



# Covid-19

Mise à jour **#01**

France, Allemagne, Autriche, Canada,  
Danemark, Etats Unis, Espagne, Italie,  
Lituanie, Royaume Uni

Deal Advisory

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Ce pack est uniquement une mise à jour. Pour une version complète contacter [mbettahar@kpmg.com](mailto:mbettahar@kpmg.com)



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<b>Nouveautés du jour</b>	<ul style="list-style-type: none"> <li>— Le projet de décret relatif à l'activité partielle et le projet de loi d'urgence pour faire face à l'épidémie de Covid-19 ont été communiqués (les modalités d'application ne sont pas encore connues et seront dans les prochains jours)</li> <li>— La BCE a annoncé mercredi soir un plan d'urgence de 750Mds destinés à des rachats de dette publique et privée</li> </ul>	
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# Nouvelles mesures gouvernementales - France

# Nouveautés du 18 et 19 mars - France (1/2)

ATTENTION: les mesures présentées dans ce document sont susceptibles d'évoluer rapidement. Rapprochez vous de KPMG ou de votre conseil habituel pour des informations sur l'application concrète dans votre entreprise

*Le projet de décret relatif à l'activité partielle et le projet de loi d'urgence pour faire face à l'épidémie de Covid-19 ont été communiqués. Les modalités d'application ne sont pas encore connues et seront précisées par ordonnance ou par décret dans les prochains jours.*

## Projet de décret relatif à l'activité partielle :

- Dans son projet de décret du 18 mars, le Ministère du travail précise d'ailleurs que les indemnités versées aux salariés par les entreprises seront couvertes à 100% par l'Etat dans la limite de 4,5 SMIC
- A noter que dès lors que les entreprises qui souhaiteraient prévoir un complément d'indemnisation de leurs salariés, supérieur à l'indemnisation de 70% prise en charge par l'Etat, il faudra certainement s'attendre à ce que ce complément soit soumis à charges sociales
- Les autres dispositions prévues par le projet de décret visent à permettre aux employeurs de bénéficier d'une durée maximum de 12 mois d'autorisation d'activité partielle si cela est justifié (contre 6 mois actuellement au maximum)

## BPI :

- BPI annonce qu'elle reportera automatiquement l'ensemble des échéances de prêt (capital + intérêts) et loyers de CBI, pour une durée de 6 mois et sans frais de dossier

## Projet de loi d'urgence pour faire face à l'épidémie de Covid-19 :

### — Congés Payés

- Le projet de loi permettrait de modifier les conditions d'acquisition de congés payés et permettre à tout employeur d'imposer ou de modifier unilatéralement les dates de prise d'une partie des congés payés, des jours de réduction du temps de travail et des jours de repos affectés sur le compte épargne-temps du salarié, en dérogeant aux délais de prévenance et aux modalités d'utilisation définies par le livre 1er de la troisième partie du code du travail, les conventions et accords collectifs ainsi que par le statut général de la fonction publique

### — Versement Intéressement / Participation

- Le projet de loi permettrait de modifier, à titre exceptionnel, les dates limites et les modalités de versement des sommes versées au titre de l'intéressement et au titre de la participation

### — Gel loyer

- Gel et étalement de certaines dépenses courantes (eau, électricité, loyers pour les TPE, dont les critères restent à définir par le gouvernement)

# Nouveautés du 18 et 19 mars - France (2/2)

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## Assureurs Crédits (mesure non arrêtée)

- Le Ministère des Finance penserait à réactiver deux mécanismes de réassurance publique, CAP et CAP+ (systèmes de garantie de l'Etat), qui avaient été mis en place après la crise de 2008-2009, pour éviter les retraits brutaux des assureurs de certains marchés, y compris à l'export.
- Face à la pandémie du virus, la Banque centrale européenne (BCE) a annoncé mercredi soir un plan d'urgence de 750 milliards d'euros qui seront destinés à des rachats de dette publique et privée dans l'espace européen. Ce programme de rachat d'urgence est temporaire et sera réalisé/complété d'ici à la fin d'année, selon qu'il sera jugé que la phase de crise du Covid-19 est terminée.
- L'objectif de la BCE au travers de ce programme est de soulager les banques pour relancer les prêts aux entreprises et ménages, ainsi qu'à soutenir la production et l'emploi.
- Cette mesure est similaire à celle prise par la Fed aux US, qui comprend l'achat de 500 milliards de dollars de bons du Trésor et de 200 milliards de dollars de titre hypothécaires pour soutenir le bon fonctionnement de ces marchés.

