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FRANCE: A report on NGO Laws in France
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In France, two laws are related to the status of Not-for-profit organisations. The "Loi du 1er juillet 1901" concentrates on "Associations" whereas the "Loi No 87-571 du 23 juillet 1987" on the development of the patronage, concentrates on "Foundations".

FUNDAMENTAL FREEDOMS:

1) Constitutional protections:

The French Conseil Constitutionnel held on the 16/07/71 that "freedom of association must be classified as one of the fundamental principles recognised by the laws of the Republic". This decision constitutes the first interpretation of the "Preamble de la Constitution de 1946" (Preamble to the 1946 Constitution) as for the identification of the fundamental principles recognised by the laws of the French Republic. Although this decision concerns specifically the freedom of association, it is also applicable to freedoms of the same nature such as peaceful assembly, etc.

Freedom of association is recognised by the law of the "Loi du 1er juillet 1901" (01/07/1901) which concerns specifically the "contrat d'association" (association contract). However, this law does not have a constitutional value but the principles it recognises. As a consequence, in the case of an abrogation of the "Loi du 1er juillet 1901" there would be a need for constitutional amendment to make this principle disappear.

To conclude, the French constitutional provisions do safeguard adequately the freedom of association and by extension freedom of speech and peaceful assembly. However, it is to be noted that freedom of speech is recognised to physical persons. There is still no interpretation from the Conseil Constitutionnel to extend this fundamental principle to legal persons.

I NEED TO CHECK THAT LAST SENTENCE BUT I DO NOT HAVE ENOUGH MATERIAL AT THE CEU.

2) Informal associations:

It is permissible for individuals to join together to engage in lawful activities without having to register a formal NPO. This regime is that of the "associations non-declares" (non-declared associations). The "associations non-declares" do have a legal existence (art 2 Loi de 1901). It may be constituted by contract,

written or not, between its members. However, this type of association do not have legal capacity, nor is considered legal person. It is no more that a mere convention.

The "associations non-declarees" can:

- perceive subscriptions, whatever the form is
- be brought before the courts
- contract through a representative, nominated unanimously and explicitly by all its members. Consequently, property holdings are the indivisible property of each of the association's members.

The "associations non-declarees" cannot:

- take someone to court
- contract on its own name
- receive gifts, even manual, nor subventions
- dispose a private right onto its name
- possess properties under its name

3) Media access:

There is no legal impediments preventing NPOs from having access to the media to publicise their work. There is a constitutional protection of freedom of speech in the Preamble to the 1948 Constitution and in Article 10 of the European Convention on Human Rights.

4) General procedural safeguards:

According to the 24/10/1930 Conseil d'état decision, the legal capacity resulting from the declaration is, for the associations, a right that the administrative authority cannot refuse to grant. It results from the terms of the Article 5 "Loi de 1901" that the competent local administrative authority can only record and certify of the accomplishment of the procedure. It is not a procedure where the legality of the association and its statutes are scanned. The law declares the civil character of the association law principles, only giving the judiciary the right to pronounce the association's dissolution. However, since 1971, when noting that the statutes are contrary to Article 3, the administrative authorities can postpone the issue of the procedure, the time for the tribunal to be able to issue if necessary temporary sanctions, such as closing the association building or prohibiting its members' reunion, before giving its final decision.

LEGAL EXISTENCE OF THE NPOs

5) Quality of the NPOs laws:

The 1901 law has already almost one century of existence and no major amendment was given to its original text. It is therefore a consistent and coherent law.

Moreover, it is written in a clear and understandable language, and widely available through the "Journal Officiel" (the French official publication of Statutes and Laws) and the Civil Code.

6) Establishment requirements:

No formal requirement is needed to constitute a legal association: no declaration, no contact with the administration. However, the 1901 law only grants legal capacity under certain conditions.

An association are required to declare its existence to the local representation of the Government which is either the "Prefecture" or the "Sous-Prefecture" of the Department (French administrative territorial circumscription) and to submit its statutes and administrators' data. This formality permits to be recognised as an "association declaree" (declared association). The association, as a result, is granted legal personality as soon as its existence is inserted in the "Journal Officiel".

The establishment costs are close to none, there is no need for legal advice in establishing the NPO. The 1971 law relative to the associations is very innovative as it imposes on the administration to grant to declare an association within 5 working days which is very quick.

