



Review of policies and current situation in France and the region of Auvergne

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RCTD Auvergne, FRANCE*

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1. POLICY ON NATURAL AREAS IN FRANCE AND THE REGION OF AUVERGNE

Map of France and the region of Auvergne



Source: European Commission <http://europa.eu/abc/maps/>

1.1 THE NATIONAL LEGISLATION OF FRANCE GOVERNING THE FUNCTIONING OF NATURAL AREAS

List of policies (e.g. for UK the Environmental Protection Act 1990)

1. The French law for environmental conservation about classified and registered natural sites (act of May 2nd 1930), and about nature reserves (act of July 1st 1957). Notice: it's necessary to be a classified site to be a "Grand site de France".
2. The Regional Nature Parks Act (March 1st 1967) about the setting up process and classification of Regional Nature Parks.
3. The Bouchardeau Act (July 12th 1983) about the Natural Areas of Ecological Interest flora and fauna.
4. The implementation of the European Directive 92/43/CEE called Directive Habitats Faune Flore about the Natura 2000 network with two kinds of sites: Special Protection Areas and Special Areas for Conservation (Important Areas for Bird Conservation before the European Directive 79/409/CEE called Directive Oiseaux).

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Brief description

1. After classification, authorizations of the Minister for the Environment are required to undertake work that could damage or affect the condition or appearance of the premises. The ministry authorization is required for expropriation, sale, building... Display and advertising are prohibited. The local authority may prohibit access. After registration, all projects or works must be notified to the Ministry for information.

The most prestigious and most visited national heritage sites have undergone ambitious rehabilitation projects. These projects are part of the "Opérations Grands Sites" which are partnerships between the French state, local organisations and the people on the sites themselves.

2. Regional Nature Parks are public organizations that implement a sustainable development plan on their areas to ensure a balance between the objectives of environment conservation and sustainable economic and social development.

3. The inventory ZNIEFF (Natural Areas of Ecological Interest flora and fauna) is a national survey led by the State at regional level.

4. The objectives are the protection of biodiversity in the European Union, the maintenance, restoration or conservation of :

- priority species of Community interest
- natural habitats of Community interest,
- landscape elements (essential for migration, dispersal and genetic exchange of wild species).

The Special Protection Areas are terrestrial sites particularly suitable for survival and reproduction of wild bird species.

The Special Areas for Conservation are terrestrial sites particularly suitable for survival and reproduction of species of wildlife that justified the designation of Natura 2000.

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1.2 THE EXISTING MANAGEMENT STRUCTURES OF NATURAL AREAS

Brief description of the designation (e.g. for UK National Parks, in France – Grand Sites)

1. Regional Nature Parks are public organizations dedicated to implement sustainable development plans (or to offer technical support on environmental issues), based on the preservation and enhancement of the natural and cultural heritage and local know-how.

2. "Grands Sites" are areas protected by the French law of 2nd May 1930 related to "the protection of natural

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monuments and sites of artistic, historic, legendary or picturesque character”. The Opérations Grands Sites are tangible improvements that may include the rehabilitation of deteriorated areas and the improvement or creation of welcome facilities. Each “Grand site” has a management structure, it depends on the site, it could be a Departement Assembly or a local authority but it’s often a Syndicat Mixte like in Auvergne with Puy Mary. For example, “Syndicat Mixte” of Puy Mary is a public organization in charge of an economic development and preserve project of an important area with 500 000 visitors per year called “le Puy Mary” including exceptional, fragile and protected landscape that is both well-known and emblematic. Syndicat Mixte of Puy Mary is a management structure to monitor an investment plan (welcome facilities, landscaping...).

Notice: The regional nature park of Auvergne volcanoes is involved in environment management (Natura 2000 area on the Puy Mary area). The regional nature park is in the steering committee of “Syndicat Mixte du Puy Mary”.

(text limit: 2000 characters by designation)

How it relates to other administrative structures (hierarchy of responsibility)?

