

SBCI Brexit Loan Scheme

Eligibility Application Form



This application form relates to certain eligibility criteria for the SBCI Brexit Loan Scheme. Other eligibility criteria set out in the terms and conditions of the SBCI Brexit Loan Scheme (<http://sbci.gov.ie>) also apply.

This is not a guarantee of credit approval. Approval of a loan under the SBCI Brexit Loan Scheme is at the discretion of the relevant finance provider.

Please note: This application form contains mandatory binding declarations regarding eligibility for this scheme. If a false or misleading declaration is made, or if false or misleading information is provided with this application, it may lead to a demand for repayment of any sums advanced under this scheme by the finance provider and to any State aid received being recovered with interest.

DECLARATIONS

Please note that (1) an up to date **business plan**¹ must be provided to the **finance provider(s)**² when applying for an SBCI Brexit Loan Scheme and (2) in certain instances, **documents**³ must be provided to the SBCI with this application to evidence compliance with eligibility criteria as detailed in the section 'Innovation Criteria' below.

Please note that all declarations, business plans, and documentation can be audited by the European Commission and other bodies as part of periodic audits of European support schemes. Further details shall be provided in the terms and conditions to any loan made available under the SBCI Brexit Loan Scheme.

The SBCI Brexit Loan Scheme is offered in partnership with the Department of Business Enterprise and Innovation, the Department of Agriculture Food and the Marine and is supported by the InnovFin SME Guarantee Facility, with the financial backing of the European Union under **Horizon 2020 Financial Instruments**⁴.

I _____ of _____ confirm that:
 Name Borrower Name

The borrower satisfies one of the Brexit Criteria and one of the Innovation Criteria at the time of this application.

Brexit Related Criteria

Brexit Criteria (Choose one of the following criteria)	Please Tick
1. Export products, services or raw materials to the UK (including Northern Ireland) equating to at least 15% of business turnover.	<input type="checkbox"/>
2. Import products, services or raw materials from the UK (including Northern Ireland) equating to at least 15% of business turnover.	<input type="checkbox"/>
3. The combined exposure (of 1 and 2 above) equates to at least 15% of business turnover.	<input type="checkbox"/>
4. The business is indirectly exposed ⁵ to the UK (including Northern Ireland) i.e. transacts products, services or raw materials with an enterprise that is directly exposed to the UK (including Northern Ireland) equating to at least 15% of turnover.	<input type="checkbox"/>

1. Visit <http://sbci.gov.ie/brexit-loan-scheme/business-plan/> for suggested business plan templates.
 2. The following finance providers will be providing loans under the SBCI Brexit Loan Scheme: Allied Irish Banks, Bank of Ireland, Ulster Bank. Please visit <http://sbci.gov.ie/brexit-loan-scheme/> for further details.
 3. Further details are included in Innovation Criteria.
 4. Visit <https://ec.europa.eu/programmes/horizon2020/en> for further details on Horizon 2020.
 5. Indirect exposure arises when business is conducted with an enterprise that is itself exposed to the UK (including Northern Ireland) market.

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Innovation Criteria

The definition of research and innovation is broad and encompasses not only technological innovation and research in products but also research and innovation relating to organisational, marketing and process improvements.

Innovation can also be incremental particularly in low and medium technological companies leading over time to production efficiencies, product and marketing differentiation.

If you are unsure which criterion applies, please see the **case studies**⁶ for examples.

Please note that an up to date business plan¹ will be required to be provided to the **finance provider(s)**² in all cases when applying for a loan.

If you select criterion No. 3, 4, 5, 6,7,8, 10 or 11 you will also be required to provide the document detailed in that criterion to the SBCI as part of this application

Innovation Criteria (Choose **one** of the following criteria)

Please Tick

1. At least 80% of the Scheme Loan will be spent on research and innovation activities with the remainder on costs necessary to enable such activities.

Evidence required from applicant: The business plan given to the finance provider must reflect the details of the expenditures and activities to be undertaken.