7) Founders:

Two or more persons can create an association (Art 3, 1901 law). It must be noted that local governments ("collectivites territoriales") and public administrations often use the association to be able to manage indirectly some activities under the private law principles. The term person is used in the law for both natural and legal persons.

8) Organisational forms:

The NPO laws distinguish between membership and non-membership organisations. The "Loi du 1er juillet 1901" concentrates on "Associations" which are membership organisations, whereas the "Loi No 87-571 du 23 juillet 1987" on the development of the patronage, concentrates on "Foundations", which are non-membership organisations.

There are some special requirements for qualification of an association or foundation as a public benefit organisation. A public benefit organisation is called in France: "association reconnue d'utilite publique" (recognised of public interest).

- a minimum existence of three years as a declared association
- a minimum initial endowment (1000 Francs)
- the adoption of detailed and standard statutes
- a certain number of members (at least 200)

- a mere influence outside of the local frame
- independence: no affiliation possible to an association already recognised of public interest by the administration.

9) Foreign organisations:

FOREIGN ASSOCIATIONS:

Since 1981, the associations may be formed or managed in part or in totality by strangers, residing or not in France (Art 2, 9/10/81 law). Consequently, a foreign association may obtain the legal personality in France in the same way than a French rooted association. It is conditioned by the deposit of statutes consistent with the 1901 law. In the contrary, an association which office is abroad and does not comply with this requirement does not benefit the association legal regime.

FOREIGN FOUNDATIONS:

Foreign foundations may carry out some acts or bring a case before the judiciary. However, the exercise of a permanent activity subordinated to a full legal capacity requires to be recognised by the administration of public interest.

10) Establishment organ:

According to the 1901 law, the organ of the state that is vested with the responsibility for giving legal existence to NPOs is the local representation of the state: "Prefecture" or "Sous-Prefecture" of the Department (French administrative territorial circumscription). The requests are dealt with by civil servants.

11) Voluntary termination and liquidation:

There will be voluntary termination and liquidation:

- where the term stipulated by the statutes is reached
- where the statutes authorise the highest governing body to take such a decision
- most frequently, by decision of its members meeting in general assembly, according to the proceedings set up in the statutes.

In such case, the assets of the association will be devolved according to the statutes, or, for lack of provision in that sense, according to the rules determined in plenary session of the association (Art 9, 1901 law).

12) Involuntary termination and liquidation:

Article 3 of the 1901 law: "An association which purpose is illegal, contrary to the law, to morality or which purpose is to go against the territory integrity or the republican form of the Government is null and void".

There will be involuntary termination and liquidation:

- by decision of the lower civil court ("Tribunal de Grande Instance") by request of any person of concern and local representative of the State ("Prefet") on the grounds of article 3
- by decision of the lower civil court ("Tribunal de Grande Instance") pronouncing the judicial dissolution consequently to a bankrupt, where the association did exercise economic activities.

In such case, the assets of the association will be devolved according to the statutes, or, for lack of provision in that sense, according to the rules determined in plenary session of the association (Art 9, 1901 law).

Involuntary termination and liquidation are conducted according to the law and judicial proceedings. Consequently, it is subject to judicial review.

Purposes and Activities of NPOs :

13) General Activities :

NPOs do benefit a legal capacity. According to the "Loi de 1901" NPOs are permitted to engage in any legally permissible activities. However, Article 3 recalls that this possibility is restricted on *"illegal, contrary to the law, to morality [grounds] or which purpose is to go against the territory's integrity or the republican form of the Government"*.

Consequently, NPOs can have a commercial activity. However, this activity is submitted to controlled. For example, associations which do not provide specific statutory provisions cannot offer on a regular basis products or services on sale. The essential restraint over the association lays on the prohibition to distribute to its members its benefits. Thus, an association can have surpluses or benefits as soon as they are reinvested or used for the entity's social purpose. An important feature of the association permits a distinction between the association and the society (Article 1922 Civil Code). According to it, the association excludes the distribution of the benefits to its members whereas the society make of it a condition of existence.

Associations and Foundations, two different kinds of NPOs, are submitted to the same regime.

14) Public policy activities :

Constitutional freedoms apply to NPOs. Accordingly, NPOs do benefit freedom of speech which implies the right to speak freely about all matters of public interest or debate, including criticism of current or proposed policies or actions of the state. However, their directors and administrators can be held individually responsible under criminal law, e.g. in a defamation case.

15) Grant-making :

According to the Loi du 23/07/87 on Foundations, the creation of Foundations requires 5 to 7 million francs which must produce about 300 000 francs proper resources the first year. The Foundation's resources must not be hypothetical.

