

Fáilte Ireland

Tourism Accommodation Providers Business Continuity Scheme 2022

2022 Guidelines



Rialtas na hÉireann
Government of Ireland

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1. Introduction – What is the Scheme for?

Funding supports under the Fáilte Ireland Tourism Business Continuity Programme have been introduced to assist Republic of Ireland based tourism businesses that have suffered significant losses due to COVID-19.

The accommodation sector supports tens of thousands of tourism jobs and provides considerable wider economic impact through facilitating tourism and local spend in a destination area. Fáilte Ireland recognises the extent of the financial and trading difficulties experienced by the sector since the onset of the COVID-19 crisis

The overall purpose of the Scheme is to assist Tourism Accommodation businesses to withstand the challenge and continuing impact of COVID-19 by providing a direct financial contribution to support their business continuity plans, covering areas such as fixed

costs and to seek to position them to continue operating through 2022.

A total of €50m subject to funding availability, has been allocated for the overall Business Continuity Programme 2022 by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media with the consent of both the Minister for Tourism and the Minister for Public Expenditure and Reform in Budget 2022.

The Scheme is approved under the European Union Temporary Framework for State Aid Measures to Support the Economy in the Current COVID-19 Outbreak and applicants are required to comply with the requirements of the Framework.

2. What are the general eligibility criteria?

Applicants should read the eligibility criteria set out below to ensure they meet the criteria and qualify for the Scheme before applying.

Eligibility does not mean an entitlement to funding, which is at the sole discretion of Fáilte Ireland, rather it means eligibility to make an application for grant funding.

An applicant must meet all the following criteria:

1. Registered or Approved (or in application) under Fáilte Ireland's National Quality Assurance Framework (NQAF) as at March 8th 2022:

a) In order to be eligible, the following businesses must be registered with Fáilte Ireland as Statutory Accommodation Providers:

- Hotels
- Guest houses
- Holiday Hostels
- Youth Hostels
- Caravan & Camping Parks
- Self-Catering (registered under a prescribed term)
- Holiday Camps

b) In order to be eligible, the following businesses must be approved by Fáilte Ireland as Non-Statutory Accommodation Providers:

- B&Bs
- Historic Houses
- Self-Catering (individual properties)
- Fáilte Ireland's Welcome Standard*

**With the exception of (i) Welcome Standard Approved Marinas and (ii) Welcome Standard Approved Campus Accommodation, which are not eligible for funding under this scheme.*

All applicants must be included on the Fáilte Ireland Register of Statutory Accommodation or, the Fáilte Ireland Non-Statutory Approved Accommodation Listing (<https://www.failteireland.ie/Supports/Get-quality-assured.aspx>). For the purposes of these Guidelines, hereafter both documents together will be referred to as the "NQAF Listings".

Accommodation providers not included on, or who have not applied to, Fáilte Ireland's National Quality Assurance Framework as at March 8th 2022 are ineligible to apply under this scheme.

2. **Downturn in Turnover:** must demonstrate that they have experienced a 50% downturn in eligible tourism turnover when comparing total eligible tourism turnover in 2019 compared with eligible tourism turnover between January 2021 and December 2021 inclusive.
3. **Minimum Turnover:** Have a minimum turnover from the delivery of eligible tourism business activities within the Republic of Ireland of €50,000 in 2019.
4. **Existing Operator:** Have been in existence and trading prior to January 1st, 2020.
5. **Continuation/Resumption of Trade:** Have resumed/or intend to resume trading in 2022, and in line with government guidance.
6. **Tax:** Be established and registered for tax, and tax cleared in the Republic of Ireland.

