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Karviná: OPF SU

November 2004

Online at <https://mpra.ub.uni-muenchen.de/11579/>

MPRA Paper No. 11579, posted 15 Nov 2008 04:13 UTC

COMPARATIVE ANALYSIS OF CONDITIONS FOR A COMPANY FOUNDATION BY THE CZECH INVESTOR IN INTEGRATED EUROPEAN UNION

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Key words

Registered capital, mobility of capital, VAT rate, insurance costs, minimum wage rate

Introduction

Entry conditions on integrated market brought many new structural impulses to Czech business subjects – protective duties have been abandoned, our farmers have been involved in integrated agricultural policy, changes in the tax system, growth of personal mobility, liberalization of capital flow, subventions for economically backward regions or bad structuralised regions.

The united EU market offers other new possibilities, such as market without frontiers with 500 million consumers. It is necessary to have a wide international view, higher education in investment and management, finally, speaking other foreign languages, especially English to be successful on this market. If you do not understand their philosophy, you could suffer from severe competition on the market, and then you could have problems with international law, which protects the united market in the EU. It may not be forgotten that the “old” EU members have an advantage – time spent on the European market. It is the reason why Czech investors could have some other problems to face. These were the fundamental reasons why we have prepared this analysis.

The purpose of the analysis is to map out conditions for founding a company in the EU by using its keystones “Free mobility of goods, services, persons and capital” in real life. In our analysis we shall put special emphasis on the sections concerning persons and capital.

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1. Methods of analysis

To found a company in another country than the Czech Republic, it is critical to make a comparative analysis of future costs of carrying on business in our republic and the EU. We have divided these into the three following sections (see Table 1).

Table 1 Methods of business costs analysis

Section	Criterion
Goods and services free mobility	<ul style="list-style-type: none">• Basic principles in the integrated EU market
Free mobility of persons	<ul style="list-style-type: none">• Wages and salaries costs,• Insurance costs paid by employer• Long-term residence in EU, permission for working in another country
Free mobility of capital	<ul style="list-style-type: none">• Amount of registered capital for foundation of common company forms such as limited liability company, joint stock company or self proprietor• administrative costs and barriers,• VAT rate

2. Free mobility of capital

2.1 Comparison of requests on registered capital in the EU countries

When we intend to carry on business in the Czech Republic, we are obliged to follow the Czech Commercial Code, which stipulates the amount of the registered capital, which depends on the company legal form. In order to be permitted to establish a company with limited liability in the Czech Republic, you will need CZK 200,000 (€ 6,329) and for joint stock company you need CZK 2,000,000 (€ 63 291).

In our business law exist other business forms, such as self proprietor, partnerships, limited partnerships, where you do not need to have a registered capital except in the case of a co-operative, but on our market there are only two dominating forms - company with limited liability and joint stock company. Why are the other forms inessential for our analysis? In majority of countries their definition is not identical. This is the reason why we specialize on these two forms – limited liability company and joint stock company. This could be illustrated by the statistics in the selected EU countries as

showed in the table below:

Table 2 Comparison of the amount of registered capital

Country	Common forms of company type	Currency	Request on capital	Capital in €
Great Britain	Company with limited liability (CLL)		not requested	
	Joint Stock company (JSC)		not requested	
Denmark	CLL	DKK	125,000	16,788
	JSC	DKK	500,000	67,152
Estonia	CLL	EEK	40,000	2,547
	JSC	EEK	400,000	25,467
Ireland	CLL		not requested	
	JSC		not requested	
Italy	CLL	EUR	10,000	10,000
	JSC	EUR	100,000	100,000
Hungary	CLL	HUF	3,000,000	12,173
	JSC	HUF	20,000,000	81,153
Germany	CLL	EUR	25,000	25,000
	JSC	EUR	50,000	50,000
The Netherlands	CLL	EUR	18,000	18,000
	JSC	EUR	45,000	45,000
Portugal	CLL		not requested	
	JSC	EUR	25,000	25,000
Austria	CLL	EUR	35,000	35,000
	JSC	EUR	70,000	70,000
Greece	CLL	EUR	18,000	18,000
	JSC	EUR	60,000	60,000
Slovenia	CLL	SIT	1,500,000	6,249
Slovak rep.	CLL	SKK	200,000	4,998
	JSC	SKK	1,000,000	24,989
Poland	CLL	PLN	50,000	11,450
	JSC	PLN	100,000	22,900
Finland	CLL	EUR	8,000	8,000
France	CLL		not requested	
	JSC	EUR	37,000	37,000
Lithuania	CLL	LTL	10,000	2,895
	JSC	LTL	100,000	28,951
Belgium	CLL		not requested	
	JSC	BEF	2,500,000	61,982