THESE ARE THE ONLY NUMBERS I FOUND REGARDED AS REQUIREMENTS APPLICABLE TO GRANT-MAKING ORGANISATIONS.

16) Licensing :

NPOs subject to licensing or regulation by the State are subject to the same generally applicable licensing and regulatory requirements and procedures that apply to similar activities of individual or business organisations.

For example, some specific activities require the obtaining of a prior administrative authorisation :

- tourism and entertainment (Loi du 11 juillet 1975)
- hunting and fishing
- sport events
- medico-social activities
- ...

17) Participation in policy development ;

There is no special provision as far as the participation of NPOs in economic and social policy development processes of the State is concerned.

Integrity and Good Governance :

18) Basic requirements for governing documents :

Minimum provisions stated in the law :

As far as Associations are concerned, Article 5 of the law of 1901 states that the administrators' data must be included in the declaration made to the local representatives. It principally concerns the names, dates and places of birth, home directions, professions and nationalities. The association must be run in conformity with its statutes. The statutes are considered as a contract between its members. They determine the association's management and administrative modalities. The 1901 law does not require any precise frame and leave a quasi-total liberty to the association's founders, in the respect of the general principles of law. However, in practice, associations usually comply with the association recognised of public interest's standard statutes.

As far as 'Associations recognised of public interest' are concerned, Article 11 of the Decret 16/08/1901 provides with a legal obligation to adopt standard statutes which contain mandatory provisions such as:

- name, purpose, time-limit, principal place of administration
- members' admission and expulsion conditions

- rules on the association's organisation and governance and affiliated organisations, particularly concerning the powers to the members in charge of the administration or the direction and the conditions for amending the statutes or dissolve the association.

As far as Foundations are concerned, the statutes must be written in conformity with the standard statutes proposed by the Conseil d'état (Administrative Supreme Court), which in the absence of primary legislation on the matter constitute in practice the primary source of the law on foundations. Those models are not mandatory. However, where a foundation wishes to adopt some specific provisions, the latest cannot be in contradiction with its essential clauses and have to be justified by the very purpose of the foundation. The standard statutes do not provide with requirements in the field of governance and management, which are in the internal regulation scope.

The governing bodies:

The 'declared associations' do generally function on the basis of the standard statutes provided for the 'Associations recognised of public interest'.

As far as 'Associations recognised of public interest' are concerned, the standard statutes provide that the General Assembly (Assemblée générale) which is the reunion of all its members elects the Administrative Council (Conseil d'Administration) for a determined period. From the latter are nominated the Bureau's members in charged of the daily management of the association. As regards to the General Assembly, members are convoked each year to participate to an ordinary reunion. However, in accordance with the statutes, extraordinary reunions can be convoked where the circumstances require urgent or important decisions.

As far as 'Foundations' are concerned, the Administrative Council members cannot by definition be designated by the General Assembly which does not exist. The administrator's designation must be incorporated into the statutes. However, the Administrative Council cannot be composed neither by a majority of founders nor by a majority of civil servant or public institutions.

Members :

An association can be composed by physical and legal persons. An association constituted by a majority of other associations is called Federation of Associations. The membership conditions have to be written down in the statutes and concern specifically the annual contribution payment. However, some restrictive membership conditions are possible, such as to ask for a sponsor. Sometimes, professional or political status will give automatic membership, in particular to local personalities. Exclusion other than death, dissolution of a legal person or the non-payment of the subscription, must be included in the statutes. In any case, a member subjected to an exclusion procedure -e.g. grave mistake- must be in the position to present explanations before the Administrative Council or the General Assembly, in order to comply with the due process concept.

19) Additional provisions &

20) Internal reporting and supervision :

The governing bodies' role :

The General Assembly meets yearly to give its assent to the financial report on the association's operations for the precedent year, the management, the budget and the projects which are previously submitted. The General Assembly takes the decisions in accordance with its powers recognised by the statutes and if necessary carry out the internal elections for the establishment of the governing body's members. The modification of the statutes and the association's dissolution will require the convocation of an extraordinary reunion of the general Assembly. Internal rules as regard to quorum and majorities will be different with purpose to submit important decisions to a large consensus. It must be noted that the General Assembly can if necessary revoke any time the administrators.

The Administrative Council is charged with implementing the outlines or decisions adopted by the General Assembly.

