

Form EII Outline

RELIEF FOR INVESTMENT IN CORPORATE TRADES

APPLICATION FOR OUTLINE APPROVAL



Corporation Tax Reference Number

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Remember to quote this number in all correspondence or when calling at your Revenue office

This form when completed in full should be sent to:

Use any envelope and write "Freepost" above the address

NO STAMP REQUIRED

Alternatively it can be sent by e-mail to: eiadmin@revenue.ie

Office of the Revenue Commissioners
Corporate Business & International Division
Stamping Building
Dublin Castle
Dublin 2.

Applicants should note that incomplete applications may not be processed but may be returned to the applicant for completion. Applications which do not include the required supporting documentation will be treated as an incomplete application and will be returned.

Please complete in CAPITAL letters

Name of Company

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Date of Incorporation

D	D	M	M	Y	Y	Y	Y

Date of commencement of trade

D	D	M	M	Y	Y	Y	Y

Employers Registration Number

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(Please quote the reference number and name, if different, under which the trading company returns PAYE/ PRSI on behalf of its employees)

Name & Address of Registered Office of Company

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Company Name & Address where relevant trading activities are, or will be, carried on (if different to above)

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Full names of the directors and persons with a controlling interest

Details (e.g. % shareholding, type of trade etc.) of any other companies which the principal shareholder(s) may individually or collectively control

Company Name	Shareholding %	Type of Trade

NOTES:

1. The purpose of this form is to enable a company to ascertain whether or not a proposed share issue is likely to attract relief under the scheme of relief for investment in corporate trades. **It is stressed however, that entitlement to relief is determined when the share issue has taken place and the fact that a company may obtain outline approval does not guarantee the availability of relief.**
2. Everything to be done by a company under the Taxes Acts is to be done through the secretary or person acting as the secretary of the company (See section 1044(2) Taxes Consolidation Act 1997).
3. In completing this form applications should consult with the definitions document on **www.revenue.ie** which contains the statutory definition of terms used.
4. Your attention is drawn to the fact that:
 - (a) Under EU cumulation of State-aid rules, full details of a beneficiary company of a State-aid in the form of Employment and Investment Incentive (EII) and or Seed Capital (SC) relief-
 - Must be notified to the European Commission;
 - Will be published on the Revenue website and on the European Commission website;
 - May be made available to other State bodies with the responsibility for the administration of other State-aided schemes.
 - (b) The granting of SC or EII relief may have affects on future applications by the company for further State-aid schemes.
5. Any queries regarding EU culmulation of State-aid rules will not be dealt with by Revenue. Such queries should be addressed to the State body responsible for administration of the State-aid in question.

Applicants should note that incomplete applications may not be processed but may be returned to the applicant for completion.

Please complete the following checklist in respect of the company making the application by inserting **Y** or **N** into the answer box. If the question does not apply **DO NOT LEAVE THE ANSWER BOX BLANK**. Insert **N/A** into the answer box.

Where necessary insert notes into the notes column, or in the additional space provided at the back of this form.

PART 1 Qualifying Company within the meaning of section 494 TCA 1997

	Question	Documents to be submitted with application	ANSWER			Notes
			Select "Y" or "N" or "N/A" as appropriate	Y	N	
1	Is the company incorporated in the State?	Attach copy of Certificate of Incorporation				
2	Is the company incorporated in an EEA State (other than the State)?	Attach copy of Certificate of Incorporation				
3	Is the company an unquoted company within the meaning of section 488 TCA 1997.					
4	Is the company resident in the State?					
5	Is the company resident in an EEA State (other than the State) and carrying on business in the State through a branch or agency?					
6	Which of the following applies?					
	a The company will, throughout the relevant period, carry on relevant trading activities from a fixed place of business in the State, or					
	b The company's business consists wholly of -					
	(i) the holding of shares or securities of, or the making of loans to, one or more qualifying subsidiaries of the company, or					
	(ii) both the holding of such shares or securities, or the making of such loans and the carrying on of relevant trading activities from a fixed place of business in the State.					