## CCSF et les délais de paiement

- Le gouvernement français incite les entreprises qui rencontrent des difficultés financières des délais de paiement pour s'acquitter de leurs dettes fiscales et sociales(part patronale) à saisir la Commission des chefs de services financiers (CCSF)
- Les dettes visées sont notamment les impôts, les taxes, les cotisations sociales aux régimes obligatoires de base exigibles – à l'exclusion des parts salariales et du prélèvement à la source.
- Il n'y a pas de montant minimum ou maximum.
- En principe, la CCSF du département du siège social de l'entreprise ou de l'établissement principal est compétente.
- La commission examine, en lien avec chaque comptable ou organisme chargé du recouvrement des créances publiques, l'établissement d'un plan de règlement échelonné sur plusieurs mois des dettes du débiteur. Puis elle en arrête les conditions.
- La demande auprès de la CCSF (du département concerné) peut s'effectuer de deux manières (recommandations métier de KPMG) :
  - Par le débiteur : pour les demandes de dettes jusqu'à 0,5m€
  - Par un mandataire *ad hoc* (nommé préalablement par le débiteur) : pour les demandes de dettes supérieures 0,5m€
  - En effet, chaque comptable public ou organisme chargé du recouvrement des créances publiques doit s'assurer du recouvrement sur ses propres deniers et donc pourrait être plus restrictif sur l'assiette d'application, les pénalités, les demandes de suretés... La nomination d'un mandataire ad hoc permet alors au comptable ou organisme chargé du recouvrement de légitimer son plan de recouvrement par l'existence d'un mandat de justice.



## Qu'est ce que l'activité partielle ?

- L'activité partielle est un outil de politique publique de prévention des licenciements économiques. Elle permet de suspendre le contrat de travail des salariés, et non pas de le rompre.
- L'activité partielle (chômage partiel) peut prendre 2 formes :
  - Fermeture totale de l'entreprise / d'une unité/ d'un atelier / d'une équipe et donc arrêt total de travail
  - Réduction de l'horaire de travail dans toute l'entreprise/l'atelier/l'équipe à X heures de travail par semaine ou X jours de travail par semaine
- En principe, la mise en chômage partiel est soumise à une autorisation de la DIRECCTE délivrée sous 15 jours. Un projet de décret prévoit de réduire ce délai à 2 jours. Toutefois, face à l'afflux de demandes et l'impossibilité à la DIRECCTE territorialement compétente d'y répondre sous 2 jours si bien que le projet de décret à paraître permet de régulariser la demande à la DIRECCTE dans un délai de 30 jours à compter de la décision de l'entreprise de recourir à l'activité partielle.
- L'employeur peut donc placer, avec effet immédiat, de manière unilatérale de placer les salariés en situation d'activité partielle.
- Le CSE doit être consulté sur le recours au dispositif de l'activité partielle. L'avis du CSE doit, en principe, être obtenu préalablement au placement en activité partielle et joint à la demande transmise à la DIRECCTE. Dans le contexte actuel, le projet de décret autoriserait l'entreprise à communiquer l'avis du CSE dans un délai de 15 jours après le dépôt de la demande et de communiquer initialement que la date prévu de réunion du CSE sur ce point.

## Qui est concerné dans l'entreprise (cadres / non cadres), jusqu'à quel salaire, et sous quelles conditions ?

- En principe, tous les salariés, quel que soit leur emploi ou leur statut, peuvent entrer dans le dispositif de l'activité partielle, y compris les apprentis et les CDD.
- Toutefois, les salariés dont le temps de travail est organisé en heures ou en jours sur l'année ne pouvaient pas jusqu'à présent bénéficier du chômage partiel sous la forme d'une réduction de l'horaire de travail. Un projet de décret (non encore paru au JO) prévoit l'extension du dispositif à ces salariés.
- Au final, sous réserve de publication de ce décret, tous les salariés, sans distinction, seraient concernés.

## Quel type d'activité partielle ?

- L'activité partielle peut prendre la forme d'un arrêt total ou partiel du travail : fermeture de l'entreprise/de l'établissement ou réduction d'horaire.

## Comment définir les salariés en activité partielle : peut-on les choisir nominativement ?

- Il n'est pas possible de choisir les salariés placés en activité partielle un par un.
- Le placement en activité partielle doit se faire par direction/atelier/équipe ...

## Quand peut commencer cette activité partielle, et quelle est la flexibilité pour l'arrêter quand ca va reprendre ?

- Le démarrage et l'arrêt de l'activité partielle sont décidés unilatéralement par le chef d'entreprise, avec dans le contexte actuel, de prise d'effet immédiate.
- Les salariés en sont informés ainsi que le CSE.



# Activité partielle (2/2)

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## Quelle somme les salariés vont ils toucher ? L'entreprise peut-elle compenser, et à quel cout ?

- L'employeur devra verser au salarié placé en activité partielle une indemnité égale à 70% de son salaire mensuel brut en cas de chômage partiel total (cessation du travail). S'il a opté pour la réduction d'horaire, il lui versera le salaire normal pour la partie de son temps de travail réalisé et une indemnité égale à 70% de son salaire horaire brut pour chaque heure chômée.
- Cette indemnité égale à 70% du salaire mensuel brut ou 70% du taux horaire brut représente 84% du salaire net habituel du salarié dans la mesure où cette indemnité n'est soumise à aucune cotisations sociales (parts patronale et salariale) et uniquement aux CSG-CRDS. Le montant de cette indemnité ne peut être inférieur au SMIC.
- Dans le cadre de la crise autour du Covid19, l'Etat s'est engagé à rembourser les entreprises à 100% le montant des allocations versées aux salariés au titre de l'activité partielle, dans la limite de 4,5 SMIC.
- Ainsi, pour un mois donné, l'Etat ne remboursera intégralement les sommes versées que pour les salariés dont le salaire mensuel brut n'excède pas 6 927€ bruts, soit 45,67€ bruts / heure. L'indemnité remboursée par l'Etat ne pourra donc pas dépasser 4 849€ en cas d'arrêt total de l'activité sur le mois par salarié.
- Il est possible pour l'entreprise d'assurer au salarié le maintien intégral de son salaire net. Dans ce contexte, l'indemnité complémentaire versée par l'entreprise ne sera pas remboursée par l'Etat et sera soumise aux cotisations dans les conditions habituelles.