The Bureau is charged with current files and the administrative management. According to the powers conferred by the statutes, it enforces the General Assembly and Administration Council directives.

Governmental supervision :

Associations recognised of public interest and Foundations are subjected to a compulsory control by the Home Office. It concerns specifically the recognition itself, gifts acceptance, the sale of assets, statutory modifications or simply on the administration's request.

21) Prohibition on the distribution of profits &

22) Prohibition on misuse or distribution of assets :

Article 261-7-1er d of the Code General des Impôts (General Code on Taxation) contains legal provision which can be applied to NPOs. The Not-for-profit concept presupposes three interdependent conditions : (1) that the association must be managed and administrated by volunteers -the employees' participation in the decision-making must be exceptional- who do not have any direct or indirect interest in the association's profits, (2) the association cannot proceed to any direct or indirect distribution of its profits, in any form, (3) the association's members cannot be transferred under their own names part of the endowment, except for the assets' restitution following the association's liquidation or termination. As far as distribution of assets are concerned, gifts may be, at the term of the association contract or in the case of dissolution, given back to the donor if this possibility is considered by the statutes. In order to avoid a possible re qualification into illegal donation, an donation act is required which specifies the kind of compensation given such as to become automatically member of the Administrative Council of the Association, the contribution's purpose and the possibility for it to return in the case of dissolution to the donor or his heirs. At the term of the contract, the asset or its equivalent have to be given back to the donor or his heirs. Those provisions have to be interpreted as a clear prohibition on the distribution of an NPO's earnings or profits, or distribution of assets to founders, members, officers, board members, or employees.

Concerning the misuse of assets, Article 6 of the 1901 law provides that "When an association assigns a gift's profit for a purpose different from the one stated in the donation act, the authorisation act may be deferred to the Conseil d'état". Consequently, it can be assumed that donation acts do provide specific

answers as to the distribution of profits and misuse of assets. The violation of the act's provisions can be sued before the Conseil d'état.

23) Prohibition on conflicts of interest :

'Associations recognised of public interest' have to comply with standard statutes which provide with compulsory provisions. One condition is that administrators must be association members, and restrictions concern the civil servant participation to the association management, automatically elected members and employees. The participation of civil servant to an association's management is forbidden, e.g. the participation of inspectors from the Ministry for Youth and Sport to the management of associations receiving subventions from the same Ministry is prohibited. In any case, their participation in the Administrative Council must be numerously limited to no more than half of the members elected by the General Assembly. The same applies to the members "de droit", i.e. which are automatically participating to the Administrative Council as regards to their current status or participation to the creation of the association. The employees' participation must remain an exception.

24) Access to self-regulation :

As far as 'Associations' are concerned, the 1901 law does not provide associations with a mandatory legal framework as to its internal regulation. Associations must be regulated according to their own statutes which establish its management and administration's modalities. This self-regulation openness is only restricted as to the respect of the general principal of law by the statutes. Consequently, there is access to self-regulation. However, traditionally, associations do usually comply with the standard statutes proposed to the "Associations recognised of public interest".

As far as 'Associations recognised of public interest' are concerned, such an association must adopt a standard statute which contains mandatory provisions. Most of these provisions have been mentioned supra.

As far as 'Foundations' are concerned, statutes must be written down in conformity with the standard statutes proposed by the Conseil d'état. In the absence of legislation, these standards constitute the only legal framework applicable to Foundations. These standard statutes do not have in theory a mandatory character. However if the foundation opt for particular provisions, they cannot be in contradiction with the main provisions -e.g. rules concerning the establishment of the Administrative Council members- and must be justified in accordance with the foundation's very purpose. The standard statutes only provide with some management outlines, leaving the foundation open to self-regulation.

25) Self-regulation mechanisms :

There is no specific Code of ethics for the Associations and Foundations in France and it appears in the light of Article 3 of the 1901 law that there is no need for it either. Article 3 states : *"An association which burbose is illegal. contrary to the*

law, to morality or which purpose is to go against the territory integrity or the republican form of the Government is null and void".

Consequently, non-compliance with the morality or legality requirements will give birth to judicial proceedings. Violation of those provision will amount to the association's termination and liquidation by decision of the lower civil court ("Tribunal de Grande Instance"). Involuntary termination and liquidation are conducted according to the law and judicial proceedings. It is subjected to judicial review.

ACCOUNTABILITY AND TRANSPARENCY :

26) Reporting to the supervisory organ :

Simple 'Associations' and 'Associations recognised of public interest' cannot, under threat of nullity, accept a donation superior to 5 million francs without prior administrative authorisation.

