY MENTIONED? IF SO, PLEASE GIVE A DESCRIPTION.

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53. IN WHICH LANGUAGE(S) ARE FORMS (PERIODIC VAT RETURNS AND RECAPITULATIVE STATEMENTS) AVAILABLE OR TRANSLATED INTO?

The VAT return forms are not available in any language other than French.

However, applications for VAT refunds (submitted by taxable persons established outside the European Union who do not have business premises or a permanent establishment in France and have not engaged in transactions in France falling within the scope of application of VAT, yet have been regularly invoiced for VAT in France) are available in French and English. They can be obtained from the department dealing with VAT refunds to foreign taxable persons (SR-TVA) of the DRESG:

Tel.: + 33.1.57.33.84.00

E-mail: sr-tva.dresg@dgfip.finances.gouv.fr

RIGHT TO DEDUCTION

54. FOR WHICH CATEGORIES OF GOODS AND SERVICES IS THERE NO RIGHT OF DEDUCTION ?

The goods and services for which no input tax can be deducted are set out in Articles 298-4 of the General Tax Code and in Chapter IV of Article 206 of Annex II to that Code. The expenditure concerned is that for which the admission coefficient is zero, for instance:

- goods and services used (over 90%) by the taxable person for purposes other than those of his business;
- staff transport services and ancillary services;
- expenditure on all types of vehicles and equipment designed to transport people or for mixed use;
- expenditure on petrol, jet fuel, petroleum gas and other hydrocarbons present in a gaseous state, kerosene, diesel fuel and super ethanol E85;
- Expenditure relating to the supply of free accommodation to company managers or staff.

55. ARE THERE CATEGORIES OF GOODS AND SERVICES IN WHICH THERE IS A PARTIAL RIGHT OF DEDUCTION? IF SO, WHAT IS THE PERCENTAGE?

20% of the tax on diesel fuel used to operate vehicles for which no input tax can be deducted is not deductible.

50% of the tax on petroleum gas and other hydrocarbons present in a gaseous state and kerosene used as fuel is not deductible where these products are used for vehicles or other equipment for which no input tax can be deducted.

VAT is only deductible for goods and services required for operational purposes. The taxable person may therefore need to calculate a deductible percentage.

ANNEX 1: THRESHOLDS

http://europa.eu.int/comm/taxation_customs/taxation/vat/traders/vat_community/index_en.htm#annexII

ANNEX 2 – VAT IDENTIFICATION NUMBERS

http://europa.eu.int/comm/taxation_customs/taxation/vat/traders/vat_community/index_en.htm#annexII

ANNEX 3: ABBREVIATIONS

http://europa.eu.int/comm/taxation_customs/taxation/vat/traders/vat_community/index_en.htm#annexIII