## Comment dois-je procéder pour demander le placement de mes salariés en activité partielle ?

- La procédure est dématérialisée : <https://activitepartielle.emploi.gouv.fr>.
- La demande de remboursement peut être sollicité jusqu'à 30 jours, selon le projet de décret, après le démarrage de l'activité partielle. Elle doit être formulée sur le site spécifique mis en place par le Ministère du Travail. A titre conservatoire, elle peut aussi être transmise par LRAR à la DIRECCTE territorialement compétente.
- Le remboursement par l'Etat est limité à 1.000 heures par an, en l'état de la réglementation.

## Existe-t-il un délai de carence ?

- Non, l'activité partielle peut être mobilisée dès la 1ère heure dite « chômeuse ».

## Les salariés travaillent sur une base de 39 heures par semaine. Puis-je demander une indemnisation sur 39 heures ?

- Non, l'activité partielle ne couvre que la durée légale du temps de travail, à savoir 35 heures hebdomadaire

## Est il possible de faire une demande groupée (si plusieurs entités) ?

- Le projet de décret prévoit que la demande pourra être soumise à la DIRECCTE du siège de l'entreprise même en cas de pluralité d'établissements situés sur plusieurs départements (Aujourd'hui, chaque entreprise/établissement doit déposer une demande qui concerne strictement ses salariés).





# Nouvelles mesures prises par la BCE

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## Nouvelles mesures prises par la Banque centrale européenne

- Face à la pandémie du virus, la Banque centrale européenne (BCE) a annoncé mercredi soir un plan d'urgence de 750 milliards d'euros qui seront destinés à des rachats de dette publique et privée dans l'espace européen. Ce programme de rachat d'urgence est temporaire et sera réalisé/complété d'ici à la fin d'année, selon qu'il sera jugé que la phase de crise du Covid-19 est terminée.
- L'objectif de la BCE au travers de ce programme est de soulager les banques pour relancer les prêts aux entreprises et ménages, ainsi qu'à soutenir la production et l'emploi.
- Cette mesure est similaire à celle prise par la Fed aux US, qui comprend l'achat de 500 milliards de dollars de bons du Trésor et de 200 milliards de dollars de titre hypothécaires pour soutenir le bon fonctionnement de ces marchés.





# Governmental measures - Germany

# Germany - Governmental measures (1/3)

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## 1. Making reduced hours compensation benefit (Kurzarbeitergeld) more flexible:

By the beginning of April, the rules on reduced hours compensation benefit will be adapted. As part of this, eligibility requirements will be loosened:

- Companies may receive reduced hour compensation when only 10% of the employees of the company are affected by shorter working hours (i.e.: don't have any more work to do), until now 1/3 of the employees had to be affected by shorter working hours in order for the company to get reduced hour compensation.
- Waiver of negative working hours: Until now, a reduction in working hours had to be compensated first by using certain types of working time credits. It was also necessary to first grant paid holidays. It is not necessary anymore. Partial or complete waiver of the need to build up a negative balance in working hours means that there is no longer any need for employees to build up a negative balance in their respective working accounts.
- Reduced hours compensation benefit will also be available to temporary/agency workers,
- Complete reimbursement of social security contributions by the Federal Labour Office.
- By the beginning of April, the rules on reduced hours compensation benefit will be adaptif. As part of this, eligibility requirements will be loosened
- Reduction of the minimum ratio of the employees in a company affected by shorter working hours to 10%,

# Germany - Governmental measures (2/3)

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## 2. Tax-related liquidity assistance for businesses:

- It will be easier to grant tax deferrals. Revenue authorities will be able to defer taxes if their collection would lead to significant difficult financial situation for a company. This not being clearly defined, it leaves a lot of margin to the companies to ask for a postponement without incurring in penalties. The revenue authorities will be instructed to not impose strict conditions in this respect. This will support taxpayers' liquidity because the timing of tax payments will be delayed.
- It will be easier to loosen tax prepayments. As soon as it becomes clear that a taxpayer's income in the current year is expected to be lower than in the previous year, tax prepayments will be reduced in a straightforward manner. This will improve the liquidity situation of the Companies.
- Enforcement measures (e.g. direct debit into bank accounts) and late-payment penalties will be waived until 31 December 2020 if the debtor of a pending tax payment is directly affected by the coronavirus.

With regard to taxes that are administered by the customs administration (e.g. energy duty and aviation tax), the Central Customs Authority (Generalzolldirektion) has been instructed to make appropriate concessions to taxpayers. The same applies to the Federal Central Tax Office (Bundeszentralamt für Steuern), which will proceed accordingly with regard to insurance tax and value added tax, which fall within its remit. More details will be given in the flowing days by the German Finance Minister.