Ineligible Applicants

Applicants who meet one or more of the below criteria are ineligible to apply for the Scheme:

1. **National Quality Assurance Framework:** Accommodation providers not included on, or who have not applied to, Fáilte Ireland's National Quality Assurance Framework by 8th March 2022 are ineligible to apply under this scheme
2. **Previous Schemes:** Applicants who were successful in either Strategic Tourism Transport Business Continuity Scheme 2022 or Strategic Ireland Based Inbound Agents Scheme 2022 are not eligible to apply for this scheme.
3. **Undertakings in Difficulty:** Applicants who were considered an "undertaking in difficulty" for the purposes of State Aid law as at 31 December 2019, save that aid may be granted to a micro or small enterprise that was already in difficulty as at 31 December 2019 provided that they are not subject to collective insolvency procedure under national law, and that they

have not received rescue aid or restructuring aid.

4. **Marinas:** Infrastructure, such as moorings and berthage approved under the Welcome Standard are not eligible.
5. **Campus Accommodation and Student Accommodation:** On the basis that this accommodation is not primarily available for tourist use, this accommodation category is ineligible.
6. **Public Bodies:** Any business that is owned and operated by, or in receipt of funding from, the following public bodies is ineligible to apply:
 - Office of Public Works
 - National Parks and Wildlife Service
 - Local Authorities/County Councils and their subsidiaries
 - National Museum
 - Waterways Ireland
 - Coillte

Commercial semi-state bodies or the subsidiary of a public sector body that operates independently on a 'risk and reward' basis, and not on behalf of any public entity are eligible under this Scheme, regardless of whether or not the applicant uses public land to operate.

7. Property Marketing Companies, Groups or Organisations

3. What is eligible turnover?

Eligible applicants must have a minimum eligible tourism turnover threshold of €50,000 in 2019. This turnover must be comprised of revenue generated by the eligible business based on services provided. Details provided must also include funding received from Government funding programmes e.g. emergency accommodation. Please Note: Please Note: Vaccine Programmes or Mandatory Hotel Quarantine should be included in breakdown for 2021 if received

Ineligible Turnover

Turnover which is ineligible and should not be included:

- Turnover generated on tourism activity taking place outside of the Republic of Ireland.
- Turnover not related to the eligible tourism business.

Any turnover not related to tourism activity may be deemed ineligible at Fáilte Ireland's discretion.

4. What is the grant allocation mechanism for the scheme?

A limited fund is available for this Scheme and it is expected that there will be a high level of demand. The grant will be calculated when all applicants have been evaluated.

The decision as to the eligibility of an applicant and the determination of the grant amount approved for an applicant is at the discretion of Fáilte Ireland whose decision is final.

The initial grant per Eligible Applicant will be determined on a pro-rata allocation of the total fund.

The grant award will be based on the number of units per applicant property, defined as follows:

ACCOMMODATION CATEGORY	GRANT AWARD BASIS (UNIT)
Hotels	No. of Bedrooms
Guest houses	No. of Bedrooms
Holiday Hostels	No. of Calculated Units
Youth Hostels	No. of Calculated Units
Caravan & Camping Parks	No. of Pitches
Self-Catering	No. of Bedrooms
Holiday Camps	No. of Bedrooms
<i>Non-Statutory</i>	
B&Bs	No. of Bedrooms
Historic Houses	No. of Bedrooms
Self-Catering	No. of Bedrooms
Fáilte Ireland's Welcome Standard:	
- Activity Holiday Accommodation	No. of Bedrooms
- B&B	No. of Bedrooms
- Camping	No. of Pitches
- Glamping	No. of Pitches
- Hostel	No. of Calculated Units
- Self-Catering	No. of Bedrooms
- Cruise Hire	No. of Bedroom Cabins in the fleet

With the exception of Holiday Hostels, Youth Hostels, Cruise Hire boats and Self Catering (Statutory and Non-Statutory), only the number of units currently registered with, approved by, or in application to Fáilte Ireland as at 8th March 2022 will be used to calculate the grant.

The NQAF Listings as at 8th March 2022 (published in the “Q2 2022” listing), including the current registered number of units per premises, are available to view here: <https://www.failteireland.ie/Supports/Get-quality-assured.aspx>

Any units not contained in the published Q2 2022 NQAF listings, or not currently in the approval process, will not be considered for inclusion in the grant calculation under any circumstances.