1. Regional Council of Auvergne implements a policy dedicated to natural and rural areas management through public funds to these public organizations (2 790 000 € in 2010). There are two regional nature parks in Auvergne: “Volcans d’Auvergne” and “Livradois-Forez”. Each sustainable development Plan is embodied in the Charter of the NRP. This Charter is built with elected people of the local communities (regions, departments, villages) and associating local stakeholders.
2. Regional Council of Auvergne implements a policy dedicated to the most important (regarding budget and/or impact) tourist projects led by investors or public figures. In this framework, Regional Council of Auvergne and Syndicat Mixte of Puy Mary have a several-year contract to support Grand site of Puy Mary investment plan.

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How is it governed?

1. Regional Nature Parks are public organizations gathering the elected people of the local communities (regions (like Regional Council of Auvergne), departments, villages) and associating local stakeholders in their decision-making process.
2. “Syndicat Mixte” of Puy Mary is a public organization gathering the elected people of the local communities: Cantal Department, Regional nature park of Auvergne Volcanoes and 13 villages). Regional council supports Grand site of Puy Mary investment plan (with funds).

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Is there a link to the legislation in 2.2 above?

The french law for environmental conservation about classified and registered natural sites (act of May 2nd 1930), and about nature reserves (act of July 1st 1957) are involved with “Grand site de France” areas.

The Regional Nature Parks Act (March 1st 1967) about the setting up process and classification of Regional Nature Parks. It’s a policy mainly supported by Regional council and local authorities.

The other legislations (the Bouchardeau Act and Natura 2000 network) are related to natural heritage assessment and conservation.

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Highlight activity that is good and why (e.g. partnerships working, management plans, autonomy of activity)

A management structure with a strategy and sustainable development plan submitted for approval of all local communities (regions, departments, villages) and associating local stakeholders. It’s necessary to have a long-range strategy (10 years for example) with a medium-range investment plan by contract (3 years for example) to ensure an efficient implementation and grants management.

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2. POLICY ON ENTREPRENEURSHIP AND SMES DEVELOPMENT IN FRANCE AND THE REGION OF AUVERGNE

2.1 JUDICIAL FORMS OF BUSINESS CONDUCT IN FRANCE

ENTREPRISE INDIVIDUELLE (PROPRIETARY): All the activities that don't require an important financing. Sole individual trader. No notion of "capital stock". All activities: trade, liberal, craft, farming, etc. No taxation on the firm. For the entrepreneur, income tax in the category of non-commercial earnings (professions) or business and commercial earnings (commercial activities). The sole entrepreneur. Benefits: - Simplicity of setting up - Simplicity of functioning - Freedom of action of the corporate manager - Adapted to the small-sized business. Drawbacks: - Total and indeterminate liability (except patents) - Taxation systems (earnings taxed on the income tax), so it restricts the company self-financing capacities.

EURL (SOLE PROPRIETORSHIP WITH LIMITED LIABILITY): Adapted to all the projects if the setting up formalism and functioning are accepted. 1 partner (natural person or corporate body). No minimum of capital structure. Subject to the corporation tax (leader payment deductible from the profit). Manager: necessarily a natural person: the sole partner or a third. Benefits: - Liability limited to the contribution - Easy to transfer - Easy to evolve towards the Limited Company - Easy functioning. Drawbacks: - Setting up charges and formalism (for only one partner!) - Formalism and functioning charges (the same as the Limited Company).

SARL (LIMITED COMPANY): Adapted to all the projects if the setting up formalism and functioning are accepted. Proprietorship With Limited Liability + more restrictive formalism. Minimum of 2 partners, maximum of 100 (natural person or corporate body). No minimum of capital structure. Subject to the corporation tax (leader payment deductible from the profit). Manager: necessarily a natural person: the sole partner or a third. Benefits: - Liability limited to the contribution - Progressive structure. Drawbacks: - Setting up charges and formalism - Functioning formalism.

ASSOCIATION: Adapted to all the non-profit projects: culture, sport, humanitarian, social... Minimum of 2. No Maximum. No capital but contribution of the members possible. Its purpose has not to be the sharing of earnings. However it can make limited earnings. Total freedom: one or more presidents. Benefits: - Simplicity of setting up, (statement at prefecture) - Freedom of functioning - Preferential fiscal treatment for non-profit-making activities - Possibility to receive donations, legacies... Drawbacks: - Possibility of reconsideration of the tax treatment (profit or non-profit-making activities!) - Sharing of the earnings between the members impossible - Transformation into a society is forbidden (except Cooperative Society of Production).