# Germany - Governmental measures (3/3)

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## 3. A protective shield worth billions for businesses

The German government will protect businesses with new measures to provide liquidity, the volume of which is unlimited.

Existing liquidity assistance programs will be expanded to make it easier for companies to access cheap loans. This can mobilize a large volume of liquidity-enhancing loans from commercial banks. To this end, established instruments complementing loans offered by private banks will be extended and made available to a greater number of companies:

- Conditions for the KfW-Unternehmerkredit (business loan for existing companies) and the ERP-Gründerkredit-Universell (start-up loan for companies that are less than 5 years old) will be loosened by raising the level of risk assumptions (indemnity) for operating loans and extending these instruments to large enterprises with a turnover of up to €2 billion (previously, the limit was €500 million). Higher risk assumptions of up to 80% for operating loans of up to €200 million will increase banks' willingness to extend credit.
- In the case of the "KfW Loan for Growth", the program aimed at larger companies, the current turnover threshold of €2 billion will be raised to €5 billion. In future, these loans will take the form of syndicated loans and will not be restricted to projects in one particular field (in the past, only innovation and digitalization projects were eligible). Risk assumption will be increased to up to 70% (from 50%). This will improve larger companies' access to syndicated loans
- KfW's role in this crisis is to facilitate the short-term supply of liquidity to companies. The KfW, formerly KfW Bankengruppe (banking group), is a German state-owned development bank, based in Frankfurt. Its name originally comes from Kreditanstalt für Wiederaufbau ("Credit Institute for Reconstruction"). It was formed in 1948 after World War II as part of the Marshall Plan.

For guarantee banks (Bürgschaftsbanken), the guarantee limit will be doubled, to €2.5 million. The Federation will increase its risk share in guarantee banks by 10% to make it easier to shoulder risks, which are difficult to assess in times of crisis. The upper limit of 35% of operating resources in guarantee banks' total exposure will be increased to 50%. To accelerate liquidity provision, the Federation is giving guarantee banks the freedom to make guarantee decisions up to €250,000 independently and within a period of three days.

The large guarantee program (parallel guarantees from the Federation ("Bund") and the regions ("Länder")), which was previously limited to companies in structurally weak regions, will be opened to companies of other regions as well. In this program, the Federation covers operating loans and investments with a surety requirement upwards of €50 million and a guarantee rate of up to 80%.

For companies that have temporarily got into serious financial difficulties because of the crisis and therefore do not have easy access to existing support programs, additional special KfW programs will be launched. This will be achieved by increasing the KfW's risk tolerance in a way that is appropriate given the crisis. Risk assumptions for investment funds (indemnity) will be improved significantly and will total up to 80% in the case of operating resources and up to 90% in the case of investments. In addition, consortium structures will be offered for these companies





# Italy - Governmental measures (1/2)

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## 1. Available measures to support people employed by corporations

- The Government has expanded the reasons for access to the “Cassa Integrazione Ordinaria” (support of salary payment by the State), providing for the possibility for employers who suspend or reduce work activity for events related to the epidemiological emergency from Covid-19, to apply for the support check “integrazione salariale” with a COVID-19 emergency reason, for a maximum period of nine weeks from 23 February 2020 and in any case by August 2020.
- The procedure for opening the integration fund (information phase and trade union consultation, as well as joint examination if requested) remains confirmed. The application may be submitted by the end of the 4th month following the period in which the period of suspension or reduction of work has begun and is not subject to the verification of the cause.
- The Government has scheduled for the year 2020 from 5th of March, a specific leave for parents with children under the age of 12 (a master limit that does not apply with reference to children with disabilities in a situation of proven severity school of all order and grades or housed in day care centres). The beneficiaries are both private and public sector workers. The use of leave is recognized alternately with both parents, for a continuous or fractional period of no more than 15 days, and is subject to the condition that there is no other parent in the household who is the beneficiary of parental means of income support in the event of suspension or termination of employment or other unemployed or non-worker parent
- The Government has ordered the award of a allowance for March of EUR 600 (which does not contribute to income formation) to the following subjects: “Partite IVA” (autonomous workers), seasonal workers (tourism, agriculture).

# Italy - Governmental measures (2/2)

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## 2. Tax-related support for businesses :

- For a period of 9 months after the law (Decreto) came into force, the State, through the Central Guarantee Fund for SMEs, provides a guarantee, free of charge, for a single enterprise, up to 5 million euros, aimed at financing operations.
- For the subjects – sports federations, sports clubs, operators who manage sports facilities, gyms pools and fitness centers, hospitality tourism companies, travel and tourism agencies and tour operators, catering sectors, the organization of events, the rental of transport, passenger transport, cultural, museum, naturalistic activities, lottery receptions, onlus etc. – (expressly listed in the Decree) is provided:
  - the suspension of the expiring terms until 30 April 2020 relating to withholding payments on employee and assimilated income;
  - The suspension of the deadline until 30 April 2020 relating to social security and welfare payments, premiums for compulsory insurance and related obligations;
  - the suspension of the expiring terms in March 2020 relating to VAT payments.
- Suspended payments will be made in a single solution as of May 31, 2020
- For all subjects with fiscal domicile in Italy: Suspension of tax obligations (e.g. VAT declaration), other than payments and withholding taxes, expiring between 8 March 2020 and 31 May 2020. These requirements will be carried out by 30 June 2020.