'Associations recognised of public interest' and 'Foundations' are subjected to a compulsory control by the French Home Office. This control is automatic as regards to (1) the status scrutiny before recognition of public interest, (2) the administrative authorisation prior to a donation act, (3) the sale of some assets, (4) a statutory modification. Additionally, (5) mere controls during the existence of the association or foundation can be undertaken at the administration initiative.

I can be noticed that an association which did benefit from public subventions can be submitted to a specific control by this same public administration which gave those subventions.

27) Reporting to and audit by tax authorities &

28) Sanctions :

29) Disclosure or availability of information to the public :

30) Public registry :

NO RESOURCES AVAILABLE HERE ON THAT MATTER

Financial Sustainability

31) Fund-raising activities :

Only 'Associations recognised of public interest' and 'Foundations' benefit a legal capacity to receive gifts. The recognition of public interest must be prior to the request for accepting the gift. The gift and its moral compensation -obligation to affect it to a precise use- must be in conformity with the purpose of the association.

Although 'recognised of public interest', the NPO cannot accept any gift without a prior administrative authorisation. This requirement is extended to

'Declared associations'. As mentioned above, a gift acceptance attracts a control by the administration.

NO INFORMATION ON THE FUND RAISING ACTIVITIES THEMSELVES
NO INFORMATION ON THE TYPE OF CONTROL

32) Tax exemption for grants, dues, and passive income :

As far as VAT is concerned, NPOs benefit exemptions for : (1) services in the social, educational, cultural or sportive field, and also for sales of goods up to 10% of the total turnover; (2) activities for the profit of members of philosophical, religious, political, civic, patriotic or trade union associations, in return of a contribution; (3) humanitarian or philanthropic associations providing services to the public which charges, lower than commercial ones, were previously authorised by the administration; (4) the receipts even commercials given by 6 charity type events destined to provide the necessary resources for the association's activities; (5) and building rent, medical welfare protection, educational formation.

As far as taxation on profits is concerned, NPOs benefit exemptions either because they are already exempted from VAT, or because they fulfil 5 requirements established by the fiscal administration and the jurisprudence. Those requirements are : (1) the (commercial) activity must contribute only to the not-for-profit purpose of the NPO and must be linked to the principal activity of the association; (2) the management of the association must not generate any direct or indirect profit to its founders, members or administrators; (3) the profit must not be the very purpose of the activity, i.e. the association cannot use commercial strategies and prices must be reasonable; (4) if there are profits, they must be reinvested in the exempted activity; (5) and the activity's scope must be a social benefit, covering areas which are not covered enough by the commercial market. This last requirement happened to be the most determinant in granted the exemption.

As far as taxation on professional activities are concerned, the conditions of exemption are very similar with the former category.

NPOs benefit allowances as regards to taxation on salaries, and an advantageous regime as to social benefit contributions. It is interesting to notice that volunteers in the medical field have to subscribe in order to comply with the working accidents policy.

In all other form of taxation, NPOs benefit from numerous exemptions or tax break.

33) Tax benefit for contributors :

Individuals :

Gifts to declared associations with a public interest purpose -i.e. philanthropic, educational, scientific, social, humanitarian, familial, cultural or sportive, and associations fulfilling the 5 requirements- give individuals right to deduction up to 1.25% of their taxable income and up to 40% of the gift value. Different percentages apply to alimentary aid associations (50%) and to trade unions (30% up to 1% of the global income).

Gifts to recognised associations do benefit deductions up to 5% of the taxable income. It concerns : (1) associations and foundations recognised of public interest as well as recognised religious groups; (2) charities which obtained an administrative authorisation to receive gifts or to make benefit their donators of a 5% exemption; (3) cultural associations in the same conditions than charities.

Since the 01/01/90, gifts open right to a taxation reduction of 40% of the gift value, up to 1.25% or 5% of the global taxable income.

Business :

Gifts to declared and recognised associations (the same than above) give right to deductions for the business up to 3 for 1000 of its turnover, tax free.

Business benefit deductions in the same proportions for gifts to superior or artistic education schools, for the purchase of art products from living artists or destined to be given later on to the state, for the sponsoring or cultural, artistic and sportive events closely related to the use of the brand name.

It is important to notice that where deduction exceed the legal limits it is possible to postpone this benefit for the next taxation.