SCIC (COOPERATIVE SOCIETY OF COLLECTIVE INTEREST) and SCOP (COOPERATIVE SOCIETY OF PRODUCTION):
SCIC: Projects meeting collective needs of a territory using its resources. Important social utility characteristic. For a Limited Company, minimum 3 maximum 100 or minimum 7 and no maximum for a Public Company. Partners: coop. employees who beneficiaries of the goods and services, private or public natural persons or corporate bodies, customers, volunteers, each natural person or corporate body concerned by a same project on a territory. No parties can get the majority. Capital structure is variable. It can increase or decrease without

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formalities. Production or supply of goods and services of collective interest and presenting a social utility characteristic in all the sectors on a territory or in a field. Reinforcement of the social economy. 1 or more leaders chosen among the partners inside or outside the Cooperative Society of Collective Interest.

SCOP: Projects in all the sectors, economic project about shared values. Employees (51% of the capital as a minimum) + partners "investors", natural persons or corporate bodies non-employees (49% of the capital as a maximum and 35% of the suffrage). Capital structure is variable. Commercial venture with more than 51% possessed by the employees gathered around a same economic project and same values. Can concern all the fields and professions. Leaders employees, elected by the partners: for 4 years for a Limited Company, 6 years for a Public Company.

Both SCIC and SCOP: Subject to the corporation tax except the amounts allocated to stocks that can't be shared out (company share). The earnings are divided into three shares: a company share: the stocks (a minimum of 16% up to 45%), an employee share: the profit-sharing (a minimum of 25% up to 84%), and a capital share: the dividends (a minimum of 10% and a maximum of 33 %). Benefits: - The employees are the majority partners - Partners are equal - Contribution of public authorities to the capital possible (only Cooperative society of Collective Interest) - Transformation of any society or association into Cooperative Society of Production or Cooperative Society of Collective Interest possible, without changing the corporate body - A co-entrepreneur status - 1 person = 1 vote - Projects highly linked with a territory - Fair sharing of the profits - Makes the transfer to the employees easier - The earnings share in the stocks is final and contributes to the durability - The capital share of each one is reimbursed without increase in value. Drawbacks: Setting-up formalism (Prefectural authorization obligatory) and for SCO: Being registered on a list validated every year by the Department of Work, under the liability of the General Confederation of the Cooperatives Societies of Production.

AUTO-ENTREPRENEUR (SOLE TRADER): All the activities that don't require an important financing (turnover – 80,300 €) or craft and liberal project (turnover – 32,100 €). Sole individual trader. No notion of capital. Any commercial, craft, or liberal self-employment practiced in proprietary. It can be a joint venture: commercial and services. Taxation of the profit with the Income Tax. The sole trader. Benefits: - Accounting, fiscal and social system simplified - Exemption of registration in the trade and companies Register - Particularly adapted to small-sized independent businesses - Few administrative confines - Not subject to the VAT (depending on the sector). Drawbacks: - Not subject to the VAT (depending on the sector) - Not adapted to activities with strong needs of purchases or with a strong potential of development (no depreciations) - Limit of turnover.

2.2 ENTREPRENEURSHIP IN FRANCE

All the statistics make reference to the year 2009. The numbers are produced by the french "Conseil National de l'Information Statistique CNIS » www.cnis.fr. The statistics come from different governmental agencies, professional institutions and the French central bank (Banque de France). All the next elements in Auvergne concern mainly the SMEs.