From the viewpoint of “minimum costs”, the cheapest company with limited liability can be established in Estonia, Lithuania and Slovakia, while the most expensive will be in Austria, The Netherlands and Greece.

The cheapest joint stock company could be founded in Slovakia, Poland and Portugal, but the most expensive countries include Austria, Hungary, and Italy.

2.2 Common administrative and other barriers

Each country has a priority to protect their own market and their producers, because the EU countries have not fixed uniformity of business law. It is the reason, why they impose barriers and restrictions. A common restriction is in a form of tax from registered capital, ranging from 0.5% to 1% (e.g. Belgium, Greece, Poland) or in a form of registration fee, ranging from € 30 (GB, Ireland) to € 800 (Hungary), banking guarantee amounting to 50 000 USD (Greece).

Establishing of a company in other country is more complicated also due to the fact, that corporate statutes will have to be translated into the local language (which extends the process of registration and raises administrative costs), while it is customary to translate the articles of association into English. This barrier exists in Estonia, Finland, Latvia, Slovenia, or they require that a country resident be a manager or a lawyer in the particular company (e.g. Denmark, Estonia, Ireland, Lithuania, Spain, Portugal and Slovenia).

The best conditions and minimum administrative costs are offered by Malta, where registration process will be accomplished within 3-4 days, the same will take 1-2 weeks in Portugal in the case of establishing a joint venture company with a Portuguese person; on the other hand, this process will take approximately 3-4 months in The Netherlands and Austria (and, moreover, you will have to hand in the certificates of education, tax receipts, etc.).

Table 3 Examples of administrative fees in EU

Country	Administrative cost	Currency	Amount	Price in €	Total in €
<i>Great Britain</i>	registration fee	GBP	20	30	30
<i>France</i>	registration fee	EUR	60	60	260
	fee for incorporation in Trade Register		200	200	
<i>Ireland</i>	registration fee	EUR	30	30	30

Country	Administrative cost	Currency	Amount	Price in €	Total in €
<i>Hungary</i>	registration fee	HUF	60,000	243	1,258
	fee for notification in Trade Register		250,000	1,015	
<i>Germany</i>	registration fee	EUR	750	750	1,000
	Fee for notification		250	250	
<i>Greece</i>	tax from registered capital 1% CLL	EUR	180	180	180
	Tax from registered capital 1% JSC		600	600	600
<i>Slovakia</i>	fee for notification in Trade register - CLL	SKK	10,000	250	250
	fee for notification in Trade register - JSC		20,000	500	500
<i>Poland</i>	notary fee –CLL 3% from reg.capital	PLN	1,500	343	343
	notary fee –JSC 3% from reg.capital		3,000	686	686
	fee for notification in Trade register		500	114	539
	registration fee		860	197	
	fee for notification in Trade register		1,000	228	
<i>Lithuania</i>	tax from registered capital 1% CLL	EUR	28.95	28.95	28.95
	tax from registered capital 1% JSC		289.51	289.51	289.51
<i>Belgium</i>	tax from registered capital 0,5% JSC	EUR	310	310	310

2.3 Comparison of VAT rates

One of the EU priorities is to reduce differences between the basic VAT rates, but at the present time these figures are considerable – about 10%. For a businessman, who intends to commence his production in the particular country, this factor is vital, of course. The VAT rate has an influence on the sales price of the product and its rate increases or reduces competitiveness on the foreign markets.

