

Juillet
July
2019

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Note d'information
Newsletter

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IN
THIS
EDITION

**PLAN TESTAMENTARY DISPOSITIONS IN AN
INTERNATIONAL CONTEXT**

TRUSTS: DECLARATION TIME!



PLAN TESTAMENTARY DISPOSITIONS IN AN INTERNATIONAL CONTEXT

Anyone who wishes to draw up a will must ensure that it is valid and that it can be recognised and executed in France and abroad.

How to write a will that will be recognized in France?

The Hague Convention of 5 October 1961 on the Conflict of Laws relating to the Form of Testamentary Dispositions considerably extended the possibilities of wills recognised in France, so that wills are considered valid as to form if they comply with the law :

- Of the place where the testator disposed of it; or a nationality held by the testator, either at the time of his disposition or at the time of his death;
- or the place in which the testator had his domicile, either at the time of his disposition or at the time of his death;
- or the place where the testator had his habitual residence, either at the time of his disposition or at the time of his death.
- or the location of their situation for buildings (i.e. real estate of any kind, land, dwellings, etc.)

How to write your will ?

Whether the will is drawn up in France or abroad, the testator has a wide variety of choices as to the form of the will.

In France, for example, he can write an authentic, holographic, mystical or international will. The most common will in France is the «holographic» will when it is written, dated and signed entirely in the hand of its author. This will can be filed with a notary to be entered in the file of last wishes or in the registers provided for this purpose abroad to be found at the time of death.

In England, it is possible to draw up a will in English. In

this case, the will may be typed but must be signed by the testator in the presence of two adult witnesses. This will will be valid in France. To make it effective in France at the time of death, the will must be translated (if it is not already written in French) and legalized (if legalization is necessary).

What provisions can I make in this will?

The will may provide for the appointment of an executor to ensure or carry out the execution of the deceased's wishes, the allocation of property to certain persons by the institution of the legacy, or the designation of beneficiaries of a death benefit under a life insurance policy.

The will may also include provisions that do not concern property, such as the recognition of a child or the appointment of a guardian, to protect his or her minor children.

The testator may also designate in a will his national law to govern his succession.

How can I be sure that my wishes will be respected?

The execution of the testamentary provisions will be carried out within the limits of what is permitted by the applicable succession law which will, in principle and in the absence of choice, be that of the last habitual residence of the deceased and this for all the property.

Thus, if French law is applicable, the children will be reserved heirs, which means that they cannot be deprived of part of the succession by will.

It is therefore advisable to approach a counsel to verify the execution of his or her last wishes.



TRUSTS

TRUSTS: DECLARATION TIME!

The law of 6 December 2013 on the fight against tax fraud had established a register of trusts that listed trusts. In this register appears: the name of the administrator, the name of the settlor, the names of the beneficiaries and the date the trust was set up.

When must a trust be declared?

The administrator of the trust is required to declare this if it has a connection with France, for example:

- The director has his tax domicile in France
- The settlor or one of the beneficiaries has his tax domicile in France
- Some of the properties are located in France and it is required to update the file.

In addition, an annual declaration of the market value must be made, on 1 January of the year, of the assets and rights placed in the trust and their capitalised income. This declaration must be filed no later than June 15 of each year with the tax authorities of foreign companies.

Failure to declare the trust and its amendments is punishable by a fine of 20,000 euros or an amount equal to 12.5% of the property or rights placed in the trust as well as the income that is capitalised, if the latter is higher.

What must be declared ?

In addition to information relating in particular to the terms of the trust, the identity of the settlor, the beneficiary and the administrator of the trust, the annual declaration must include a detailed inventory of the assets, rights and products capitalised in France or outside France and placed in the trust, as well as their market value on 1 January of the year.

The Government has just issued a decree on 13 June 2019 specifying the content and modalities of this reporting obligation. From now on, the annual reporting obligation applies to movable property and not only to rights and property included in the base for the tax on real estate wealth.

Do not hesitate to contact us to check that you are up to date with your reporting obligations.



ROCHE VIDEOS

The wealth tax in France (IFI)

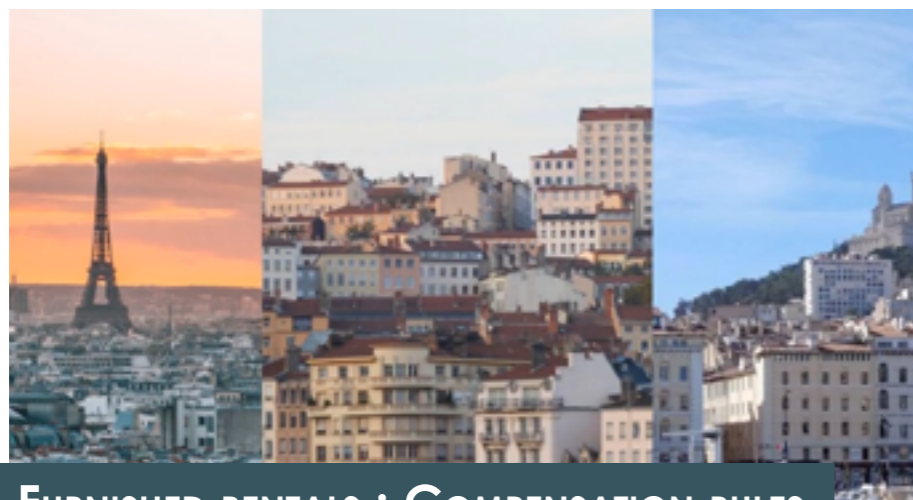
THE WEALTH TAX EXPLAINED

Si le bien est inoccupé

inoccupable

Ne comporter aucun meuble

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NEW

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French income tax return 2019

Dates and obligations

Income tax in France : tax reductions and credits

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Must you declare all your bank accounts held abroad?

CONTACT US FOR ANY QUESTION

VIDEO

NON-RESIDENT TAX NEWS IN FRANCE

THE FIRM WILL BE CLOSED FROM AUGUST 2 TO AUGUST 26 FOR THE HOLIDAYS.

SUBTITLES IN ENGLISH



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