2. You intend to enter a new product or geographical market, and the required investment is higher than 50% of average annual turnover in the preceding 5 years. **Evidence required from applicant: The business plan given to the finance provider must reflect details of the expenditures.**

3. You will have registered at least one technology right in the last 24 months and the purpose of the loan is to enable use of this technology right. **Evidence required from applicant: Evidence of technology right e.g. patent, utility model, design right, protection certificates.**

4. **You are an SME**⁷ and research and innovation costs represent at least 10% of total operating costs in at least one of the last three years preceding this application, or in the case where there is no financial history, as per current financial statements. **Evidence required from applicant: Costs to be certified by an accountant practising in the Republic of Ireland.**

5. **You are a Small Mid-Cap**⁸ and research and innovation costs represent either: -
a. at least 15% of total operating costs in at least one of the three years preceding this application
b. at least 10% per year of total operating costs in the three years preceding this application.

Evidence required from applicant: Costs to be certified by an accountant practising in Republic of Ireland.

6. You have been awarded a Research and Development or Innovation prize by an EU Institution or EU Body over the last 24 months. **Evidence required from applicant: Appropriate evidence⁹ of prize.**

7. You have received a grant, loan or guarantee from a European research and innovation scheme (e.g. Horizon 2020 or FP7) or regional/national research or innovation support scheme in the last three years, and are confirming that the loan is not covering the same expense. **Evidence required from applicant: Appropriate evidence⁹ of the grant, loan or guarantee.**

6. Visit <http://sbci.gov.ie/brexit-loan-scheme/case-studies/> for a selection of SBCI Brexit Loan Scheme case studies.

7. An SME is an enterprise which employs fewer than 250 persons and which has an annual turnover not exceeding 50m and/or an annual balance sheet total not exceeding 43m. An enterprise cannot be considered an SME if 25% or more of the capital or voting rights are directly or indirectly controlled, jointly or individually, by one or more public bodies.

If a company is part of a group the employee, turnover, annual balance sheet and ownership limits apply to the group.

For full details of the EU definition of an SME, please click on the following link:

<http://eurlex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32003H0361&from=EN>

8. A Small MidCap is defined as an enterprise that is not an SME and has fewer than 500 employees. See

<http://sbci.gov.ie/products/regulation> for further details.

9. All relevant costs and figures should be clearly stated.

Innovation Criteria

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8. You are an early stage **SME** and have received an investment over the last 24 months from a venture capital investor or business angel. **Evidence required from applicant: Appropriate evidence of the investment to be provided.**

9. You intend to use the loan to invest in producing, developing or implementing new or substantially improved products, processes or services or production or delivery methods (including business models) that are innovative, and where there is a risk of technological, industrial or business failure as evidenced by an external expert. **Evidence required from applicant: The business plan must demonstrate those risks of failure and evaluated by an external expert e.g. an accountant, engineer, the finance provider.**

10. You are a "fast growing enterprise" operating for less than 12 years with an average annualised employee or turnover growth greater than 20% a year, over a three-year period and with ten or more employees at the beginning of that period. **Evidence required from applicant: Evidence⁹ to be certified by an accountant practising in Republic of Ireland.**

11. You are operating in a market for less than seven years and research and innovation costs represent at least 5% of total operating costs in at least one of the three years preceding the loan application or in the case of an enterprise (and particularly a start-up) without any financial history, according to current financial statements. **Evidence required from applicant: Costs to be certified by an accountant practising in Republic of Ireland.**

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State Aid

I _____ an authorised agent of _____ confirm that
 Name Borrower Name
 _____ has received _____
 Borrower Name Aggregate Amount in Euro or Nil
 of **De Minimis Aid**¹⁰ within the last three years

(the current and previous two fiscal years), details of which are as follows:

Date Received	Grant Provider	Amount
DD/MM/YYYY		

SME & Small Mid Cap Details

Borrower Name *

Contact Name *

Borrower Legal Form¹¹ *

Incorporated Unincorporated

Contact Telephone Number *

Address Line 1 *

Contact Email Address *

Address Line 2 *

Address Line 3

Eircode¹² *

County *

Country *

10. De Minimis Aid is State Aid given to an enterprise which typically cannot exceed 200,000 over any three fiscal years. De Minimis Aid can come from any State body, agency or department. Visit <http://sbc.gov.ie/products/regulation> for further explanation of State aid

11. Choose between "Incorporated" and "Unincorporated" to best describe your business's legal form.

12. Go to the Eircode finder <https://finder.eircode.ie> to find your Eircode.

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State Aid

Business Details

Sector *

Established and operating in Ireland¹⁶

Yes No

Sector (NACE Code)¹³ *

Are you a family business¹⁷ *

Yes No

Year of Establishment *

Are you a client of Enterprise Ireland *

Yes No

SME or Small Mid Cap *

SME Small Mid Cap

Are you a client of Bord Bia *

Yes No

Number of Employees *

Are you a client of Local Enterprise Office *

Yes No

Annual Turnover¹⁴ *

Balance Sheet Total Assets¹⁵ *

Company Registration No. / VAT No. *

Company Registration No VAT None

Company Registration No. / VAT No.