# Governmental measures - Spain

# Spain – Governmental measures (1/5)

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## Spain

### 1. General package

- Three pieces of legislation—Royal Decree-Law 6/2020, Royal Decree-Law 7/2020, and Royal Decree 463/2020—provide initial measures to address the coronavirus (COVID) crisis. The legislation includes measures that address health and the economy at large, with a particular emphasis on the tourism industry, small and medium size enterprises (SMEs), and the self-employed, as well as persons affected by the containment measures.
- Given the gravity of the situation, it is expected that these are but the first of many laws, decrees and ministerial orders (presumably some would be announced at the next cabinet meeting). These measures are at the national level, and they could be supplemented by measures at regional and local levels

# Spain - Governmental measures (2/5)

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## Spain

### 2. Flexibility of temporary activity adjustment mechanisms

#### Exceptional measures in relation to procedures for the suspension of contracts and reduction of working hours due to force majeure

- The procedure shall be initiated at the request of the company and shall be accompanied by a report on loss of activity due to COVID-19.
- The existence of major force must be established by the labour authority, whatever the number of workers affected. The labor authority's decision will be issued within five days of the request, following a report, if applicable, from the Labor and Social Security Inspection.
- The report of the Labour and Social Security Inspection will be issued within a non-renewable delay of five days.

#### Exceptional measures in relation to procedures for the suspension of contracts and reduction of working hours due to force majeure

- In the cases of suspension of contracts and reduction of working hours authorized on the basis of temporary circumstances linked to COVID-19, Social Security will exonerate the company from the payment of the planned corporate tax and the taxes for joint collection, for the duration of the period of suspension of contracts or reduction of the authorised working day
- 50 employees or more registered with the Social Security, the exemption from the obligation to contribute will reach 75 % of the employer's contribution.
- This exemption will not have any effect on the employee, and this period will be considered as effectively contributing for all purposes

#### Extraordinary measures in the field of unemployment

- Recognition of the right to contributory unemployment benefit for the workers concerned, even if they do not have the minimum period of contributory employment required to do so.
- Not counting the time in which the unemployment benefit is received at the contributory level that brings about the immediate cause of the aforementioned extraordinary circumstances, for the purpose of consuming the maximum periods of receipt established.

#### Temporary limitation of the effects of the late submission of applications for unemployment benefits

- During the period of validity of the extraordinary public health measures adopted, their application is suspended.

#### Extraordinary measures relating to the extension of unemployment benefit and the annual declaration of income

- The managing body is authorized to extend automatically the right to receive the unemployment benefit in the cases subject to the six-monthly extension of the right (so as not to affect the lack of application).
- Beneficiaries of the allowance for the over-52s will not have their allowance and social security contributions stopped, even if the required annual income tax return is submitted after the deadline.

#### Duration of the measures

- The measures set out will remain in force as long as the extraordinary situation resulting from COVID-19 is maintained.

# Spain - Governmental measures (3/5)

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## Spain

### 3. Measures taken in professional field

This series of measures are for the social protection of workers, whether employed or self-employed, who are on leave due to isolation and illness.

In this sense, it provides for the exceptional consideration, as a situation assimilated to an accident at work, exclusively for the economic benefit of temporary disability of the Social Security System, of the periods of isolation or infection of workers, as a result of the COVID-19 virus.

The ones which are concerned by these measures are workers who are registered with any of the social security systems on the date of the event. (The date of the event will be the date on which it is agreed that the worker will be isolated or ill, without prejudice to the fact that the sickness leave will be issued after that date).

On the other hand, it is important to indicate that the declaration of the state of emergency has determined a list of economic activities that have been suspended, according to a list of activities contained in an annex to RD 463/2020 (hotel, restaurant and leisure businesses, and educational centres), so that companies dedicated to these activities, at least until the end of this state, must remain closed to the public.

In relation to them, as they cannot carry out their activities to the public (although they can sell on-line), companies can use a series of mechanisms to respond to the impossibility of opening, whether it be reductions and/or adaptations of working hours, irregular working days, holidays, permits or suspension of contracts. It should be noted that these companies can make use of the suspension of contracts due to force majeure.

With respect to other companies not included in the annex to the Royal Decree, they can organize their activity with existing resources, and can use teleworking or changes in the working day regime, as well as the suspension of the employment contract, in this case for objective reasons.

A relevant modification is expected in relation to these labour mechanisms, as well as to the unemployment of the workers affected by them.

# Spain - Governmental measures (4/5)

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## Spain

### 4. Measures in the field of taxation

Time references (terms and deadlines) involved in the "processing" of all administrative procedures in tax matters are suspended until the day the state of emergency ceases to exist.

In the next few days we will know in detail the depth and scope of the measure in all its terms.

With a much more limited scope, and with the aim of supporting the self-employed and small and medium-sized enterprises (SMEs), Law RD 7/2020 regulates a relaxation of the deferral of small tax debts in the field of state taxes.