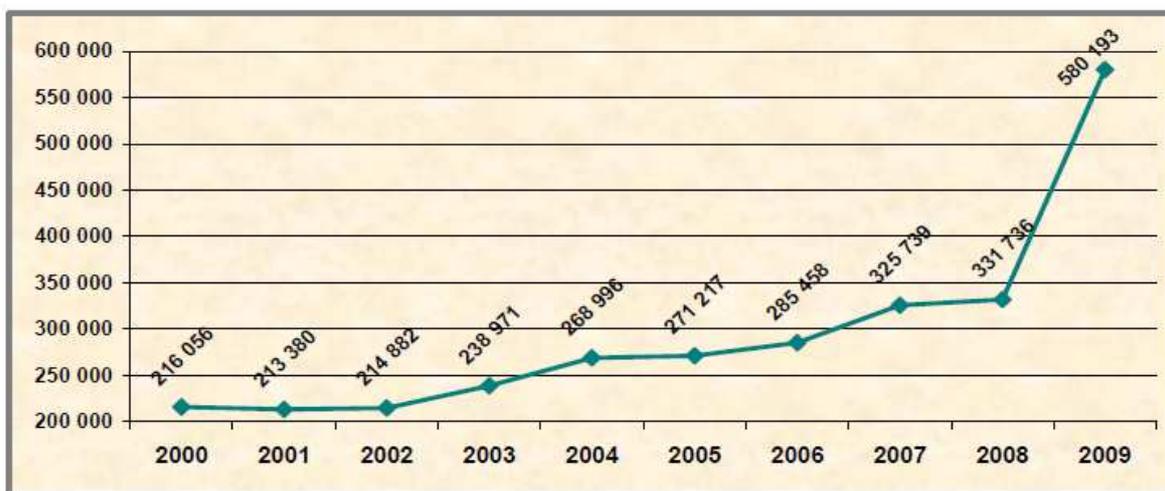
The companies setting up and operating companies:

- Out of the status of sole trader created in 2009, which enjoys a rapid growth in 2009 (75,1 % more), the number of companies setting-up **decreases by 21,5 %** in one year in France. **In the Auvergne, it decreases by 20,9% (less than in France)**, but, like in France, including the sole traders, the setting-up of companies increases in Auvergne in one year by 81,9% !
- The tendency of setting up is globally decreasing all sectors taken together, except the industry sector where the number grows: 2,4 % more.
- In conclusion: 580.193 companies created in France in 2009 of which 55 % are sole traders. In the same time, 9.133 companies are created in Auvergne and the status of sole trader represents 79 % of the company creations.

The evolution of enterprise creations in France (with the new status of sole trader included)

1/ Between 2000 and 2009

Annual number of businesses creations from 2000 to 2009



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2/ Between 2008 and 2009 and per activity.

Evolution of the number of businesses creation

Economic sector	Evolution du nombre de créations entre 2008 et 2009	Evolution du nombre de créations entre 2003 et 2008	Renewal rate in 2009 (p. 1 000)
Activités de type secondaire	+ 56,6 %	+ 37,7 %	176
Industrie	+ 108,4 %	+ 16,6 %	150
Construction	+ 44,3 %	+ 43,8 %	187
Activités de type commerce	+ 71,8 %	+ 35,2 %	175
Commerce de détail	+ 89,3 %	+ 28,6 %	222
Commerce de gros	+ 11,7 %	- 2,4 %	98
Commerce de bouche	+ 10,1 %	+ 13,6 %	46
Immobilier	- 7,9 %	+ 59,8 %	92
Hébergement et restauration	+ 28,2 %	+ 36,9 %	114
Services en direction des personnes	+ 189,3 %	+ 77,1 %	338
Vente et réparation automobile	+ 84,7 %	+ 35,1 %	158
Activités de type services	+ 86,7 %	+ 42,8 %	267
Courtage	+ 31,8 %	+ 42,9 %	276
Transports	+ 11,0 %	+ 20,0 %	95
Activités scientifiques et techniques	+ 106,0 %	+ 51,0 %	264
Activités de soutien aux entreprises	+ 114,2 %	+ 39,4 %	258
Information et communication	+ 140,5 %	+ 38,6 %	330
Enseignement	+ 190,0 %	+ 56,6 %	358
Arts, spectacles et activités récréatives	+ 203,6 %	+ 19,7 %	375
Santé	+ 19,1 %	+ 38,9 %	79
Activités financières	+ 2,9 %	+ 57,9 %	100
Ensemble des secteurs	+ 74,9 %	+ 38,8 %	186

An important evolution of the legal status of the companies between 2008 and 2009:

a large increasing linked with the development of 2 statuses : proprietary and sole trader.