On closure of the scheme, the total fund available will be divided by the total number of eligible units. This will determine the Grant Amount per Unit. Each eligible applicant will then be allocated a grant amount according to the number of units per applicant property. The maximum grant amount per legal entity / group under this scheme is €800,000 (please see Section 5 below for more information on multiple properties). Where Fáilte Ireland determines individual applications to be part of a group, they will therefore be treated as a group (or single legal entity) for the purposes of the Scheme. The level of grant funding is subject to the overall cap on aid of €2.3 million under the EU Temporary Framework for State Aid Measures to Support the Economy in the Current Covid-19 Outbreak, and the grant available may be reduced where an applicant or its group has already benefitted under

another scheme notified under this framework.

Because the grant award is based on the number of units per property, the units figure will therefore be subject to verification, which may include a physical check on the premises. In all cases, the final decision with regard to the number of units per applicant property upon which the grant amount will be based, will be made by Fáilte Ireland.

Special Note 1: Holiday Hostels, Youth Hostels

In the case of Holiday Hostels and Youth Hostels, the NQAF listing records the number of bedspaces per property. For the purposes of this Scheme, each Hostel provider should divide their registered number of bedspaces by four to convert to an equivalent ‘bedroom’ unit for the purpose of calculating the grant. If this calculation does not reflect the number of bedrooms in the property, please provide a clarification in the free text field in the application form.

Example: Holiday Hostel with a mix of dorms and bedrooms as follows:

ACCOMMODATION CATEGORY	GRANT AWARD BASIS (UNIT)	
2 x 4-bed dorms	Each 4-bed dorm = 1 unit	1 unit x 2 = 2
3 x 8-bed dorms	Each 8-bed dorm = 2 units	2 units x 3 = 6
1 x 12-bed dorm	Each 12-bed dorm = 3 units	3 units x 1 = 3
4 x double bedrooms	Each double bedroom = 1 unit	1 unit x 4 = 4
2 x family rooms	Each family room = 1 unit	1 unit x 2 = 2
	Total Units for Grant Calculation:	17 units

Special Note 2: Self Catering (Statutory and Non-Statutory)

In the case of Self Catering, the applicant will be required to declare the relevant total number of bedrooms on the premises/complex as part of their application.

Special Note 3: Cruise Hire Boats

In the case of Cruise Hire Boats, the applicant will be required to declare the relevant total number of bedroom cabins in their fleet as part of their application.

Special Note 4: Multiple types of accommodation at the one property (e.g. Welcome Standard)

In the case of a provider with multiple types of accommodation available (e.g. B&B and/or Self Catering units), the applicant will be required to provide bedroom information (or equivalent) across all categories of accommodation.

5. I have more than one eligible property, what do I do?

When submitting an application, applicants must declare any other applications being made for affiliated businesses to the same Scheme; i.e., an applicant should declare if they have more than one business (company, sole trader, partnership etc.) applying and/or if their business shares common ownership with another business that is also applying to the Scheme.

Failure to make the appropriate declaration may result in funding being declined, reduced or becoming repayable if already paid.

Each business may apply per eligible legal entity or as a group. While applications will be evaluated on their own merit, they will be considered a 'group' for the purposes of this Scheme, i.e., for entities that meet the conditions of a group, total combined eligible turnover is utilised to determine grant payment. Payment of any grants will be calculated subject to the Scheme cap of €800,000 and with taking into account EU State Aid rules as set out below*.

Please note: Multiple applicants with the same or common ownership/control are considered one economic unit and therefore a single "undertaking" for the purposes of EU State Aid rules.

*The Schemes operated by Fáilte Ireland under the Business Continuity Programme are bound by the rules of "The EU approved Temporary Framework for State Aid Measures to Support the Economy in the Current COVID-19 Outbreak", which provides that the overall aid granted to a single undertaking on the basis that all Schemes notified under the Temporary Framework shall not exceed €2.3m per undertaking. All applications will be subject to this overall cap of €2.3m per undertaking across all aid granted under the Temporary Framework.