13. NACE codes are commonly used within the E.C. to classify business activities for statistical purposes. Please select the NACE code from the list <http://sbci.gov.ie/products/nacecodes> that best reflects the primary activity of your business.

14. Annual Turnover relates to the € value of your business turnover in the last financial year. If you are in start-up phase and have not recorded any sales please insert €0.00.

15. Total Assets relates to the combined € value of the Current Assets plus Fixed Assets (also known as Non Current Assets). Total Assets is not the Net Assets figure.

16. An enterprise is established and operating in Ireland if it has a substantial operation within the Republic of Ireland.

17. A business is considered a family business if members of one family, or a small number of related families control the business: by holding more than 50% of voting shares, and/or

by supplying a significant proportion of the senior management AND the owners and/or senior managers perceive the business to be a family business.

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Other Declarations

Please Tick

It is necessary for the SBCI to process certain information (including personal data) to process your application. I confirm that I have read and acknowledge the **SBCI Data Protection Notice**¹⁸.

I am happy for the SBCI to contact me by email for the purposes of market analysis and surveys related to my application:

(You can withdraw your consent by emailing: applications@bls.sbc.gov.ie)

Yes No

In relation to loans over €1.25million, the European Investment Fund ("EIF") may wish to publish certain details (including your name, address and type of financial support provided per the EIF Guarantee) on the EIF website or in press releases as explained in the **SBCI Data Protection Notice**.

I consent to publication of my details by the EIF:

(You can withdraw your consent by emailing: applications@bls.sbc.gov.ie)

Yes No

I am aware this scheme is being offered by the Strategic Banking Corporation of Ireland in partnership with the Department of Business, Enterprise and Innovation, the Department of Agriculture, Food and the Marine and with the support of the European Investment Fund and I confirm that the loan will not be used in contravention of any of the **terms and conditions**¹⁹ of the scheme, (<https://sbc.gov.ie>) which I have read and understand.

Authorised Signature

Position

Date

Please send this form to us using one of the below

Post:

SBCI
PO BOX 504
Freepost FKY 101
Killorglin
Co Kerry

Email:

applications@bls.sbc.gov.ie

¹⁸. Visit <http://sbc.gov.ie/brexit-loan-scheme/sbc-data-protection/> to access the full SBCI Data Protection Notice

¹⁹. Visit <http://sbc.gov.ie/brexit-loan-scheme/terms-and-conditions/> to view the terms and conditions of the scheme.

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SBCI Data Protection Scheme

Personal data means any information relating to an identified or identifiable natural person. This includes data which either by itself or with other data held by us or available to us, can be used to identify you or other people. Your personal data comprises personal information and financial information relating to your business (the "Applicant") that we have obtained from you. We collect your personal data directly from you and we may also obtain it indirectly from other sources, including from lenders ("Financial Intermediaries") that are participating in the SBCI Brexit Loan Scheme (the "Loan Scheme"). The SBCI will act as data controller in relation to personal data you provide directly to us.

Personal data also includes special categories of personal data. We do not usually ask you for this type of information nor do we obtain it from third party sources. The exception is data concerning your health – this may be processed if you volunteer this information to us or to Financial Intermediaries for instance, if you tell us that you are unable to meet repayments because you have a health condition. Personal data also includes data relating to criminal convictions and offence details and we may process these if fraud prevention checks reveal a fraud or if we identify a fraud in relation to your application.

