

## Title I – Portugal FinLab

### **1. Concept**

PORTUGAL FINLAB is a communication channel between entities with innovative projects in the financial sector (including the insurance sector, the banking sector and the financial market instruments sector) and the Portuguese regulatory authorities, namely Autoridade de Supervisão de Seguros e Fundos de Pensões (ASF), Banco de Portugal (BdP) and Comissão do Mercado de Valores Mobiliários (CMVM) (henceforth "Authorities").

### **2. Objective**

2.1 PORTUGAL FINLAB aims to promote the contact between the Authorities and the entities which operate or intend to operate in the Portuguese market during the conception and development of their projects. This goal is expected to be achieved by ensuring the clarification of regulatory uncertainties, contributing to the reduction of the time-to-market of innovative products and the compliance of the innovative entities' operations with the applicable regulation.

2.2 The support to applicant projects to PORTUGAL FINLAB will be, firstly, materialized by the direct contact with the Authorities after the application process and the follow-up given by them. For the selected projects, the support will also be materialized through the issuance of the PORTUGAL FINLAB's Report (henceforth "Report") with a non-binding position that reflects the Authorities' understanding on the regulatory issues raised by the entities.

### **3. Addressees**

3.1 PORTUGAL FINLAB is exclusively addressed to entities with innovative technology-based projects in the financial sector which are established in Portugal or in any other foreign jurisdiction and seek to pursue its business activity in Portugal.

3.2 Those interested in participating in PORTUGAL FINLAB (henceforth "Applicants") shall submit their application for the pitch day.

3.3 Applicants selected for the pitch day are given the opportunity to present their projects and regulatory questions to the Authorities and, if selected for participating in PORTUGAL FINLAB (henceforth "Participants"), their projects will be analysed by the Authorities in the form of a Report.

#### **4. Non-binding nature of the Authorities' position**

4.1. The Authorities maintain their full decision-making independence and their opinions in the context of PORTUGAL FINLAB do not bind them in future decisions, nor restrict or affect the legal requirements and the authorization, registration, constitution or transformation procedures needed for the conduction of Participants' activity in Portugal.

4.2 Any analysis, report, opinion or statement produced by the Authorities in the context of the PORTUGAL FINLAB does not represent, and cannot be interpreted, as an approval of the Participants' activity in Portugal.

### Title II – Organizational Structure

#### **5. Organizational Bodies**

5.1. PORTUGAL FINLAB is comprised of the following structure:

- a) Operational Team;
- b) Technical Committee;
- c) Contact Authority;

5.2. In addition, an Advisory Committee will be constituted, composed of designated members of external entities and individuals, when deemed appropriate by the Authorities.

#### **6. Operational Team**

6.1. The Authorities designate annually the Authority that will ensure the role of Operational Team in the next edition of PORTUGAL FINLAB.

6.2. The activities to be performed by the Operational Team are as follows:

- a) To support the technological and operational component of the PORTUGAL FINLAB website, being the content management articulated between the Authorities, under the involvement of their respective communication offices;
- b) To coordinate promotional activities for PORTUGAL FINLAB, such as digital marketing (social networks and newsletters), networking events and press conferences, being the content management articulated between the Authorities, with the involvement of their respective communication offices;
- c) To ensure the function of treatment responsible towards the data holders, in the event of personal data processing operations, in

accordance with the General Data Protection Regulation (GDPR) and related European or national legislation;

- d) For Applicant's projects submitted to PORTUGAL FINLAB, to ensure the communication by e-mail to the following:
- i) All candidates, confirming receipt of the application;
  - ii) Out-of-scope projects, informing that they do not fall within the competences of any of the Authorities;
  - iii) Non-selected projects for the pitch day, which fall within the competences of one of the Authorities, indicating that they will be supported by a Contact Authority;
  - iv) Selected projects for the pitch day, proposing the scheduling date for the project presentation and indicating their Contact Authority;
  - v) Selected projects for the pitch day but not selected for PORTUGAL FINLAB, informing them accordingly and indicating their Contact Authority;
  - vi) Selected projects for the pitch day and selected for PORTUGAL FINLAB, informing that their project will be analysed by the Authorities and indicating their Contact Authority;
- e) To reply to the requests for information received in the mailbox of PORTUGAL FINLAB (info@portugalfinlab.com);
- f) To schedule and organize the pitch day;
- g) To schedule the Advisory Committee's meetings and contact its members, when applicable;
- h) To communicate the result of the analysis carried out by the Authorities to the Participants, in the form of a Report;
- i) To schedule and organize the final meetings with the Participants.

6.3. A detailed action plan shall be defined annually, identifying the activities to be carried out in the following year, namely the events, press releases, newsletters, marketing campaigns and the respective social media policy and supports, with an estimate of the financial, material, technical and human resources needed for each Authority to assume its duties. This action plan shall have the agreement of the Authorities, with the involvement of their respective communication offices and consider the need of maintaining a similar performance each year, regardless of who is the Operational Team.