This measure only implies the possibility of requesting the postponement of an overdue tax debt, under the fulfilment of strict requirements, but does not exempt the making of the corresponding self-assessments. Its terms are as follows:

- The granting of the deferment is limited to individuals or entities with a volume of operations not exceeding 6,010,121.04 euros in 2019 (there is no reference to a calculation at group level).
- At the request of the interested party, the deferral of the payment of the tax debt corresponding to all those settlements and self-assessments for which the period for presentation and payment ends on 13 March 2020 and 30 May 2020, both inclusive, shall be granted.

- A maximum threshold of 30,000 euros is set for tax debts that can be deferred under these special conditions.
- This deferral will also be applicable to certain tax debts that under normal circumstances are excluded from this possibility, such as the following:
  - Withholdings or payments on account.
  - Those derived from taxes that must be legally charged, such as VAT.
  - Fractional payments of Corporate Tax, which will allow the measure to be applied to the first instalment of this year's Corporate Tax.
- The deferral will be granted for a fixed period of six months.
- No interest on arrears will accrue during the first three months, although these deferrals will necessarily carry interest for the remaining three months



# UK – Governmental measures (5/5)

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## Spain

### 5. Tourism measures

- Reduction of 50 % of the business contributions to the Social Security for common contingencies, as well as for the concepts of joint collection of Unemployment, FOGASA and Professional Training of said workers:
- Excluding companies in the public sector, extraordinary measures are to be applied to enterprises generating productive activity in the months from February to June of this year and that begin or maintain in employment during those months workers with permanent, discontinuous contracts.
- Same financing terms as the Royal Decree-Law 12/2019 and the corresponding extended guarantee will be automatically applied to:
- All companies with self-employed persons with a registered office in Spain whose activity falls one of the CNAE of the tourism sector
- it is envisaged that those who were beneficiaries of a scholarship or canteen aid during this school year will be entitled to economic aid or direct food distribution. In order to proceed with the payment of this aid, a credit supplement of 25,000,000 euros is authorized by the Ministry of Social Rights and Agenda 2030.

### 6. Other financial measures

- **Payment deferral of principal and/or interest on the current annuity :**
- This is mainly intended for Industrial small and medium size enterprises with the following conditions:
  - Their due date is less than 6 months starting from 13 March 2020.
  - Whom the health crisis of COVID-19 has caused them either periods of inactivity, sales volume decrease, or interruptions in the supply chain making it difficult or impossible for them to meet the payment.



# UK – Governmental measures (1/3)

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## 1. General package

The Chancellor has today set out a 12Mds package of temporary, timely and targeted measures to support public services, individuals and businesses through the economic disruption caused by COVID-19

The government continues to work closely with the Bank of England and international partners and has announced a three-point plan at the Budget:

- To support Public Services (NHS in particular)
- To support People affected by Covid-19
- To support businesses experiencing increases in costs or financial disruptions

## 2. Available measures to support people not employed by corporations to support the Economy

Statutory Sick Pay (SSP) will now be available for eligible individuals diagnosed with COVID-19 or those who are unable to work because they are self-isolating in line with Government advice. This is in addition to the change announced by the Prime Minister that SSP will be payable from day 1 instead of day 4 for affected individuals.

- Those who are not eligible for SSP, for example the self-employed or people earning below the Lower Earnings Limit of £118 per week, can now more easily make a claim for Universal Credit or Contributory Employment and Support Allowance:
- For the duration of the outbreak, the requirements of the Universal Credit Minimum Income Floor will be temporarily relaxed for those who have COVID-19 or are self-isolating according to government advice, ensuring self-employed claimants will receive support.
- People will be able to claim Universal Credit and access advance payments upfront without the current requirement to attend a jobcentre if they are advised to self-isolate.
- Contributory Employment and Support Allowance will be payable, at a rate of 73Mds£ a week if you are over 25, for eligible people affected by COVID-19 or self-isolating in line with advice from Day 1 of sickness, rather than Day 8.

# UK – Governmental measures (2/3)

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### 3. Available measures to support people employed by corporations

The government will bring forward legislation to allow small- and medium-sized businesses and employers to reclaim Statutory Sick Pay (SSP) paid for sickness absence due to COVID-19. The eligibility criteria for the scheme will be as follows:

- This refund will cover up to two weeks' SSP per eligible employee who has been off work because of COVID-19
- Employers with fewer than 250 employees will be eligible. The size of an employer will be determined by the number of people they employed as of 28 February 2020
- Employers will be able to reclaim expenditure for any employee who has claimed SSP (according to the new eligibility criteria) as a result of COVID-19
- Employers should maintain records of staff absences, but employees will not need to provide a GP fit note
- The eligible period for the scheme will commence the day after the regulations on the extension of Statutory Sick Pay to self-isolators comes into force
- The government will work with employers over the coming months to set up the repayment mechanism for employers as soon as possible. Existing systems are not designed to facilitate employer refunds for SSP

### 4. Tax-related support for businesses (only certain sectors as of March 19):

- The government will increase the Business Rates retail (\*) discount to 100% for one year and expand it to the leisure and hospitality sectors, and increase the planned rates discount for pubs to £5,000. Taken together with existing small business rate relief (which provides full relief for businesses using a single property with a rateable value of £12,000 or less), an estimated 900,000 properties, or 45% of all properties in England, will receive 100% business rates relief in 2020/21:
  - Businesses that received the retail discount in 2019-20 will be rebilled by their local authority as soon as possible
  - Those businesses eligible for the newly expanded retail discount and/or the new pubs discount may need to apply to their local authority to receive the discount
  - Any enquiries on eligibility for, or provision of, the reliefs should be directed to the relevant local authority

