



Our Ref: DTX/6158/09

Office of the Revenue Commissioners  
Corporate Business and  
International Division  
Dublin Castle  
Dublin 2, Ireland

Oifig na gCoimisinéirí Ioncaim  
Rannán Gnó Corparáidigh agus  
Idirnáisiúnta  
Caisleán Bhaile Átha Cliath  
Baile Átha Cliath 2, Éire

Alan Moore  
220 The Capel Building  
Mary's Abbey  
Dublin 7

25<sup>th</sup> September 2009

**Atamia Limited**

Dear Sir,

I refer to correspondence concerning the application of Atamia Limited to the scheme of tax relief for investment in corporate trades which is provided for in Part 16 of the Taxes Consolidation Act (TCA), 1997.

**Your attention is drawn to the fact that: -**

1. Under EU cumulation of State-aid rules, full details of a beneficiary company of a State-aid in the form of Seed Capital and/or BES relief -

- Must be notified to the European Commission;
- Will be published on the Revenue website and on the European Commission's website;
- And may be made available to other State-bodies with the responsibility for administration of other State-aided schemes.

2. The grant of Seed Capital/BES relief may have effects on any future applications by the company for further State-aid schemes e.g. employment grants and/ or financial assistance.

**N.B. Any queries regarding EU cumulation of State-aid rules should be addressed to the State body responsible for administration of the State-aid in question.**

IT SHOULD BE NOTED THAT ENTITLEMENT TO THE RELIEF CAN ONLY BE DETERMINED WHEN THE SHARE ISSUE IN QUESTION HAS TAKEN PLACE. A RICT 1 form can be downloaded from <http://www.revenue.ie/pdf/riict1.pdf> and should be completed and returned to this office along with a copy of the company's revised memorandum and articles of association when all the qualifying conditions have been met. In this regard your attention is drawn to the declaration on Page 6 of that form.

However, on the basis of the assumptions set out below and provided the other statutory conditions are satisfied, the Revenue Commissioners are prepared to express the opinion that Atamia Limited would be regarded as a qualifying company within the meaning of Section 495 of the Taxes Consolidation Act, 1997

(a) that the company is carrying on a qualifying trade for the purposes of the relief, i.e. that the company derives 75% of its income in the relevant period from one or more of the trading operations, as specified in Section 496(2) of the Taxes Consolidation Act, 1997.

b) that the company would be regarded as a micro, small or medium sized enterprise within the meaning of Annexe 1 to Commission Regulation (EC) No. 364/2004 of 25<sup>th</sup> February 2004. (Ref: Official Journal No. L63 of 28<sup>th</sup> February 2004). It should be noted that medium sized enterprises in non-assisted areas must be in their seed/ start-up stage of development to be eligible for the Business Expansion Scheme. Non-assisted areas are detailed in the 'Regional Aid Map 2007-2013 - Ireland'. Guidelines on National Regional Aid for 2007-2013 are in Official Journal C54 of 4<sup>th</sup> March 2006. Stage of development definitions are in



*'Community Guidelines on State Aid to promote Risk Capital Investments in Small and Medium-Sized Enterprises. (Ref: Official Journal C 194, 18<sup>th</sup> August 2006)*

*(c) that the company is not associated with any other company in circumstances which would be a barrier to its being regarded as a qualifying company for the purposes of Section 495 (10) & (11) of the 1997 Act, and otherwise complies with the requirements of Section 495.*

*(d) that the conditions set out in Section 489 (1) (c) (i) and (ii) of the 1997 Act will be satisfied, i.e. that the money raised will be used for the purposes of the trade and for the creation or maintenance of employment in the company. In this regard your attention is drawn to the necessity to have all company employees registered for PAYE/PRSI purposes in order to verify same.*

*(e) that the limits set out in Section 491(2) and Section 491(3) of the 1997 Act are adhered to i.e. that the company will not raise more than €1,500,000 in any twelve month period and that the limit of funding available to a company together with any associated company is €2,000,000.*

*(f) that any subsequent documentation, (e.g., placing document, put/call option etc.) will not offend the provisions of the legislation, in particular Section 489(14) of the Taxes Consolidation Act, 1997. Please forward copies of any such documentation at RICT 1 stage.*

*(g) that the company is not regarded as a firm in difficulty for the purposes of the Community Guidelines on State Aid for rescuing and restructuring firms in difficulty (Ref Official Journal No. C 244 of 1<sup>st</sup> October 2004 p. 2)*

Yours faithfully,

Cillian Byrnes  
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New Stamping Building  
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