Businesses creation with different legal status

Status	Nombre de créations en 2009	Evolution du nombre de créations entre 2008 et 2009	Evolution du nombre de créations entre 2003 et 2008
Entreprises individuelles	427 890	+ 152,2 %	+ 26,5 %
Sociétés	152 303	- 6,0 %	+ 54,5 %
Sociétés unipersonnelles	29 673	- 17,5 %	+ 93,9 %
SARL (hors EURL)	102 326	- 9,0 %	+ 29,2 %
SAS (hors SASU)	11 879	+ 119,8 %	+ 7,1 %
Autres sociétés	8 425	+ 2,1 %	+ 54,1 %
Ensemble des entreprises	580 193	+ 74,9 %	+ 38,8 %

- **A global compression of the economic activity, all sectors taken together : 12,1 % less for the industry, 5,1 % less for energy production, 2,1 % less or the services industry...**
- **Also investments decrease all in all by 8 %.**

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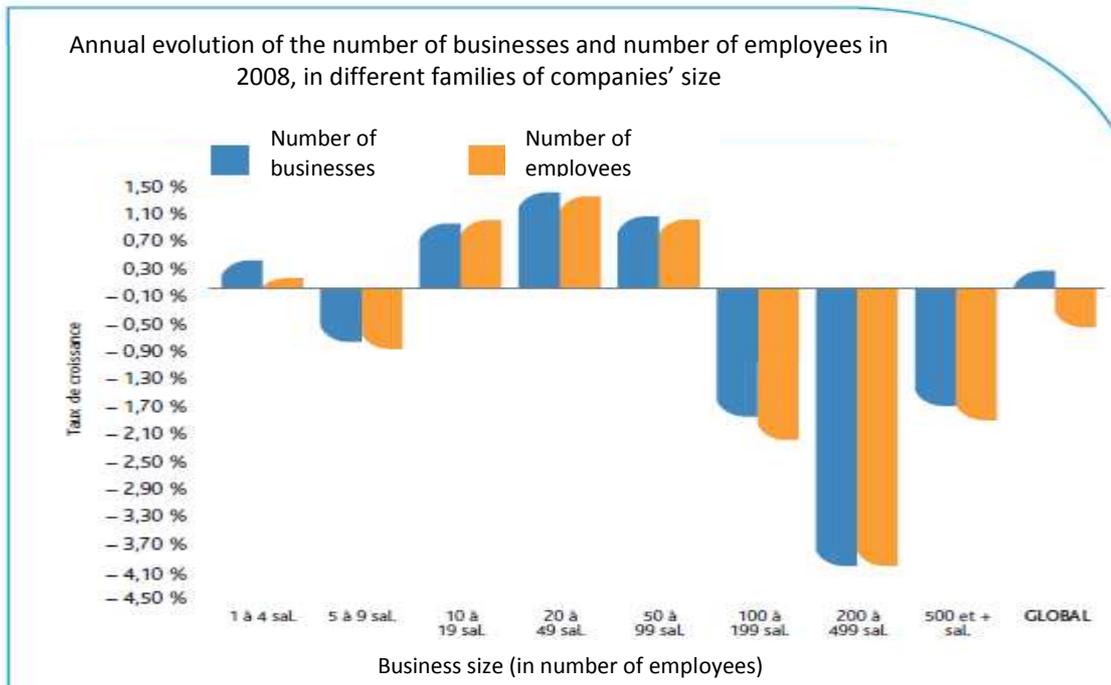
The active companies in France in 2010 per activity sector

Activity sectors	Sole Trader or proprietaries	Companies			Total
	Total	of which SARL	of which SA	Total	
Agricultural and food industry	34 813	22 815	1 479	29 379	64 192
Industry	60 727	90 176	10 910	123 865	184 592
Construction	203 155	180 599	3 397	196 360	399 515
Trade	289 612	321 571	14 668	382 445	672 057
Transports	44 178	36 845	2 303	45 819	89 997
Financial activities	21 703	14 758	3 244	30 794	52 497
Real estate activities	59 389	85 410	5 946	132 376	191 765
Service Industry	188 978	247 387	17 337	349 023	538 001
Other services	557 008	205 542	5 307	254 069	811 077
Total	1 459 563	1 205 103	64 591	1 544 130	3 003 693