## **7. Technical Committee**

7.1. The Technical Committee is composed of one member from each Authority and its composition will be published on the PORTUGAL FINLAB website.

7.2. The activities to be performed by the Technical Committee are as follows:

- a) Evaluate if the applications fall in PORTUGAL FINLAB's scope, excluding the projects which do not fall within the competences of one of the Authorities;
- b) Evaluate and select the projects for the pitch day, according to the evaluation methodology set out in Title III;
- c) Reevaluate the projects and select the ones for analysis by the Authorities, according to the evaluation methodology set out in Title III;
- d) Assign the selected projects for analysis to the sectorial competent Authority(ies);
- e) Indicate the Contact Authority for all the projects within PORTUGAL FINLAB's scope (i.e. all applications referred to in 6.2 from ii) to v)).

## **8. Contact Authority**

After indication by the Technical Committee, the Contact Authority is responsible for the analysis coordination of the projects that fall within its competences. It is also responsible for the notification by email to the Participants in order to request additional information or schedule meetings, when deemed necessary.

## **9. Advisory Committee**

9.1. The Advisory Committee is composed of external entities and individuals who, in the Authorities' opinion, may be relevant to the success of the PORTUGAL FINLAB initiative.

9.2. The choice of the Advisory Committee members is decided unanimously by the Authorities and will be published on the PORTUGAL FINLAB website.

9.3. The Advisory Committee may meet periodically or sporadically, upon request by the Operational Team, in order to provide advice on specific questions raised during the Authorities analysis of the selected projects.

9.4. The members of the Advisory Committee will only have access to non-confidential or uncharacterised information.

Title III – Evaluation Methodology

## **10. Evaluation Criteria**

10.1. The projects that do not fall within the competences of at least one of the Authorities' will be excluded.

10.2. The projects that fall within the competences of one or two Authorities will be evaluated by those Authorities only.

10.3. The projects' evaluation criteria are the following:

- a) Need for regulatory support;
- b) Innovative nature;
- c) Development status;
- d) Benefits and risks for the consumer and financial sector.

Criteria	Key question	Positive indicators	Negative indicators
a)	- Does the company have a genuine need for support through the innovation hub?	<ul style="list-style-type: none"> <li>- The innovation doesn't easily fit the existing regulatory framework.</li> <li>- There is a clear need of analysis and specific clarification that cannot be addressed with other communication channels.</li> <li>- The company tried to understand appropriately its legal obligations</li> </ul>	<ul style="list-style-type: none"> <li>- The innovation easily fits the existing regulatory framework.</li> <li>- The company has significant regulatory compliance resources;</li> <li>- The company did not make any effort to understand the legal framework.</li> </ul>
b)	<ul style="list-style-type: none"> <li>- How innovative is the project?</li> <li>- Is the innovation ground-breaking or significantly different?</li> </ul>	<ul style="list-style-type: none"> <li>- Desk research produces few or no similar examples of innovation;</li> <li>- Potential to change the standards of how the market operates.</li> </ul>	<ul style="list-style-type: none"> <li>- There are numerous examples of similar innovations;</li> <li>- It looks like artificial differentiation.</li> </ul>
c)	- On which stage of development is the project (e.g. the idea is being formed; it is in pilot stage; performing due diligence; looking for partners or investors)?	<ul style="list-style-type: none"> <li>- The project is technically accomplished but not operational for lack of regulatory clarification;</li> <li>- The project is being developed and the company is looking to launch it regulated by design;</li> <li>- The project is operating but it has been met with a regulatory challenge that blocks its practice.</li> </ul>	<ul style="list-style-type: none"> <li>- The idea and structure of the operation aren't determined and are still open to change (e.g. business plan; technology; product);</li> <li>- The innovation is compliant and ready to be launched. There is no need for participation in the Portugal FinLab.</li> </ul>

Criteria	Key question	Positive indicators	Negative indicators
d)	<ul style="list-style-type: none"> <li>- Does the innovation offer a good prospect or identifiable benefit to consumers (either directly or via heightened competition) or to the financial sector?</li>   <li>- Does the project pose potential risks to the consumer or to the financial sector?</li> </ul>	<ul style="list-style-type: none"> <li>- The innovation is likely to lead to a better deal for consumers (e.g. through lower price or higher quality);</li>   <li>- The company has identified any possible consumer or the financial sector risks and proposed mitigation;</li>   <li>- The innovation will promote effective market development.</li> </ul>	<ul style="list-style-type: none"> <li>- It is likely detrimental impact on consumer, markets or the financial system will happen;</li>   <li>- It looks designed to circumvent regulatory and/or fiscal obligations.</li> </ul>

10.4. The positive and negative indicators included in the table above are for illustration purposes only. Other indicators might be applied during the evaluation for each of the criteria.