	Question	Documents to be submitted with application	ANSWER Select “Y” or “N” or “N/A” as appropriate Y N N/A	Notes
7	Is the company a -			
	a A micro or small enterprise?			
	b A medium sized enterprise located in an assisted area, or			
	c A medium sized enterprise which is not located in an assisted area, which is at a stage of development not beyond start up stage?			
8	Does the company carry on Tourist Traffic Undertakings?	Attach approval from Failte Ireland		
9	Does the company carry on green energy activities?			
10	Is the company regarded as a firm in difficulty?			
11	Is the company associated with any other company?	If Y please provide further details in the space provided for at the back of this form.		
12	Is the company controlled by another company?	If Y please provide further details in the space provided for at the back of this form.		
13	Does the company control another company(ies)?	If Y please provide further details in the space provided for at the back of this form.		
14	Has any person or groups of persons who have control of the EII company had control of the trade as it was previously carried on before the EII company existed? This is relevant in the period beginning on the incorporation of the company (or, if the company was incorporated more than 2 years before the date on which the shares were issued, beginning 2 years before that date) and ending 3 years after the issue of the shares. If yes, an individual involved in this control will not be eligible for relief on his/her investment in the company.			

	Question	Documents to be submitted with application	ANSWER Select "Y" or "N" or "N/A" as appropriate Y N N/A	Notes
15	Had/has/will the EII company come to acquire all of the issued share capital of another company at any time in the relevant period? If Yes an individual involved in this control will not be eligible for relief on his/her investment in the company.	If Y please provide further details in the space provided for at the back of this form.		

PART 2 Eligible Shares and Use of Funds

16	Will the money raised from the share issue be used:			
	a For the purpose of carrying on relevant trading activities?			
	b In the case where the company has not commenced to trade, on research and development activities?			
	c To contribute directly to the creation or maintenance of employment in the company?			
17	If the company has not commenced to trade but intends to use funds raised for research and development activities -			
	a Will it expend all of the funds raised on research and development activities within 1 month before the relevant period ends and dispose of any resulting specified intangible asset to another person for the purposes of their trade?			
	b Within 2 years after the funds have been raised will it commence relevant trading activities and have expended all the funds raised on relevant trading activities or research and development activities?			
18	Throughout the relevant period will all share capital be fully paid up?			
19	Will all shares to be subscribed for be eligible shares?			
20	Will money raised through the share issue be used by the claimant company for the purposes set out at No. 17?			
21	Will money raised through the share issue be used by a subsidiary of the claimant company for the purposes set out at No. 17?			

PART 3 Individuals Investing

	Question	ANSWER Select "Y" or "N" or "N/A" as appropriate Y N N/A	Notes
22	Will all individuals subscribe for shares on their own behalf?		
23	Will all individuals who subscribe for shares be unconnected with the company?		
24	Have (or will) any individuals who will subscribe for eligible shares received value from the company?		
25	Have (or will) any individuals who will not subscribe for eligible shares received value from the company?		

Declaration.

I declare that to the best of my knowledge and belief the information given in this form is correct, and that:

- (i) The company and any subsidiary companies will throughout the relevant period continue to comply with sections 494(3), 494(11), 494(12)
- (ii) The company is not restricted in raising EII funds by association with another company within the meaning of section 491, Taxes Consolidation Act, 1997
- (iii) The shares in respect of which relief will be sought will be issued for bona fide commercial purposes and not as part of a scheme or arrangement, the main purpose, or one of the main purposes, of which was the avoidance of tax.
- (iv) The shares in respect of which relief will be sought will, throughout the period of 3 years beginning on the date on which they are issued, carry no present or future preferential rights to dividends or to the company's assets on its winding up and no present or future preferential right to be redeemed.

Signature

Date

D	D	M	M	Y	Y	Y	Y

Capacity in which signed

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Additional Information