Table 4 VAT rates in EU

Country EU 15	Basic VAT rate
Luxembourg	15 %
Germany	16 %
Spain	16 %
Great Britain	17,5 %

Greece	18 %
The Netherlands	19 %
Portugal	19 %
France	19,6 %
Italy	20 %
Austria	20 %
Belgium	21 %
Ireland	21 %
Finland	22 %
Denmark	25 %
Sweden	25 %

Basic VAT rate - new EU members	
Country	Basic VAT rate
Cyprus	15 %
Malta	15 %
Estonia	18 %
Lithuania	18 %
Latvia	18 %
Czech rep.	19 %
Slovakia	19 %
Slovenia	20 %
Poland	22 %
Hungary	25 %

The minimum VAT rates are offered by Cyprus, Malta, Luxembourg, Germany and Spain – 15-16.5%, the maximum VAT rates are imposed in Hungary, Poland, Denmark, Sweden and Finland.

3. Free mobility of persons

After the big expansion of the EU in May 2004, many EU countries have accepted a “transition period”, which restricts free mobility of persons - employees in the EU. This period will definitely expire in 2011. Only Ireland and Great Britain opened their labour markets at once. We have illustrated the situation in Table 5. These restrictions are affected by their own situation on the labour market and their concern of inexpensive, but qualified foreign labour force arriving from the new EU countries.

Table 5 Focus on free mobility of people

EU Country	Requirements
Germany	- residence permission, - you cannot have the following sectors -building industry, security services, health services, accommodation services

Austria	- residence permission, - abstract from the criminal register
Luxembourg	- residence permission,
Denmark	- application fee - 2800,- CZK (approx. € 89), - residence permission for 2 months
Sweden	Employer must guarantee a minimum wage rate, accommodation, labour permission.
Spain	Entry visa, abstract from the criminal register, administrative fee, translation to Spanish
Italy	Quota of 8,000 permissions per year
Finland	Labour permission, employment contract, abstract from the criminal register
New Members from May 2004	Without barriers

3.1 Comparison of minimum wage rates

Minimum of wage cost is another factor playing role in the making of the decision as to where you intend to set up your business. We have made a comparison in Table 6. The cheapest labour force is offered by Estonia, Lithuania, Latvia, Slovakia, while the most expensive can be found in Luxembourg, Belgium and the Netherlands.

Table 6 Comparison of minimum wage rate

Country	currency	Rate per month	Amount in €	Commentary
<i>Belgium</i>	EUR	1,233.54	1,233.54	
<i>Czech rep.</i>	CZK	6,700	212.23	
<i>Denmark</i>	DKK		Not defined	Problem is solved by collective agreement
<i>Estonia</i>	EEK	2,480	158.50	
<i>Finland</i>	EUR		Not defined	Problem is solved by collective agreement, minimum wage rate is different in concrete sectors
<i>France</i>	EUR	1,090.48	1,090.48	35 hours per week
		1,227.57	1,227.57	39 hours per week
<i>Ireland</i>	EUR		1,092.00	39 hours per week
<i>Italy</i>	EUR		Not defined	
<i>Cyprus</i>	CYP	345	598.20	
<i>Lithuania</i>	LIT	450	130	
<i>Latvia</i>	LVL	80	122	
<i>Luxembourg</i>	EUR	1,403	1,403	Rate is for unqualified staff

<i>Hungary</i>	HUF	54,000	219.11	For the unqualified - HUF 54,000; For qualified - HUF 100,000.
<i>Malta</i>	Lira	230.23	542.40	
<i>Germany</i>	EUR		Not defined	Problem is solved by the collective agreement, it depends on business sector
<i>the Netherlands</i>	EUR	1,264.80	1,264.80	For people aged over 23
<i>Portugal</i>	EUR	365.60	365.60	
<i>Austria</i>	EUR		Not defined	Problem is solved by collective agreement
<i>Greece</i>	EUR	504.83	504.83	Employees must receive 13 th and 14 th salary
<i>Slovakia</i>	SVK	6,080	151.93	
<i>Slovenia</i>	Tolar	103.64	442.60	
<i>Spain</i>	EUR	460.50	460.50	Employees must receive 13 th and 14 th salary
<i>Sweden</i>			Not defined	Problem is solved by collective agreement
<i>Great Britain</i>	GBP	702	1,028	39 hours per week; GBP4,5 per hour For workers between 18-21 years- GBP 3,80 per hour,

3.2 Insurance costs

You can see that the minimum costs for insurance paid by the employer are in the Great Britain, where an employee pays it on his own, the list is followed by Slovenia and Poland. The maximum rate is in France because they guarantee a pension at 70% of your wage rate.

