

10-1/ Distinctions: deciding on the legal form: business organizations, can be divided into two main types (*numerus clausus* on the types):

- *Physical persons that do NOT have a judicial personality:* sole proprietorship, simple company, collective company.
- *Moral persons that have a judicial personality:* partnerships , corporations, limited companies, co-operatives, associations and foundations.

10-2/ Criteria

A Capital:

- The expenses of foundation
- The need of capital
- The compulsory minimum capital according to the legal shape
- The intensity of capital of the current commercial activity
- The needs of capital supposed for the next 3-5 years.

- B Risk / responsibility: as a general rule, the more the risk of the company or the financial contribution is big, the more it is advised to opt for the limited company.

- C Independence: according to the legal shape, the margin of operation is restricted: it is thus a question of determining if the entrepreneur wishes to work only or with partners and if he prefers to integrate pure investors or partners who participate in his activity.

- D Taxes: according to the shape of the company, company profit and assets are either separately imposed from their owners (moral persons) or together (physical persons); moral persons are taxed less than physical persons

- E Social Security: physical persons are not insured against unemployment, and the contribution to pensions is optional; on the other hand, in the case of limited companies, the director of a company is also considered as employed and thus included under social assurance

Comparative charts:

<https://www.startups.ch/en/inform/details/forms/>

Guide:

http://www.whygeneva.ch/media/ecowhygeneva/files/guide_to_starting_a_business_in_ge_2015_ok_0.pdf