6. How will the applications be evaluated?

All applications will be evaluated impartially in strict accordance with the requirements set out in these Guidelines. Fáilte Ireland is committed to honesty, fairness, integrity and transparency in all its dealings.

Fáilte Ireland will conduct a detailed examination of a sample of applications. This sample will be selected using audit methodology and will be in line with the relevant auditing standards. This detailed examination will require those selected applicants to supply relevant supporting information to ensure they meet the general eligibility criteria set out in Section 2 above. With respect to supporting financial information to confirm eligibility under criteria 2(2) and 2(3), Fáilte Ireland will request some or all of the following. Please note this list is not exhaustive:

- Full Annual Financial Statements for 2019. Where audited Financial Statements are abridged for filing purposes, the unabridged version should be provided. If the business is a Sole Trader or Partnership, where full financial statements have not been prepared, the 2019 business profit and loss account will need to be provided as part of the application. This may mean the provision of two sets of Financial Statements where the Financial Year does not align with the calendar year.
- Management accounts for 2021
- Copy of 2019 tax return (CT1, Partnership or Individual). If applicant is a Charity, proof of charitable status is required.
- Other documents as necessary to ensure eligibility

Note that turnover not related to tourism accommodation activity in the Republic of Ireland will be deemed ineligible.

As part of the general evaluation process, Fáilte Ireland will compare applicant information with the Registration and Approvals in our database. Fáilte Ireland reserves the right to seek further evidence or clarification in relation to the information supplied by any applicant, which may include a physical check on the premises.

NOTE: Applicants that cannot confirm their eligibility to Fáilte Ireland's satisfaction will be deemed ineligible.

On completion of the evaluation phase, the distribution of the funding will be calculated in accordance with the process set out in Section 4 above, and grant payments will issue as soon as possible thereafter. While we anticipate that this may be June 2022, approximately 8 weeks after the scheme closes, every effort will be made to expedite payments as soon as possible.

NOTE: Future Audits

Applicants in receipt of funding under this Scheme will be subject to audit to ensure compliance of successful applicants, for a period of 10 years. Applicants must keep and make records available to Fáilte Ireland or nominated representatives as requested.

7. How do I Apply?

Applicants who believe they meet the eligibility criteria outlined in Section 2 are welcome to apply through the following steps.

- All applicants must be registered/approved accommodation providers and therefore already have a profile on Fáilte Ireland's 'Trade Portal' (accessible on www.failteireland.ie.)
- The application form can be accessed under '**Funding**'. Should the form not be available please contact customersupport@failteireland.ie
- The Scheme Guidelines will be available on www.failteireland.ie
- Applicants should note that granting access to the application form does not confirm final eligibility of an applicant. Depending on the information provided in the application form, an applicant may still be deemed ineligible for funding later in the process.
- Applicants will be asked to declare that they have read the eligibility criteria for the Scheme and will abide by the terms and conditions of the Scheme. In addition, applicants are required to retain all records relating to the Scheme, including basis for eligibility, for auditing purposes.

All completed applications for the Scheme must be submitted via the Fáilte Ireland Trade Portal by **5.00p.m. Wednesday 13th April, 2022**. Evaluations for this Scheme will not begin until after the Scheme has closed for all applicants on this date.

8. What do I need to Apply?

The following information is required when submitting an application:

1. The applicant's property registration number as per the Fáilte Ireland Q2 2022 NQAF listings.
2. Details of the number of units per applicant property as detailed in Section 4 above.
3. Confirm by way of declaration that its business has a reasonable prospect of survival and that it has resumed normal trading in 2022.
4. Tax Reference Number (TRN), Companies Registration Office number (CRO), or Charity Number (CHY) as appropriate.
5. Copy of your 2019 tax return (CT1, Partnership or Individual).
6. If eligible tourism turnover is in excess of €1million in 2019, an independent auditor's letter is required confirming that this is the case.
7. Be established and registered for Tax in the Republic of Ireland.
8. The total value of State Aid received by the applicant and/or by its wider group entities to date under the EU Temporary Framework for State Aid Measures to Support the Economy in the Current COVID-19 Outbreak.

