



## LNQV RATE/ PRIVATE INDIVIDUALS Applicable in 2020

### SUMMARY OF THE LEGISLATION

The Act no. 2015-990 on development, activity and equality of economic opportunities of 6 August 2015, named « MACRON », establishes a rate for the determination of the fees due to the Notaires for their services.

The decree no. 2016-230 of 26 February 2016 lists the services subject to this rate.

The administration order (“*arrêté*”) dated 26 February 2016 sets the regulated notaire rate. You can find it on our website under “*Tarif réglementé des notaires*”.

The main modifications provided by the “MACRON”-Act are the following:

- Revision of the notaire rate (simplification and tariff reduction) aiming a better legibility,
- Possibility given to the Notarial Offices to grant discounts to their clients. Those reductions have to be permanently displayed on the website of the Office,
- When an act is certified in participation with a second Notaire, the fees are no longer shared as previously (50/50 in Paris), but awarded to the Notarial Offices in accordance to their specific rates.

Further measures have to be pointed out:

- the possibility to negotiate freely the fees above EUR 80,000 has been abolished,
- the granted discount rates are fixed and have to be identical for all the clients (Article L. 444-3). In other words:
  - the Notaire is the one that decides to grant or not to grant a discount to particular categories of services in a chosen domain;
  - that this rate is granted to all clients for all the contracts of the same category;
  - that any other discount or reduction cannot be negotiated by a Notaire and his client.
- Furthermore, the Notaires are authorized to charge freely negotiated fees for their services, in case those services are not subject of the above mentioned rate; and on the condition of a written fee agreement with the client.



Les Notaires du Quai Voltaire

## I.- FAMILY LAW

### i. Summary of the new rates

#### 1. Inheritance (déclaration de succession) (Article A. 444-63)

BASE	APPLICABLE RATE
from 0 EUR to 6.500 EUR	1,578 %
from 6.500 EUR to 17.000 EUR	0,868 %
from 17.000 EUR to 30.000 EUR	0,592 %
over 30.000 EUR	0,434 %

#### 2. Gifts inter vivos (Article A. 444-67) and *donations-partages* (Article A. 444-68)

BASE	APPLICABLE RATE
from 0 to 6.500 EUR	4,931 %
from 6.500 EUR to 17.000 EUR	2,034 %
from 17.000 EUR to 60.000 EUR	1,356 %
over 60.000 EUR	1,017 %

#### 3. Gifts inter vivos relating to active debts, cash or registered securities

BASE	APPLICABLE RATE
from 0 to 6.500 EUR	2,367 %
from 6.500 EUR to 17.000 EUR	0,976 %
from 17.000 EUR to 60.000 EUR	0,651 %
over 60.000 EUR	0,488 %

#### 4. Divisions (Article A. 444-121)

BASE	APPLICABLE RATE
from 0 to 6.500 EUR	4,931 %
from 6.500 EUR to 17.000 EUR	2,034 %
from 17.000 EUR to 60.000 EUR	1,356 %
over 60.000 EUR	1,017 %

### ii. Discounts granted by LNQV

BASE	DISCOUNT RATE
from 0 to 10.000.000 EUR	0 %
over 10.000.000 EUR	10 %



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## II.- REAL ESTATE SALE

The promise to sell is subject to a fixed fee of € 200.00 excluding taxes.

i. **Summary of the new rates - transaction by mutual agreement (Article A. 444-91)**

BASE	APPLICABLE RATE
from 0 to 6.500 EUR	3,945 %
from 6.500 EUR to 17.000 EUR	1,627 %
from 17.000 EUR to 60.000 EUR	1,085 %
over 60.000 EUR	0,814 %

ii. **Discount granted by LNQV.**

BASE	DISCOUNT RATE
from 0 to 10.000.000 EUR	0 %
over 10.000.000 EUR	10 %

## III.- FINANCING

i. **Summary of the new rates**

1. **Loan, financing, certificate of indebtedness, credit facility (Article A. 444-143)**

BASE	APPLICABLE RATE
from 0 and 6.500 EUR	1,315 %
from 6.500 EUR and 17.000 EUR	0,542 %
from 17.000 EUR and 60.000 EUR	0,362 %
over 60.000 EUR	0,271 %

2. **Mortgage (Article A. 444-136)**

The mortgage leads to the following rates:

- When the mortgage is granted by a third person in the principal deed: on the quarter of the fees of the principal deed;
- When there is no principal deed: on the fees that would have been receipt on this deed;
- In other cases: on the half of the fees of the principal deed.