The financial situation of the companies:

- From September 2008 to September 2009, the companies bankruptcies are on the upgrade: **more 18,3%**. The accommodation companies are also concerned: 17,5%.
- The investments, all sectors together, decrease in 2009 by 7,9% in France and by 7,1% in the Auvergne. The Gross Domestic Product shows in the same time a 1,9 point drop in France.
- At the moment, the average interest rate for investments is about 3,07 points (10 years loans) and waiting time to get loans is about 6 months, so it is not easy to get to and its even more difficult for the tourist accommodation companies.
- The evolution of the work forces in the French enterprises varies depending on the level of the number of jobs: the staff in the enterprises with less than 100 employees and more than 4 (41,6%) grows by 1,1% that represents 96,4% of the whole jobs creations in 2008; but in the enterprises between 200 and 499 employees, the jobs lost represent 4%.

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A few key facts for the economic impact of tourism in France :

Businesses in the tourism sector

	Number of businesses	Turnover (€ million)	Added value (€ million)
Hotels	25,707	15,908	8,619
Other tourist accommodation	13,172	4,935	1,879
Restaurants	112,221	30,799	14,582
Cafés	41,487	5,359	2,624
Travel agencies	4,263	12,635	1,966
Total	196,850	69,636	29,670

source: Insee, Annual Enterprise Survey for services (2006)

- 925 million of overnights stays in 2008 which represent 80 million of visitors, among which 60 million choose France as holiday destination.
- The balance of payments shows a surplus of 12,8 billion €: + 6,2 % 2007/2006.
- The tourism consumption is about 117,6 billion € in 2007 including the consumption of French residents (65,1%) and of foreign residents (34,9 %).

A few key facts for the economic impact of tourism in Auvergne in 2008:

- About 600 000 tourist beds,
- 29 à 31 million overnights stays,
- A tourism consumption of 2,6 à 2,8 billion € (about 7,5% of the regional Gross Domestic Product),

An outlay about 1,2 to 1,4 billion € for the whole tourist customers in 1 year (2008) that means 1.000 € more produced per inhabitant, and an "inhabitants equivalent" of a town of 100.000 inhabitants.

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More barriers to business development for SME's:

In addition to the request for high bank guarantees and not enough capital stock, five more reasons hold back the business development:

1. The technical support: very strong during the creation phase but is difficult to find during the development status.
2. The high level of the rents, mainly in the cities.
3. The high level of taxation and social contribution discourages the entrepreneurs from hiring new employees.
4. The difficulties to obtain cash flow and loans when needed.
5. Not enough links between SME's and university research.
6. The difficulties to find the requested skills.

Methods for measuring business registrations and closures (e.g. in UK no of businesses registering to charge VAT is used as a measure) and number of businesses operating in the region by sector.

The numbers are produced by the French "Conseil National de l'Information Statistique CNIS » www.cnis.fr. The statistics come from different governmental agencies, professional institutions and the French central bank (Banque de France).

Only one National agency (INSEE : Institut National de la Statistique et des Etudes Economiques) provides the attendance accounts in tourism and keeps watch on business registrations and closures. Each region in France has a tourism statistics observatory which takes over the surveys from the national agency first, then carries out its own surveys. In practical terms the surveys are sent monthly by mail over e.g. 14.000 hotels in France and 650 in Auvergne.

Trade support associations statistics e.g. number of businesses registering with tourist association.

Two kinds of tourist associations and registered from two groups of associations:

1. associations with a quality approach: a national one coordinates all the regional approaches since 2 years. About 10 networks with an association status exist in Auvergne at the moment. The first ones in France are hotels and camp sites associations : Hôtelcert (232), Camping Qualité (2.555 in France)
2. associations with a commercial approach, alone or gathered with a quality approach. Alone, it is a real commercial positioning.

The biggest one, which has a double approach, quality and commercial, is a hotel chain: The "Logis Hotels" (which also exist in Belgium, Italy, Luxemburg and Germany) involves a total of 3.024 hotels in France and 176 in Auvergne. All this associations have their own statistics, the great majority of them are hold back for their members. Aside, the members contribute individually, like each other accommodation enterprise, to the regional or national surveys.