## **11. Evaluation Criteria Weight**

The weighting coefficient for each criterion is the following:

- a) Need for regulatory support (25%);
- b) Innovative nature (25%);
- c) Development status (25%);
- d) Benefits and risks for the consumer and financial sector (25%);

## **12. Evaluation Scale**

The evaluation scale for each criterion will range from 1 to 5 and corresponds to the following classifications:

- a) 1 - poor
- b) 2 - sufficient
- c) 3 - average
- d) 4 - good
- e) 5 - excellent

Title IV – PORTUGAL FINLAB's Operation

## **13. Stages**

Each PORTUGAL FINLAB's edition will have two batches, to be communicated in PORTUGAL FINLAB's website, each comprising the following stages:

- a) Applications submission;
- b) Evaluation and selection of the applications for the pitch day;
- c) Notification to the Applicants selected for the pitch day;
- d) Pitch Day;
- e) Revaluation and selection of the applications for analysis by the Authorities;
- f) Notification to the Participants selected for analysis by the Authorities;
- g) Analysis of the projects and the regulatory issues raised by the Participants;
- h) Communication of the competent Authority(ies)' analysis result to the Participants.

## 14. Applications submission

14.1. Applications are submitted at the PORTUGAL FINLAB's official website, by filling the form available with the following information:

- a) Company's or project's name;
- b) Company's *Número de identificação de pessoa coletiva* (NIPC) (VAT Identification Number), Legal Entity Identifier (LEI) or equivalent, when applicable;
- c) Access code for the *Certidão Permanente do Registo Comercial* (Online Certificate of the Commercial Registry) or equivalent, when applicable;
- d) Company's or project's start date;
- e) Company's or project's country of origin (PT, Other);
- f) Head-office (address);
- g) Company's or project's website;
- h) Company's or project's representative name;
- i) Representative's e-mail address;
- j) Representative's telephone contact;
- k) Profile of the company and an overview of the business;
- l) Profile of the management team, including relevant know-how and experience;
- m) Activities subject to financial regulation and/or licensing, in any jurisdiction, whether approved or pending approval, and identification of the respective licenses;
- n) Partnerships with companies (if applicable), including information from a), b) and l) and description of their role in the business model;
- o) Details on the project, namely:
  - i. Description of the project's technical and business model;
  - ii. Description of the project's innovative nature, including related technology and use cases;
  - iii. Identification of the main challenges to implementation;
  - iv. Identification of the regulatory questions;
  - v. Identification of the relevant competent Authority(ies) (ASF, BdP, CMVM);
  - vi. Pinpoint the activity sector (Payments, Capital Markets and Wealth Management, InsurTech, Lending & Credit, Blockchain & Crypto, RegTech, Cross-sectorial, "Other");
  - vii. Identification of the countries/jurisdictions in which the company operates or seeks to operate;
  - viii. Identification of the target clients;
  - ix. Identification of the potential risks for the consumer and for the financial sector, and the aligned plan to mitigate them;
  - x. Identification of the potential benefits for the consumer and for the financial sector;

- xi. Identification of the project's stage of development and potential funding sources (Pre-seed, Seed, Early-stage, Growth, Consolidation).

14.2. In case the Applicant has a document or presentation already available (e.g. pitch deck or product deck [1]) which describes the project and provides part of the information above required in I), it may be attached in PDF format as a complement to the application.

[1] The pitch deck or product deck is a presentation that includes information about the company and/or product, typically used in interactions with investors or other companies. Within the framework of PORTUGAL FINLAB it can be used as a complementary means of information.

## **15. Evaluation and selection for the pitch day**

15.1. The Technical Committee will evaluate all submitted applications for the pitch day, based on the methodology set out in Title III.

15.2. The selection period of the Applicants for the pitch day will take place within 15 working days from the closure of applications submission date.

15.3. Applications with a score equal or above 3, calculated by simple averaging of the overall scores granted by each Technical Committee member, will be selected for the pitch day.

## **16. Notification of selection for the pitch day**

16.1. All Applicants selected for the pitch day will be notified by e-mail on the working day following the end of the abovementioned period, thereby receiving indication of their selection, the pitch day scheduling and their Contact Authority.

16.2. Selected Applicants will be contacted by telephone in case the contact by e-mail is not successful, and are responsible for updating their contacts to the following e-mail address: [info@portugalfinlab.com](mailto:info@portugalfinlab.com).

16.3. Selected Applicants are given 3 (three) working days (following the notification) to confirm their presence on the pitch day by replying to the notification e-mail.

16.4. In the event of non-confirmation as referred in the clause above, the application will be disregarded from PORTUGAL FINLAB.