9. Under State Aid rules contained in the COVID-19 EU Temporary Framework for State Aid measures to support the economy in the current COVID-19 Outbreak, large and medium-sized enterprises more than 3 years in business cannot have been an undertaking in difficulty ON OR BEFORE 31 December 2019. If the business is a large or medium sized enterprise over 3 years in business and was not an undertaking in difficulty as defined above, an uploaded letter of either (i) an independent accountant's letter verifying that this is the case or (ii) an audit letter/report (dated 2019 or 2021 signed by an accountant for the most recently prepared year-end financial statements is required.

10. The Applicant's current number of Full Time Equivalents (FTE) on 31 December 2019 and at the date of the application.

11. Bank Account Details and a copy of a recent Bank Statement Header. This information will only be used in verifying the payment details so that we can process the payment without unnecessary delay. It will only be retained for successful applicants for a period of 10 years.

Fáilte Ireland reserve the right to request further evidence of turnover from applicants.

Failure to complete the application requirements and submit the supplementary documentation to Fáilte Ireland's satisfaction will result in the application being deemed ineligible.

Scheme Audit: Applicants in receipt of funding under this Scheme may be subject to audit to ensure compliance of successful applicants, for a period of 10 years. Applicants must keep and make records available to Fáilte Ireland or nominated representatives as requested.

9. Terms and Conditions of Grant Funding

Applicants are asked to read the Terms and Conditions of Grant Funding before applying for the scheme.

The awards of any grants under the Scheme are subject to the following Terms and Conditions. It shall be a condition of the award of any grant to a business that the applicant agrees to the Terms and Conditions when completing the grant application form.

- A sample will be subject to a more detailed level of evaluation and corroboration of financial information.
- All funding approved under the Scheme is subject to audit.
- Fáilte Ireland may make any enquiries that it considers necessary to establish the applicant's eligibility for funding under the Scheme, and Fáilte Ireland's decisions in relation to applicant eligibility and the disbursement of monies are at the absolute discretion of Fáilte Ireland and are final.
- Any monies granted by Fáilte Ireland under the Scheme will be used solely by eligible beneficiaries in accordance with the purposes of and objective of the Scheme i.e. to support the continuity of tourism businesses.
- The submission of an application should not be construed as granting any rights or expectations of funding to the applicant.

- In accepting any offer of monies under the Scheme, the following warranties and undertakings are made by the applicant to Fáilte Ireland:
 - That any information supplied by the applicant as part of its application under the Scheme is up-to-date and accurate, and the applicant will inform Fáilte Ireland immediately if this ceases to be the case. Evidence to this effect must be maintained to substantiate this if audited.
 - That all acts, conditions and things required to be done and performed and to have happened before the applicant's acceptance of the terms and conditions of the Scheme have been done and performed and have happened in due and strict compliance with Irish law.
- No funding will be granted by Fáilte Ireland unless and until an application has been completed to Fáilte Ireland's satisfaction, and the applicant has accepted these Terms and Conditions. A Letter of Award will be issued to the Applicant confirming the offer, prior to payment being issued.
- That even in circumstances where the applicant has initially been approved to receive a grant, Fáilte Ireland retains an overall discretion and reserves its right to refuse grant funding on reasonable grounds. For example, this reasonable refusal may be made on the basis that the applicant is an "undertaking in difficulty" for the purposes of EU State aid law, subject to an insolvency procedure in the Republic of Ireland, otherwise based on the financial prospects of the applicant business, there is a change in the EU Temporary Framework under which the Scheme is approved or on the basis that sufficient Exchequer Funding is no longer available.
- Fáilte Ireland is entitled to vary the terms and conditions applicable to the Scheme, in respect of applications that have not yet accepted the Terms and Conditions, without prejudice to its rights and any other requirements or criteria.
- Fáilte Ireland may at its discretion impose monitoring and reporting obligations on the applicant and the applicant will provide Fáilte Ireland with documentation and assistance in any audit of records. The applicant agrees that Fáilte Ireland may carry out inspections of applicant's records and measures taken by the applicants to ensure compliance with the Scheme.
- That the applicant will comply with EU State aid rules and agree to repay any grant monies required to be repaid to Fáilte Ireland or otherwise where the business or the project is no longer State aid compliant.
- In the case of medium and large applicants, that the applicant business was not an undertaking in difficulty, solvent and is able to pay its debts as they fall due as of 31 December 2019.
- In the case of small and micro applicants who were already in difficulty as of 31 December 2019, they must not be subject to collective insolvency procedure under Irish law, meaning:
 - No receiver or receiver and manager has been appointed over all or any of the assets of the company.
 - No petition seeking the winding up of the company has been presented.
 - No order has been made winding up the company on any grounds.
 - No resolution has been passed by the members to wind up the company on an insolvent basis.
 - No petition seeking the appointment of an examiner to the company has been presented.
 - No statutory demand has issued against the company pursuant to section 570 of the Companies Act 2014; and
 - No informal or formal compromise or scheme of arrangement has been entered into with any creditors of the company.