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3. Receipts and discharges (Article A. 444-161)

3.1 A basic receipt or the cases targeted in articles 1250, paragraph 2 and 1251 of the French civil code:

BASE	APPLICABLE RATE
from 0 and 6.500 EUR	1,972 %
from 6.500 EUR and 17.000 EUR	1,085 %
from 17.000 EUR and 30.000 EUR	0,740 %
over 30.000 EUR	0,542 %

3.2 Subrogation targeted in article 1250, paragraph 1 of the French civil code:

BASE	APPLICABLE RATE
from 0 and 6.500 EUR	2,630 %
from 6.500 EUR and 17.000 EUR	1,085 %
from 17.000 EUR and 60.000 EUR	0,723 %
over 60.000 EUR	0,542 %

4. Release of mortgage (Article A. 444-141)

BASE	APPLICABLE RATE
from 0 and 6.500 EUR	0,493 %
from 6.500 EUR and 17.000 EUR	0,271 %
from 17.000 EUR and 30.000 EUR	0,185 %
over 30.000 EUR	0,136 %

ii. Discount granted by LNQV

BASE	DISCOUNT RATE
from 0 and 10.000.000 EUR	0 %
over 10.000.000 EUR	10 %



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## BUSINESS REAL ESTATE Applicable in 2020

### I.- REAL ESTATE SALE

i. **Summary of the new rate – non-residential real estate sale (Article A. 444-91)**

The proportional notarial fee is fixed at **0.814% (+405.41 EUR) + VAT**

This fee is shared between the two Notaires involved, i.e. half of that amount each: **0.407% (+202.70 EUR) + VAT.**

ii. **Discount granted by LNQV**

BASE	DISCOUNT RATE
under EUR 10,000,000	0 %
from EUR 10,000,000 to EUR 20,000,000	20 %
from EUR 20,000,000 EUR to EUR 30,000,000	30 %
over EUR 30,000,000	40 %



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## II.- REAL ESTATE FINANCING

### i. Summary of the new rates

1. Mortgage loan or mortgage for the funding of a professional activity (Articles A. 444-139 and A. 444-136)

The proportional Notarial fee is fixed at **0.447% (+223.40 EUR) + VAT**.

This fee is shared between the two Notaire involved, i.e. half of that amount each: 0.2235% (+111,70 EUR) +VAT.

2. Receipts and discharges (Article A. 444-161)

The proportional Notarial fee is fixed at **0.542% (+175.71 EUR)**.

This fee is shared between the two Notaire involved, i.e. half of that amount each: 0.271% (+87,85 EUR) +VAT.

3. Release of mortgage, privilege, pledge, guarantee or mortgage reduction (Article A. 444-141)

The proportional Notarial fee is fixed at **0,136% (+43,75 EUR BT)**.

This fee is shared between the two Notaire involved, i.e. half of that amount each: 0.068% (+21,85 EUR) +VAT.

### ii. Discount granted by LNQV – non-residential property

BASE	DISCOUNT RATE
under EUR 10,000,000	0 %
from EUR 10,000,000 to EUR 35,000,000	25 %
over EUR 35,000,000	40 %

### III.- LEASE – FINANCIAL LEASING

#### i. Summary of the new rate

##### 1. Property/Real estate leasing and sale associated with property leasing

###### 1.1 Real estate sale (Article A. 444-129)

- a. When the asset is sold by the lessor to a third party, other than the user of the property

The proportional Notarial fee is fixed at **0.814% (+405.41 EUR) + VAT.**

- b. When the asset is sold to the user of the property

The proportional Notarial fee is fixed at **0.271% (+135.14 EUR) + VAT.**

###### 1.2 Real estate leasing (Article A. 444-130)

The proportional Notarial fee is fixed at **0.542% (+270.67 EUR) + VAT.**

###### 1.3 Sale of real estate leasing (Article A. 444-132)

- a. Basic sale

The proportional Notarial fee is fixed at **0.542% (+270.67 EUR) + VAT.**

- b. Sale paid by the assignee

The proportional Notarial fee is fixed (i) for the sale at **0.814% (+405.41 EUR) + VAT** and (ii) for the leasing at **0.542% (+270,67 EUR) + VAT.**

###### 1.4 Exercise of the purchase option (Article A. 444-131)

The proportional Notarial fee is fixed at **0.814% (+405,41 EUR) +VAT.**

##### 2. Providing transaction, merger, transfer of all assets and liabilities, company related transaction (Article A. 444-158)

The proportional Notarial fee is fixed at **0.407% (+202,71 EUR) +VAT.**



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3. Emphyteusis (Article A. 444-103)

The proportional Notarial fee is fixed at **0.922% (+298,38EUR) +VAT**.

4. Construction or rehabilitation leases (Article A. 444-104)

The proportional Notarial fee is calculated on the composed basis of

- the paid rents including all applicable taxes (maintenance and reparation costs are not included),
- and the value (including all applicable taxes) of the constructions exercised in this period.

The fee is decreasing and split in three parts:

**1/** the basis calculated for the first five (5) years of the lease + the “*droit d’entrée*” (if any) : the proportional Notarial fee is fixed at **0.922% (+298,38 EUR) +VAT** ;

**2/** the basis calculated for the period from the 6th to the 20th year + the half of the basis calculated for the period from the 21st to the 60th year + the quarter of the basis calculated for the period from the 61st year to the end of the lease: the proportional Notarial fee is fixed at **0.353% (+113,99 EUR)+ VAT**;

**3/** the residual value of the finished constructions evaluated by the parties at the moment of subscribing the lease: the proportional fee is fixed at **0.651% (+210,71 EUR) +VAT**.

ii. Discount granted by LNQV

BASE	DISCOUNT RATE
under EUR 10,000,000	0 %
from EUR 10,000,000 EUR to EUR 20,000,000	20 %
from EUR 20,000,000 EUR to EUR 30,000,000	30 %
over 30,000,000 EUR	40 %