Foreign associations and foreign activities :

For individuals and for businesses, gifts to foreign associations or French associations which activities are only run abroad do not benefit exemptions. However, gifts to French associations which are running from France humanitarian aid programs to populations in distress give right to deduction.

However, in order to benefit from deductions the benefiting association must issue receipts that the donator has to give together with his fiscal declaration.

34) Economic activities :

Associations can engage in economic or commercial activities, whatever its object, as soon as it is not contrary to the grounds of Article 3. However, commercial activities are subjected to some control. Associations cannot offer on a regular basis goods for sale or services if these activities are not provided by the statutes. An illegal commercial activity may be fined and a court decision issued on the unfair competition ground. Associations and Foundations running commercial activities do benefit the same advantages than businesses however the courts did refuse a number of time to recognise such NPOs the trade dealer status. Consequently they cannot be registered on the Business and Trade Register and do not benefit the trade law regime. The essential restriction on associations as compared to businesses is the prohibition on the distribution or the profits or endowment. An association can make profits as soon as they are reinvested and used for the NPO' s social purpose.

35) Taxation of profits from economic activities :

Taxation on profits concern all industrial and commercial profits, whatever the legal structure of the organisation concerned. It corresponds to 33 1/3% of the

profits, reinvested or not. If the organisation shows a deficit, taxation will amount to a yearly fixed imposition corresponding to the turnover.

"As far as taxation on profits is concerned, NPOs benefit exemptions either because they are already exempted from VAT, or because they fulfil 5 requirements established by the fiscal administration and the jurisprudence. Those requirements are : (1) the (commercial) activity must contribute only to the not-for-profit purpose of the NPO and must be linked to the principal activity of the association; (2) the management of the association must not generate any direct or indirect profit to its founders, members or administrators; (3) the profit must not be the very purpose of the activity, i.e. the association cannot use commercial strategies and prices must be reasonable; (4) if there are profits, they must be reinvested in the exempted activity; (5) and the activity's scope must be a social benefit, covering areas which are not covered enough by the commercial market. This last requirement happened to be the most determinant in granted the exemption." (quote question 32)

36) VAT exemption or beneficial rating :

"As far as VAT is concerned, NPOs benefit exemptions for : (1) services in the social, educational, cultural or sportive field, and also for sales of goods up to 10% of the total turnover; (2) activities for the profit of members of philosophical, religious, political, civic, patriotic or trade union associations, in return of a contribution; (3) humanitarian or philanthropic associations providing services to the public which charges, lower than commercial ones, were previously authorised by the administration; (4) the receipts even commercials given by 6 charity type events destined to provide the necessary resources for the association's activities; (5) and building rent, medical welfare protection, educational formation." (quote question 32)

37) Other taxes :

Associations which have employees are also subjected to the 'apprenticeship taxation'. However if the employment correspond to an exempted activity under the taxation on profits, exemptions will be calculated on the same regime than the VAT.

Associations which run an economic or professional activity are subjected to the 'professional taxation' which will be directed through the fiscal administration to the local governments. The normal regime is a rate between 9 and 35% which varies according to the cities, the departments and the regions. Are exempted from the professional taxation the associations that are already exempted under the taxation on profits.

As regard to local taxes, exemptions are rare. Only non-furnished buildings or those open to the public and those that are exclusively dedicated to the cult are exempted from the taxation on residence. Real property taxes apply to all NPOs. NPOs can benefit exemptions on the Parisian department taxation on offices if their offices are dedicated to social, educational, sportive or cultural purposes.

Associations and Foundations recognised of public interest are not concerned by this taxation whatever the activity pursued in their offices.

38) Procurement and other financial relationships between NPOs and government.

The NPO laws do not contain any provision on mechanisms for national and local government to use the services of NPOs on specific projects. However, Associations and Foundations recognised of public interest are subjected to legal requirements in order to be able to receive gifts. Grant-making mechanisms are contained in Article 906 and 910 Code Civil, Article 11 Loi de 1901 and Article 18-2 of the Loi de 1987. As to associations and foundations, a grant-making act must be formally registered by a solicitor. They cannot receive gifts attached to usufruct. Grant-making mechanisms impose a prior administrative authorisation and the possibility to proceed to controls. (see supra 26)

39) Social sector privatisation :

40) Foreign founding :

41) Customs duties :

42) Currency import restrictions :

NO INFORMATION AVAILABLE ON THOSE POINTS

Miscellaneous

43) Other laws :

NO INFORMATION AVAILABLE ON THAT POINT
