

## SOLE TRADER - REGISTRATION, FORMATION.

---

Prior to registering your company at the Trade and Companies Register ("Registre du Commerce et des Sociétés" or "RCS"), some formalities must be complied with. Documentary evidence will be required in order to complete your registration file.

NB : Submitting a file to apply for registration to the Trade and Companies Register.

The complete file must be brought :

Either to the centre for administrative formalities ("Centre de Formalités des Entreprises").

Either directly at the registry office ("le greffe") of the commercial court, pursuant to article R123-5 of the Commercial Code (the "article 3" procedure of decree n° 96-650 of July, 19 1996).

Preliminary procedures before registering at the Trade and Companies Register

Exercising a regulated activity

If your company exercises a regulated activity (sale of alcoholic beverages, optician, transportation of goods and passengers, etc.), make sure you fulfill the conditions required for this y (diploma, professional qualifications, etc.) in order to obtain the approval or the authorisation required to be registered with the RCS.

For further informations, contact :

- The professional organizations and trade unions.
- The services of the Prefecture of Paris.
- The regulatory authorities ("autorités de tutelle") (e.g. for transportation, you should refer to DREIF – Direction Régionale de l'Équipement d'Ile de France)

Registered business address ("Domiciliation")

You will have to bring evidence to the registry office ("le greffe") of a regular occupancy of the company's head office (by any means, such as a copy of the commercial lease, recent electric bill (EDF), telephone receipts, etc.)

The individual trader (natural person, as opposed to a corporate body) may register the address of his/her place of residence and use this place to conduct his/her business, insofar as no legislative provisions or contractual stipulations go against it.

Individual traders without business premises may register the address of their place of residence for the only purpose of providing a business address. Such a registration does not alter the purported use of the premises or lead to the application of the Commercial Lease Decree (Article L123-10 of the Commercial Code).

Further steps to be taken

Make sure that the name of the company is clearly indicated on your mailbox, or you will not receive the certificate of incorporation ("extrait K") that will be sent by the Registry.

In order to comply with the regulations, you must buy the company books (minute books, etc.) and get them stamped and signed by the Registry.

An individual trader may assert his rights upon the building of his/her place of residence to be inalienable. The assertion must be a notarial deed and must describe precisely the building and its nature (e.g. undivided or joint property). The act is referred to in the RCS (in the section "observation" of the P0 form).

Documents to enclose with your file to apply for registration with the RCS

Documents to attach to the registration file

One copy of the contract to support business plan for the creation or the takeover of a business y, if such a contract has been made. The copies must be certified by the individual trader as complying with the original documents.

One original copy of a declaration dated and signed by the spouse recognizing having been informed of the consequences of the debts contracted in the exercise of the profession in case the individual trader is married under the legal or contractual regime of community of property.

Documentary evidence to provide

A duly completed and signed PO application form. Two original copies for the registry office ("le greffe") and one original copy for the centre for enterprises formalities (CFE). [Click here to fill your file out online](#).

An original copy of the proxy from the individual trader if he has not personally signed the PO application form.

A document attesting the regular occupancy of the company's head office (e.g. a copy of the commercial lease, a contract with the domiciliation company, a recent electric bill (EDF) or telephone receipts, etc.). It is very important for your company to clearly state what your address is in order for the Registry office to send you the certificate of incorporation (K extract) during proceedings or for your partners to contact you.

If the activity declared is a regulated one, you must provide a copy of the authorisation delivered by regulatory authorities ("autorités de tutelle"), either a copy of the diploma or title.

A sworn statement attesting you have no criminal record, dated and signed on the original copy by the individual trader. This statement will be scrutinized later by the judge appointed by the president of the commercial court to supervise the RCS.

A certificate indicating the names and first names of the parents, unless this information appears in another document which has already been produced.

A copy of an ID : a copy of a passport or of a national identity card, or a double-sided copy of an unexpired residence permit. The status mentioned on the residence permit must enable its bearer to register at the Trade and Companies Register.

If the spouse or the person under a civil partnership is a partner, he/she must provide an identity document accounting for the marriage or the civil partnership.

A copy of the deed of non-seizability established by a notary, if required.