(\*) Business Rates retail are charged on most non-domestic properties, like shops, offices, pubs, warehouses, factories, holiday rental homes or guest houses. You'll probably have to pay business rates if you use a building or part of a building for non-domestic purposes

# UK – Governmental measures (3/3)

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## 5. Tax-related support for businesses

### Supporting small businesses through lower tax rates

- The government will provide an additional £2.2 billion funding for local authorities to support small businesses that already pay little or no Business Rates because of Small Business Rate Relief (SBRR). This will provide a one-off grant of £3,000 to around 700,000 business currently eligible for SBRR or Rural Rate Relief, to help meet their ongoing business costs. For a property with a rateable value of £12,000, this is one quarter of their rateable value, or comparable to 3 months of rent.

### Temporary loan program

- A new temporary Coronavirus Business Interruption Loan Scheme, delivered by the British Business Bank, will launch in a matter of weeks to support businesses to access bank lending and overdrafts. The government will provide lenders with a guarantee of 80% on each loan (subject to a per-lender cap on claims) to give lenders further confidence in continuing to provide finance to SMEs. The government will not charge businesses or banks for this guarantee, and the Scheme will support loans of up to £1.2 million in value. This new guarantee will initially support up to £1 billion of lending on top of current support offered through the British Business Bank.

### HMRC's Time To Pay service

- All businesses and self-employed people in financial distress, and with outstanding tax liabilities, may be eligible to receive support with their tax affairs through HMRC's Time To Pay service. These arrangements are agreed on a case-by-case basis and are tailored to individual circumstances and liabilities. These businesses can contact HMRC's new dedicated COVID-19 helpline from 11 March 2020 for advice and support. To ensure ongoing support, HMRC have made a further 2,000 experienced call handlers available to support firms and individuals when needed. For Time to Pay support if you are concerned about being able to pay your tax due to COVID-19, call HMRC's dedicated helpline on 0800 0159 559.



# Government measures for other countries

# Countries measures in response to COVID-19

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## AUSTRIA

### **Reduction / non-assessment of (corporate) income tax advance payments 2020:**

- If a taxpayer can credibly state that he is affected by coronavirus (COVID-19) infections, advance payments for (corporate) income tax 2020 may be reduced even to zero as the case may be. This will be the relevant in industries in which a significant economic decline due to the current situation is expected. Applications can be submitted until October 31, 2020

### **Deferral of payment and payment instalments:**

- The taxpayer can apply to his tax office for deferral of payment of a tax or to pay the tax in installments. Such applications lie in the discretion of the tax office which must, however, strongly consider the situation triggered by the SARS-CoV-2 virus. According to the wording of the published information this possibility is not restricted to specific taxes. Consequently, in our opinion applications for deferral or payment in instalments should be possible for all taxes, for instance also for advance VAT payments.
- Until an application for deferral is answered by the tax office, there is no payment obligation and no collection measures may be taken by the tax authorities.

## DENMARK

### **Tax Payment:**

- The payment deadline for "A-tax" and labor market contributions for April, May, and June 2020 is to be postponed by four months.
- The payment of "B-tax" for self-employed persons for April is to be postponed from 20 April 2020 to 20 June 2020. Similarly, payment of B-tax for May 2020 is to be deferred from 20 May 2020 to 20 December 2020.

### **VAT Payment:**

- The payment deadline for VAT for monthly settlement companies is to be postponed by 30 days for March, April, and May 2020. The VAT period for the first and second quarters (Q1 and Q2) of 2020 must be stated by 1 September 2020. However, if VAT liability for Q1 2020 is negative, it is still possible to report VAT for Q1 by 1 June 2020 so that the negative response can be "paid out" (refunded). The VAT for the whole of 2020 must be stated by 1 March 2021. If the VAT liability for the first half of 2020 is negative, however, it is still possible to report the VAT for the first half by 1 September 2020 so that the negative response can be paid out



# Countries measures in response to COVID-19

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## LITHUANIA

- In relation to the outbreak of the COVID-19 virus, the Lithuanian Government and the Tax authorities will apply certain tax related measures to assist tax payers with their ongoing obligations.

### Corporate Income Tax (CIT):

- The deadline for submission of advance CIT returns and respective tax payment is deferred until 30 March 2020 (instead of 16 March 2020)
- Possibility to change the advance CIT calculation method, e.g. based on the prognosis for the current year (considering the possible income decline) instead of previous years' results.