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2.3 ENTREPRENEURSHIP IN AUVERGNE

The SMEs represent 99,9 % of the regional economic network (less than 250 employees). The Gross Domestic Product in 2008 is 25.630 € per inhabitant (30.746 € in France). Auvergne is ranked 13th region in France.

The number of active enterprises in Auvergne in 2009 and the evolution:

	Number of creations in 2009	Rate of sole traders	2002-2008 evolution	2008-2009 evolution	Renewal rate (p1000)	Creations density (p10000)
Auvergne	9 133	56,5 %	+ 51,4 %	+ 81,9 %	157	66
03 - Allier	2 249	56,3%	+ 50,9 %	+ 88,7 %	163	63
15 - Cantal	910	58,5 %	+ 46,1 %	+ 85,3 %	129	58
43 - Haute-Loire	1 568	53,0 %	+ 63,3 %	+ 72,7 %	152	69
63 - Puy-de-Dôme	4 406	57,5 %	+ 48,7 %	+ 81,4 %	163	69

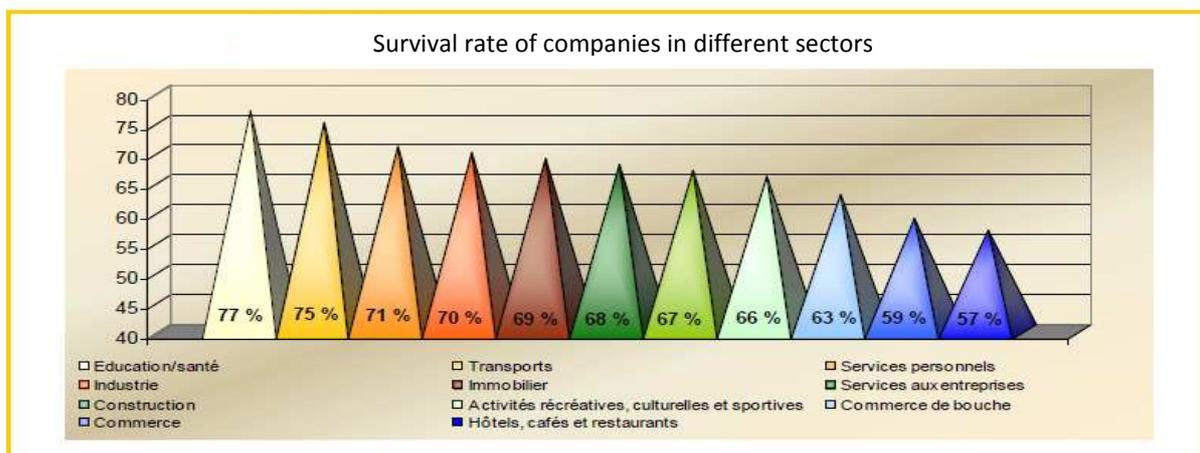
Globally, like in France, the main part of the enterprise creations is represented by 2 statuses: proprietary and sole trader, that is why this balance is positive.

	Janvier 2008	Janvier 2009	Octobre 2007 - janvier 2008	Octobre 2008 - janvier 2009	Evolution
Sole proprietorship	17 905	24 985	58 061	61 531	+ 6,0 %
Companies	16 251	12 803	56 922	49 827	- 12,5 %
Sole proprietorship with limited liability	3 679	2 776	12 171	10 786	- 11,4 %
Ensemble	34 156	37 788	114 983	111 358	- 3,2 %

- In Auvergne, the entrepreneurs prefer taking over enterprises rather creating it. That is why these enterprises have more chance for durability. The 3 activity sectors which are the most concerned are the commerce, the building construction and services for individuals. These entrepreneurs are first men, rather young with technical certificates rather than non-specialized high certificates. After 5 years, 56% are still active and 2.500 jobs are made durable of 2.900 jobs created or taken on.

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Durability of the enterprises after 3 years



- The durability varies from the highest: 77% for the sector of education and health to the smallest: 57% for the hotels and restaurants.

Globally, in the Auvergne, 2009 was a bad year for 3 sectors: industry, construction and commerce: turnovers are decreasing.