- If the applicant is in breach of the terms and conditions of the Scheme, or has provided any false or inaccurate information as part of the application process, it will be required to pay back the grant with interest and any applicable recovery costs, in accordance with State aid rules.
- Fáilte Ireland may conduct an assessment into non-compliance by an applicant with these terms and conditions of the Scheme and reserves the right to review and revoke the grant, including where it receives corroborated third-party complaints.
- The timing of grant payments under the Scheme is subject to Fáilte Ireland being in receipt of sufficient funding from the Irish State to meet those payments. In the event of any unavailability or delay, there will be no liability on the part of Fáilte Ireland or the Irish State to make good any loss or damage suffered, or shortfall experienced by applicants.
- That the applicant is and will continue to be at all times fully compliant with all relevant legal obligations where applicable including, but not limited to, any in regard to employment, planning, the environment, taxation, child protection, equality of opportunity, the nine grounds of discrimination under the Equal Status Act 2000, local authority and industry requirements and any other requirements under Irish or EU law.
- All public bodies, including Fáilte Ireland, who are distributing Public Funding, are obliged to comply with the requirements of the Public Spending Code to ensure best value is achieved from state resources. Fáilte Ireland and applicants under this Scheme are also subject to the rules of the Department of Public Expenditure and Reform Circular 13/2014 - Management of and Accountability for Grants from Exchequer Funds. Successful applicants will be required to comply with the highest standard of transparency and accountability as set out therein. For more information see www.circulars.gov.ie/pdf/circular/per/2014/13.pdf
- Applicants are responsible for satisfying themselves that the aid being granted to them is being lawfully granted and to ensure adherence with State aid rules. If an applicant provides false information and this is found to be the case, this will result in the aid being recovered by Fáilte Ireland (with interest) on the grounds that this is illegal aid. Applicants are encouraged to carefully review, consider and adhere to these terms and conditions, together with the eligibility criteria of the Scheme for the purposes of State aid compliance. Applicants should exercise particular care where they are in receipt of other State Funding and seek professional advice where appropriate.
- At any time up to 31 December 2032, the applicant may be asked to make all books and records relating to the Scheme available to authorised Fáilte Ireland personnel and, upon the giving of seven days' notice, to any accountant, auditor, or other consultant appointed or designated by Fáilte Ireland or the European Commission.
- The applicant will provide all necessary cooperation and will comply with all directions, if any, which may be given by Fáilte Ireland or the Commission on foot of any resultant reports prepared by any such internal or external parties including any requirement that the grant be repaid.
- Fáilte Ireland may carry out an impact analysis of the Scheme to include a review of the impact of the funding. If selected to participate, the applicant must comply with, and facilitate, all research that is undertaken as part of this review.
- To facilitate the efficient monitoring of and compliance for the Scheme the applicant agrees to facilitate any staff member or representative of Fáilte Ireland or the European Commission.

