

Practical INSTRUCTIONS

#SOCIAL

11 FEBRUARY 2021

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EXEMPTIONS AND ASSISTANCE WITH PAYING CONTRIBUTIONS

Two new decrees, the first dated 28 January 2021 and the second 29 January 2021, amend several aspects of the social legislation.

UPDATE TO THE LIST OF “PROTECTED” ACTIVITIES

The “protected” sectors were changed again from 29 January 2021 through Decree no. 2021-79 of 28 January 2021 on the solidarity fund.

- Some sectors, such as manufacturing activities, have been transferred from Annex 2 to Annex 1 (activities most affected without condition of reduction in revenues), while others have been added to Annex 1 (film talent agencies, film exporters, etc.).
- Furthermore, sectors have been added to Annex 2 (related activities subject to conditions of revenues), such as antiquarians or wholesale work clothing traders, under the list of activities for which an attestation of a chartered accountant is not necessary.
- Changes have lastly been established regarding activities for which an attestation of a chartered accountant is required.

Click here to find these annexes and all amendments:

Annex 1 : <https://www.legifrance.gouv.fr/loda/id/LEGIARTI000043077299/2021-01-30/#LEGIARTI000043077299>

Annex 2 : <https://www.legifrance.gouv.fr/loda/id/LEGIARTI000043077299/2021-01-30/#LEGIARTI000043077299>

The aforementioned decree materialises the scheme put in place by the LFSS for 2021 concerning the activity sectors eligible for exemption from contributions and payment assistance.

ACTIVITIES CONCERNED

EMPLOYERS OF FEWER THAN 250 EMPLOYEES

Total exemption from employer’s social contribution (excluding complementary pension contributions) is targeted at employers of fewer than 250 employees whose main activity falls within one of the “protected” sectors or a “related” sector.

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The list of these sectors is given in Annex to decree no. 2020-371 of 30 March 2020, in its version in force as at 1st January 2021.

These employers still must have suffered, during the month following that for which the exemption is applicable (save for professional sports clubs):

- a ban on opening to the public
- or a loss of revenues of at least 50% in relation to the same period of the year 2019, or in relation to their average monthly revenues for 2019.

EMPLOYERS OF FEWER THAN 50 EMPLOYEES

Every employer of fewer than 50 employees subject to the following, during the month following that for which the exemption applies, is also eligible:

- a ban on opening to the public
- or a ban on exercising their activity following Decree no. 2020-1310 of 29 October 2020.

These companies do not need to evidence a reduction in their revenues.

Good to know! The condition of ban on opening to the public is fulfilled even if the company uses delivery, click & collect and/or takeaway, whatever the activity sector concerned.

CHANGE IN ASSESSMENT OF REDUCTION IN REVENUES FOR EMPLOYERS OF FEWER THAN 250 EMPLOYEES

The reduction must represent at least 50% of monthly revenues. This reduction may be assessed, at the choice of the beneficiary:

- in relation to the revenues of the same month of the previous year
- in relation to the average monthly revenues for the year 2019
- or, for companies created in 2020, in relation to the average monthly amount of revenues generated between the date of creation of the company and 31 August 2020.

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PERIODS CONCERNED BY THE ASSISTANCE

Employers will benefit from this contribution exemption scheme for the periods up until 31 December 2020, or, in case of ban on opening to the public extended beyond that date, until the last day of the month preceding that of authorisation to open to the public.

The exemption from paying contributions applies for the periods of employment **beginning from:**

- 1st September 2020 for employers falling within a related sector and, if they exercise their activity in a place subject to the curfew before 30 October 2020, for employers falling within a protected sector
- 1st October 2020 for other employers.

And ending:

- on 31 December 2020, or the last day of the month preceding that of authorisation to open to the public, for employers falling within the protected sectors or related sectors;
- on 30 November 2020 for other employers.

NB: eligibility for contributions exemption is assessed on a month-by-month basis. Thus, for example, to benefit from the exemption for October, employers must fulfil the conditions required (ban on opening to the public or loss of revenues) during the month of November.

AGGREGATION WITH PAYMENT ASSISTANCE

Employers benefiting from the exemption from employers' social contributions can also claim assistance with paying the contributions (employer's and employees') remaining due. This assistance is equal to 20% of the gross remuneration paid to the employees during the periods of employment during which the employer benefits from the contributions exemption. It reduces the social contributions payable by employers for the years 2020 and 2021.

AMOUNT OF EXEMPTIONS

The cumulative amount received in exemptions and payment assistance cannot exceed 800,000 per employer. This amount cannot exceed 120,000 for employers whose principal activity pertains to fishing and aquaculture, and 100,000 for those whose principal activity pertains to primary agricultural production. This ceiling also includes the exemption and payment assistance from which employers were able to benefit during the first wave of the Covid-19 epidemic.

NB: this scheme applies to sociétés civiles immobilières [non-trading real estate investment companies] but also to companies controlling one or more commercial companies, subject to certain conditions.

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MEASURES FOR SOLE TRADERS

The Decree also fixes:

- the amount of the reduction in contributions applicable to sole traders and corporate officers = 600 per month concerned
- the amount of the anticipated relief on the contributions base for sole traders = 1,200 per month.

See our practical information sheet [#sole traders](#)