16.5. Out-of-scope and non-selected Applicants for the pitch day will also be notified by e-mail, being the first informed that their project does not fall within the competences of any of the Authorities and the latter that their project will be shared with the Contact Authority.

## **17. Pitch day**

17.1. The pitch day is a meeting day attended by the Authorities and the Applicants, for the latter to present their projects and regulatory questions and clarify any issues that the Authorities may have.

17.2. The presentation of each selected Applicant for the pitch day may not exceed 10 minutes, after which it will be open for discussion during a maximum of 20 minutes.

## **18. Revaluation and selection for analysis by the Authorities**

18.1. After the presentation made on the pitch day, the Technical Committee will reevaluate the applications, based on the methodology set out in Title III.

18.2. The selection period of the Applicants will take place within 15 working days from the date of the pitch day.

18.3. During the selection period, the Contact Authority may request additional information, clarifications or other relevant documents.

18.4. The 5 applications with the best scoring, equal to or higher than 3, calculated by simple averaging of the overall scores granted by each Technical Committee member, will be selected for analysis by the Authorities.

18.5. In the event of a tied score, the tie will be broken by vote of the Technical Committee's members.

## **19. Notification of selection for analysis by the Authorities**

19.1. All Participants will be notified by e-mail on the working day following the end of the abovementioned period, thereby receiving indication of their selection for analysis and their Contact Authority.

19.2. Participants will be announced on PORTUGAL FINLAB's website.

19.3. Participants will be contacted by telephone in case the contact by e-mail is not successful, and are responsible for updating their contacts to the following e-mail address: .

19.4. Participants are given 3 (three) workdays (following the notification) to confirm their participation on PORTUGAL FINLAB by replying to the notification e-mail.

19.5. In the event of non-confirmation as referred in the clause above, the position will be attributed to the non-selected Applicant with the highest score.

19.6. Non-selected Applicants for participating in PORTUGAL FINLAB will also be notified by e-mail.

## **20. Analysis**

20.1. The analysis process begins with the presentation made by the Participants on the pitch day.

20.2. Following the pitch day, the competent Authorities will analyse the projects and identify the regulatory aspects which may, in whole or in part, impact or hinder their execution.

20.3. During the analysis period, the Authorities may require additional information, clarifications or other relevant documents.

20.4. Communication with Participants, in particular for the request of information and establishment of deadlines, will be made by the Contact Authority appointed for each Participant.

## **21. Communication of the analysis results**

21.1. The result of the Authorities analysis will be communicated by the Contact Authority to the Participants in the form of a Report, within 25 working days after the Participant confirms its participation in PORTUGAL FINLAB.

21.2. The above deadline is indicative and may be extended one or manifold if the projects submitted by the Participants are particularly complex and according to the convenience of the competent Authority(ies). In case of a deadline extension, the Participant(s) will be informed thereof by the Contact Authority.

21.3. Following the submission of the Report, a closing meeting with each Participant will be scheduled and attended by the Authorities involved on the

analysis to address any persistent doubt related with the Report and collect the feedback from Participants regarding their participation in Portugal FinLab.

Title V – Final provisions

## **22. Jurisdiction**

These Terms & Conditions are regulated under the Portuguese law.

## **23. Enforceability**

These Terms & Conditions are applicable to PORTUGAL FINLAB's third edition and will come into force on the date of publication on the website () until the termination of this edition.

## **24. Settlement of disputes**

24.1. In the event of a dispute, the Applicants, the Participants and the Authorities agree to, firstly, resort to alternative dispute resolution mechanisms.

24.2. Should the means of alternative dispute resolution be insufficient, the dispute will be submitted to the exclusive jurisdiction of the competent court in Lisbon, expressly waiving any other court.

## **25. Privacy and Personal Data Policy**

25.1. GDPR and related legislation are applicable.

25.2. According to the terms of Article 26 of GDPR, the data processing responsibility for marketing purposes, applications submission and information requests or other related purposes that fall within the PORTUGAL FINLAB's scope, is joint and therefore each responsible party for the data processing shall comply with the information and access obligations established in the GDPR.

## **26. Confidentiality Statement**

26.1. The Authorities, the Applicants, the Participants and any other parties involved in PORTUGAL FINLAB guarantee the confidentiality of all verbal or

written information to which they have access by means of participation on the PORTUGAL FINLAB, with the exception of public information.

26.2. The Participants, or those acting on their behalf, guarantee the confidentiality of all analysis and opinions delivered or transmitted to them and may not refer to these, explicitly or implicitly, in such a way that may suggest that the Authorities have declared their compliance with Portuguese legislation.

## **27. Terms of Responsibility**

Compliance with the regulatory requirements falls under the responsibility of the Applicants and the Participants, regardless of their participation in PORTUGAL FINLAB and the opinions shared with them by the Authorities.