What we may use and process your personal data for and the relevant legal basis

We are required by data protection law to indicate to you the legal basis which relates to our use and processing of your personal data. This may include (as relevant):

- Processing that is necessary for performance of a contract or in relation to preparatory steps prior to entering into a contract: for example, completing this Application Form is necessary for the Applicant to be deemed eligible for the Loan Scheme. In particular, your personal data (including name, contact details, address and Eircode, and registration number) will be processed for the purposes of assessing the eligibility of your business for participation in the Loan Scheme. Providing personal data to the SBCI for this purpose is a contractual requirement in order to assess the Applicant's eligibility for the Loan Scheme. Personal data provided as part of your application may also be processed in the context of the guarantee agreement in place between the SBCI and the relevant Financial Intermediary, if your application for participation in the Loan Scheme is successful. The SBCI will also use your contact details for the purposes of communicating with you in relation to your application and for connected purposes.
- Processing that is necessary to comply with a legal obligation: (other than a contractual obligation) – such as: (a) to process your request for information or when you exercise your rights against us under data protection law; (b) for compliance with legal and regulatory requirements, including certain requirements to retain records; (c) for establishment and defence of legal rights; (d) for activities relating to the prevention, detection and investigation of crime; (e) to verify identity/ies including under anti-money laundering legislation; (f) to submit information and reports to Government Departments and/or EU institutions.
- Processing that is based on your freely given, specific, informed and unambiguous consent: in limited circumstances we may rely on your consent to process personal data such as where consent is provided to participate in certain promotional activities in connection with the Loan Scheme and in relation to publication of your personal data (including your name, address and type of financial support provided on the European Investment Fund website in relation to loans above a certain amount). You are entitled to withdraw your consent at any time using the contact details below.
In relation to publication of your personal data or details of your business by the EIF on its website or in press releases, you may object to such publication by notifying the SBCI in writing (see contact details below) for any of the following reasons:
 - (i) where publication would risk harming the commercial interests of your business;
 - (ii) where publication risks threatening the rights and freedoms of individuals concerned as protected by the Charter of Fundamental Rights of the European Union;
 - (iii) where publication would be illegal under the applicable laws and regulations; or
 - (iv) where the applicant is a natural person (i.e. not a corporate or legal entity).
- Processing that is necessary for legitimate interests: while the SBCI will not rely on its own legitimate interests as a lawful basis for the processing of personal data, personal data provided by the Applicant may be processed by other parties, such as Financial Intermediaries participating in the Loan Scheme for purposes such as: (a) fraud prevention and security purposes; (b) for management of business operations including auditing; (c) for market research and analysis including developing statistics (personal data may be anonymised prior to this – see below); and (d) to administer your loan account and to provide customer service and support functions including by website and or telephone; (e) for direct marketing (subject always to your consent, where that is required).

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SBCI Data Protection Notice

Eligibility checking

The primary purpose for which we use your personal data is to assess your eligibility for participation in the Loan Scheme. This requires an assessment to be carried out by the SBCI to determine whether the Applicant meets the following criteria:

- (i) the Brexit related criteria;
- (ii) the Innovation criteria; and
- (iii) the State Aid criteria.

Your personal data and other information you submit in the Application Form may be processed automatically. However, any final decision about whether you are eligible for the Loan Scheme will [always] involve human decision-making.

Disclosing personal data to other parties

The SBCI may disclose personal data provided by you to third parties including the following: (a) Financial Intermediaries, participating in the Loan Scheme, including for the purpose of confirming your eligibility; (b) Government Departments including the Department of Business, Enterprise and Innovation and the Department of Agriculture, Food and the Marine, both of which are partners in the Loan Scheme, including for reporting purposes and in response to parliamentary questions; (c) the European Investment Fund ("EIF") and its agents, the European Investment Bank ("EIB"), the European Court of Auditors, the European Commission (the "Commission") and its agents including the European Anti-Fraud Office, other European Union institutions or bodies and body which are authorised by applicable law to carry out audit and control activities. Such personal data may be held for a period of 7 years after the later of (i) the termination of the relevant agreement between the SBCI and the European Investment Fund or (ii) 30 June 2022. (d) we may share your personal data with our professional advisors and our auditors; (e) regulatory authorities, government agencies if required to do so by law or where we are required to do so in response to requests from all such bodies; and (f) to our service providers (including the NTMA) who act as data processors on our behalf.

Retention period or criteria used to determine the retention period

We will keep your personal data for as long as we need it to fulfil the purposes for which it was collected (see above). We will keep certain personal data after that in order to comply with legal and regulatory requirements. The criteria we use to determine data retention periods for personal data include the following:

- Retention for duration of participation in Loan Scheme. Personal data provided with your Application Form will be retained by the SBCI for the duration of the Applicant's participation in the Loan Scheme and for a period of 7 years thereafter (this shall include for example if your application is approved by the SBCI but the relevant Financial Intermediary denies a loan application and/or if your business fails to draw down any approved loan facility).
- Retention in case of claims. If the Scheme eligibility of your application is unsuccessful, any personal data contained in your application will be retained for a period of 1 year.
- Retention in accordance with legal and regulatory requirements. We will retain your personal data after the periods described above as necessary in order to comply with our regulatory compliance obligations.