Table 7 Outline of insurance costs

Country	Employer's costs in €	Commentary
Great Britain	0	SI- GBP 2 per week is paid by employee, employer 7% from profit above € 4,385
Slovenia	79.5	SI-employee 22,1%, employer 15,9%
Poland	104.1	SI - employee 18,71%, employer 18,29% - contribution to labour fund 2,45% - wage fund 0,08%, total 20,82%
Portugal	118.75	SI-employee 11%, employer 23,75%

Lithuania	155	Employer HI- 3%, pension fund 27%,accident insurance 1%, employee 3%
Hungary	165	employer HI - 11%, pension fund 22%, employee 2-8%
Estonia	165	employer pays all - 33% - health + social insurance
France	230	Employer 46%, employee 22%

SI – social insurance, HI – health insurance, the Calculation was made from a monthly wage rate of 500 €

Conclusion

Considering the simplified analysis of the named factors the following results may be concluded: the best conditions for founding a limited liability company are in Estonia or Lithuania (minimum rate of registered capital), for registration in Great Britain (minimum administrative costs), employing staff from Estonia (minimum wage rate), and considering insurance duty in again Great Britain (minimum insurance costs), VAT registration in Cyprus or Malta.

If we are agree that the combination of the above is not good to implement in common life, we could recommend staying in Estonia, having to stand the disadvantage of a long administrative process.

There is, of course, another possibility – not setting up “your own” company, but taking an opportunity to expand with an existing company abroad in the form of joint venture or strategic alliance – good conditions are in Portugal. Then, you could take the opportunity to get money from the EU funds, where good chances are offered at Cyprus and Malta by fast registration process and interest of the local government in supporting small and medium sized enterprise.

To act as a self-proprietor is more difficult in the EU than in our country – it is more complicated to obtain a trade licence, because one must have a qualification in the particular branch of business, than long-term experience and also, one has to be a member of the national professional institutions.

A business activity like commercial representation is not recommended, since many countries EU impose severe restrictions, which prohibit independent business - they view these as a mere representation. A clear reason – tax is paid to the country where the company has a registered place of business and it brings no benefits to the host country.

Benefits from the enterprise can be defined in two ways: firstly, a profit for the company's owner, secondly, state revenue from the settled taxes. Low rate of corporation tax are offered at Cyprus a Malta. Tax rate is about 10%.

Business environment in the EU is very different, varying markedly country-to-country. Advantage for the new EU member states is good rate of exchange for Euro and this factor decrease costs for capital and wage rate. Disadvantage is that economic system has not developed properly so far. It may be the reason why they offer better conditions for foreign investors – they intend to facilitate their own development.

Finally, I would like to add that this material has not been drawn up to seek solutions for all the problems, but we would like to present a new way for Czech businessman and Czech companies in the EU environment and make up a simple analysis on possibilities and opportunities for their expansion.

Abstract

Příspěvek si ve své první části klade za cíl teoreticky vymezit oblasti a kritéria hodnocení nákladů vznikajících při zakládání podniků v rámci evropské integrace v souladu s jejími základními principy. V druhé části se zabývá zhodnocením podnikatelského prostředí v rámci členských zemí EU z pohledu potřeby kapitálu, administrativních nákladů a sazby daně z přidané hodnoty. Třetí část je věnována kritériím z oblasti volného pohybu osob, a to z hlediska výše minimální mzdy, omezení pobytu a nákladů na sociální a zdravotní pojištění placeného zaměstnavatelem. Závěrem je provedena srovnávací analýza podle nejnižších nákladů s uvedením faktorů, které dále způsob a formu podnikání ovlivňují.

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