To make the setting-up and development of enterprises easier, a financial state office "OSEO" offers a free internet service called "Capital PME" to put through enterprises with investors either for companies creation or development. They are advised by consultant and specialists like public accountants, legal practitioners... The set purpose is a real financial leverage to guarantee the durability of the activity. This system is made easier by the possibility for the investors to enjoy tax exemption. But There are still barriers to business development. They are twofold: often, not enough capital stock and above all, a request for high bank guarantees.

- Another representative ratio is **The Gross Domestic Product**. In Auvergne per inhabitant and per employment: it is poorer than the average ration in France but it has been increasing regularly during the last 3 years (2009 is not known yet).

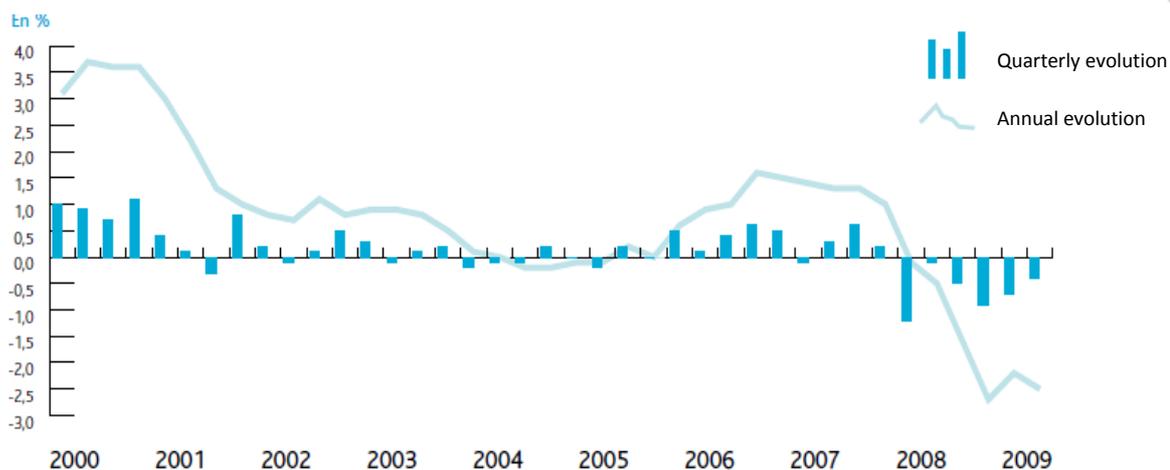
GDP				
In € and million €				
	Auvergne			France métropolitaine
	2006	2007	2008	2008
In million €	31 887	33 542	34 393	1 914 360
In € per job	60 656	63 495	65 027	75 948
In € per inhabitant	23 841	25 031	25 630	30 746

Source : Insee, Comptes régionaux.

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The employment evolution in Auvergne : - 2,7 % between 09/2007 and 09/2008

Quarterly and annual evolution of employment in Auvergne



That means 7.700 jobs less in 1 year. In Auvergne the salaried jobs represent 297.200 jobs at the 30th of September 2009. The first sector concerned is the industry (-4,5%, - 3.700 jobs), then the services sector (- 2%, - 3.800 jobs), then the building sector (- 0,6%).

At the same time, the household consumption shows the lowest increasing rate since 10 years: + 1% in 2008. Because the prices increased (+ 2,8%)., the buying power decreased by 0,6%.

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Average household income:

Internal revenues

Year 2008	Allier	Cantal	Haute-Loire	Puy-de-Dôme	Auvergne	France
Total number of fiscal households	158 410	66 364	95 004	274 677	594 455	25 942 431
Medial incomes	16 488	15 799	16 260	18 118	17 087	18 129
Share of business incomes	61,2	61,2	65,2	67,7	65,0	69,8
Share of pays	54,5	52,0	57,5	61,8	58,3	63,7
Share of earnings	6,6	9,2	7,7	5,8	6,7	6,0
Share of old-age pensions, private incomes	32,8	31,1	28,4	26,5	28,8	23,7
Share of other incomes	6,0	7,6	6,4	5,9	6,2	6,5

Sources : Insee ; Direction Générale des Finances Publiques