- Where the applicant fails to comply with any of the Guidelines, Terms and Conditions contained in this document or information supplied is found to be incorrect Fáilte Ireland may, at its sole discretion:
 - require specific performance of the conditions of the Scheme and/or
 - require immediate repayment of the Grant, or any part of the Grant already paid, to Fáilte Ireland from the applicant and/or be under no obligation to pay the Grant or any part thereof to the applicant.
- Fáilte Ireland reserve the right to amend the terms and conditions of the Scheme.

Freedom of Information

Fáilte Ireland may be required to disclose, in connection with the Scheme, (a) any information supplied by the applicant to Fáilte Ireland and (b) any relevant data accumulated by Fáilte Ireland in administering the Scheme, except where the information is considered to be commercially sensitive. Fáilte Ireland will contact the applicant in this regard in advance; however, Fáilte Ireland may still decide to release this information if required by law.

Data Protection

Both the applicant and Fáilte Ireland shall have regard to their statutory obligations under the GDPR (2016/670) and the Data Protection Acts 1988 to 2018. In this regard, in so far as the applicant processes personal data for the purpose of this application it shall comply with its obligations as a “data controller” under the GDPR. Please read Fáilte Ireland’s Privacy Policy for details please see [Fáilte Ireland - Fáilte Ireland | Privacy Policy](#).

Personal data supplied to Fáilte Ireland in relation to the Scheme and the applicant may be processed by Fáilte Ireland for the purposes of the administration of the Scheme.

Fáilte Ireland will be sharing information provided in the Application form or pursuant to the Scheme with Government Departments and/or Government Agencies, in the event that information is required from those organisations to ensure compliance with State aid and national legislation requirements. Our lawful bases for processing your personal data is ‘Legal Obligation’ as public funding may be provided and we must adhere to EU State Aid Law. We are also using the lawful basis of ‘Purpose of a Contract’ because the successful applicants will be issued with a Letter of Award. In addition, Fáilte Ireland’s statutory purpose, under the National Tourism Development Authority Act, 2003 is to develop and promote Ireland’s tourism industry, which includes helping to develop and promote tourism businesses and experiences. This means that the lawful basis we use to process your personal data is our ‘Legislative Mandate’.

Should your application be successful we will retain it for 10 years.

EU State Aid

Fáilte Ireland is the grant aiding Authority for the Scheme. The legal basis of the Scheme is the National Tourism Development Authority Act, 2003. Grants are provided in accordance with the criteria set out above, subject to EU State Aid law.

Aid being provided towards this Scheme is subject to the provisions of the European Commission's COVID-19 *Temporary Aid Framework (the 'Temporary Framework'). In order for funding to fall within the Temporary Framework its provisions must be complied with in all cases and in all respects in so far as they apply to State Aid for a particular applicant. While Fáilte Ireland has a primary responsibility to comply with those requirements and other State Aid rules, compliance also depends on the co-operation of applicants, including their adherence to these Guidelines, their candour in making applications to us and, ultimately, their compliance with the terms and conditions attaching to the grant, if successful.

*State Aid Temporary Framework as adopted on 19 March 2020 C (2020) 1863) and incorporating its six amendments – C (2020) 2215 of 3 April 2020, C (2020) 3156 of 8 May 2020, C (2020) 4509 of 29 June 2020, C (2020) 7127 of 13 October 2020, C (2021) 564 of 28 January 2021 and C (2021) 8442 of 18 November 2021. *An informal consolidated version of the Temporary Framework as of 18 November 2021 is available [here](#).*

It is the applicant's responsibility to ensure that they are aware of any further amendments to the Temporary Framework and applicants are free (and encouraged) to take legal advice as appropriate on how State Aid rules and all other applicable legislation apply in their particular situation. Please note that it is a requirement of the Temporary Framework that the aid is granted no later than 30 June 2022 (subject to any further potential extension by the European Commission).

Publication of Awards Requirements under the EU State Aid Temporary Framework

Details of individual awards will be published no later than 12 months after award on the [European Commission website](#).



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