### Tax Administration:

- Possibility to apply for tax instalment (loan) agreement to defer tax underpayments (without interest). It should also be available for employer's Personal Income Tax (PIT) obligations (the exact terms and conditions should be confirmed)
  - Suspended recovery of tax underpayments
  - Taxpayers to be relieved from penalties and late payment interest (the procedures still to be confirmed)

## NETHERLANDS

- The Cabinet on 17 March 2020 announced additional measures to support Dutch employees, self-employed individuals, and the Dutch business community facing challenges from the coronavirus.
- The new measures reflect a deferral for paying taxes including energy tax and the levying of sustainable energy storage (ODE) for companies in the second, third and fourth tax bracket.
- Beginning 23 March 2020, the Cabinet will temporarily reduce the "collection interest" for all tax debts from 4% to 0.01%. Recovery interest is normally due if an assessment is not paid on time (from the time that the payment term has expired). The Cabinet also has reduced the tax rate for all taxes to which it applies, from 8% (corporate tax) and 4% (other taxes) to 0.01%.
- Tax interest is payable if an assessment cannot be determined in time, for example because the tax return is not submitted on time or for the correct amount. The decrease to 0.01% is also temporary in nature and will take effect from 1 June 2020, with the exception of income tax: an effective date of 1 July 2020 applies.
- The tax administration will reverse assessments of a default penalty for a failure to pay tax (on time).
- Concerning a reduction of the provisional assessment, requests for reduction in connection with the coronavirus will be granted by the tax authorities. If an entrepreneur has already (partially) paid the provisional assessment and the amount of the new provisional assessment is lower, the difference will be paid to the entrepreneur.

# Countries measures in response to COVID-19

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— Canada has announced new financial and tax measures in response to COVID-19. In addition to extending certain tax deadlines, Canada will provide a variety of financial measures for Canadian individuals and businesses affected by the COVID-19 outbreak. In particular, the CRA will delay tax filing deadlines for individuals to June 1, 2020 and for trusts to May 1, 2020. In addition, all taxpayers that owe income tax balances and income tax instalments on or after March 18, 2020 and before September 2020 will now have until September 1, 2020 to remit these amounts. Further, Canada will provide a temporary wage subsidy to help small businesses retain employees and an Emergency Care Benefit to offer financial support to affected individuals.

## Tax payment relief:

- Businesses will be able to defer payment of any income tax amounts until September 1, 2020. This deferral applies to tax balances and instalments that are owing on or after March 18, 2020 and before September 2020. These amounts will not be subject to interest or penalties during this period. This payment relief applies only to income tax payments, and does not apply to other payments such as GST/HST and employer payroll remittances.

## Temporary wage subsidy for small businesses

- Small employers may be eligible for a temporary wage subsidy to help prevent lay-offs. This subsidy, which will be available for three months, will be equal to 10% of remuneration paid during that period, up to a maximum subsidy of \$1,375 per employee and \$25,000 per employer. Businesses will be able to benefit from this support now by reducing their remittances of income tax withheld on their employees' remuneration. This measure applies to corporations eligible for the small business deduction, as well as non-profit organizations and charities.

# Countries measures in response to COVID-19

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- The IRS today released an advance copy of Notice 2020-17 that provides relief for certain taxpayers to make payments of federal income tax.
- Under the president's March 13, 2020 "Emergency Declaration" relating to the coronavirus 2019 pandemic, relief from income tax payment deadlines is being provided to U.S. taxpayers who have been adversely affected by the COVID-19 emergency under the authority of section 7508A(a).
- According to the IRS notice, any person with a federal income tax payment due April 15, 2020, is affected by the COVID-19 emergency for purposes of this tax relief is an "affected taxpayer". The notice continues to explain that:
  - For an affected taxpayer, the due date for making federal income tax payments due April 15, 2020, in an aggregate amount up to the "applicable postponed payment amount," is postponed to July 15, 2020.
  - The "applicable postponed payment amount" is up to \$10 million for each consolidated group (as defined in Reg. section 1.1502-1) or for each C corporation that does not join in filing a consolidated return.
  - For all other affected taxpayers, the "applicable postponed payment amount" is up to \$1 million regardless of filing status. For example, this amount is the same for a single individual and for married individuals filing a joint return.
- The relief provided by Notice 2020-17 only applies for federal income tax payments (including payments of tax on self-employment income) due on April 15, 2020, in respect of an affected taxpayer's 2019 tax year, and federal estimated income tax payments (including payments of tax on self-employment income) due on April 15, 2020, for an affected taxpayer's 2020 tax year.
- Notice 2020-17 clarifies that there is no extension provided by it for the payment or deposit of any other type of federal tax, or for the filing of any tax return or information return.

## Guidance related to interest and penalties:

- As a result of the postponement of the due date for making federal income tax payments up to the applicable postponed payment amount from April 15, 2020, to July 15, 2020, there will be no accrual of interest, penalties or addition to tax for a failure to pay for the period beginning on April 15, 2020, and ending on July 15, 2020. Interest, penalties, and additions to tax with respect to amounts of postponed federal income tax payments will begin to accrue on July 16, 2020. Also, interest, penalties, and additions to tax will accrue, without any suspension or deferral, on the amount of any federal income tax payments in excess of the applicable postponed payment amount due but not paid by an affected taxpayer on April 15, 2020. Notice 2020-17 states that affected taxpayers subject to penalties or additions to tax despite the relief granted by this notice may seek reasonable cause relief under section 6651 for a failure to pay tax or seek a waiver to a penalty under section 6654 for a failure by an individual or certain trusts and estates to pay estimated income tax, as applicable. Similar relief with respect to estimated tax payments is not available for corporate taxpayers or tax-exempt organizations under section 6655

# Nous sommes solidaires et à votre disposition pour vous informer et vous aider



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