If you would like further information about our data retention practices you can ask for this at any time (contact details below). **Transfers outside the EEA**

We will not in the normal course transfer your personal data outside the European Economic Area (EEA) save in exceptional circumstances and in all such cases appropriate safeguards shall be put in place to protect your personal data when it is outside the EEA. Such safeguards may include the Standard Data Protection Clauses (also known as EU Model Clauses). You can find out what these are here: http://ec.europa.eu/justice/data-protection/international-transfers/transfer/index_en.htm. Transfers may also happen based on the US Privacy Shield. Details here: www.privacyshield.gov/welcome. You can contact us for a copy of EU Model Clauses.

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SBCI Data Protection Notice

Your rights under applicable data protection law

There are various rights under data protection law and these will not always be relevant to you. We have described below what the rights are but please do be aware that they will not be engaged in all circumstances. If you wish to exercise any of these rights please contact us (details below).

- The right to obtain access to personal data that we hold about you and certain prescribed information about how we process it. The purpose of this right is to enable you to obtain confirmation that your data is being processed, to gain access to your personal data, and to other supplementary information about how it is processed. This is to ensure you can be aware of and can verify the lawfulness of the processing relating to your personal data.
- The right to obtain from us without undue delay the rectification of inaccurate personal data concerning yourself and to have incomplete personal data completed in certain circumstances.
- The right to obtain from us the erasure of personal data concerning yourself without undue delay in certain circumstances (also known as the "right to be forgotten"). This right is not absolute – it applies only in particular circumstances and where it does not apply any request for erasure will be rejected. Circumstances when it might apply include where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed, when consent is withdrawn (if relevant), when the individual objects to processing and there is no overriding legitimate interest for continuing the processing, if the personal data is unlawfully processed, or if the personal data has to be erased to comply with a legal obligation. Erasure requests will be refused where it is lawful and permitted under data protection law such as where the personal data has to be retained to comply with legal obligations or to exercise or defend legal claims.
- The right to obtain the restriction of processing of your personal data may be relevant if you contest the accuracy of your personal data and its accuracy is being verified; when the processing is unlawful and you request that use of the personal data is restricted and where you do not want erasure instead; or when we no longer need to process the personal data but you require the personal data to be retained in case of future legal claims.
- The right to data portability where the personal data is processed by us based on a consent or based on a contract and by automated means (as relevant). This right allows individuals to have their personal data transferred to another controller where it is technically feasible to do so.
- Rights relating to automated decision making about you including profiling (as relevant) if this has a legal or other significant effect on you as an individual – this right allows individuals in certain circumstances to access certain safeguards against the risk that a potentially damaging decision is taken without human intervention.

Your rights where data is transferred to the EIF, EIB or the European Commission

Should you wish to exercise your right to verify, correct, delete or otherwise modify personal data relating to that held by the EIF, the EIB or the Commission please address your request to the following:

- EIF: Attention of EIF Data Protection Officer, European Investment Fund, 37B avenue J.F. Kennedy, L-2968 Luxembourg, Grand Duchy of Luxembourg
- EIB: Attention of EIB Data Protection Officer, European Investment Bank, 88-100, boulevard Konrad Adenauer, L-2950, Luxembourg, Grand Duchy of Luxembourg
- European Commission: Attention of Data Protection Officer, European Data Protection Supervisor, Rue Wiertz 60, B 1047 Brussels, Belgium. By email: edps@edps.europa.eu

Contact us

If you have questions or queries about this data protection notice you can contact the SBCI Data Protection Officer at the details below:

- SBCI: Attention of SBCI Data Protection Officer, Strategic Banking Corporation of Ireland, Treasury Building, Grand Canal Street, Dublin 2

Your right to lodge a complaint

You have the right to lodge a complaint with the data protection supervisory authority in Ireland, which is the Office of the Data Protection Commissioner. For more information visit: [website: https://www.dataprotection.ie](https://www.dataprotection.ie)