

# TOURISM BUSINESS CONTINUITY SCHEME

## PHASE 1

### GUIDELINES, TERMS & CONDITIONS

**TOURISM  
BUSINESS  
CONTINUITY  
SCHEME**



**PHASE ONE**

**The Scheme is subject to approval by the European Commission under the Covid-19 EU State aid Temporary Framework which may require applicants to comply with additional conditions and/or to furnish additional documentation.**

## 1. Introduction - What is the Scheme for?

The restrictions put in place to combat the spread of COVID-19 throughout the pandemic have had an instant and detrimental effect on the economy, which can be felt across the tourism and hospitality sectors.

The Fáilte Ireland Tourism Business Continuity Scheme 2021 (which will be referred to as the “Scheme” throughout), has been introduced to assist Republic of Ireland based tourism businesses that have suffered significant losses due to COVID-19.

Pre COVID-19, these businesses would have earned a large portion of their income by providing tourism services to visitors and since COVID-19, have struggled to continue in business due to the restrictions placed on their operations.

Considering the challenges facing the sector, Fáilte Ireland (National Tourism Development Authority) has developed, and will be rolling out, a Tourism Business Continuity Scheme.

A total, of approximately €55 million euro, subject to funding availability, has been allocated for the Scheme using funds from 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.

## 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.

A Qualifying Applicant **must meet all the following criteria:**

- **Business Type:** Satisfy the conditions of one of the below categories of tourism businesses that have been identified for support under the Scheme. (It is important that all applicants check the definition and eligibility criteria specified for each category of business before applying please refer to Q3 – Q9 below).

- Business Category A: Outdoor Tourism Activity Providers
- Business Category B: Tourism Golf Courses
- Business Category C: Hop-On Hop-Off Tourism Bus Tour Operators
- Business Category D: Cruise Hire Companies
- Business Category E: Tourism Boat Tour Operators
- Business Category F: Visitor Attractions (not eligible for CRSS)
- Business Category G: Caravan and Camping and Outdoor Accommodation Providers

- **Downturn in Turnover:** As a result of COVID-19, the average monthly turnover in the 4-month period October 2020 – January 2021 must be down at least 75% compared to the average monthly turnover for the period January to December 2019.
- **Minimum Turnover:** Have a minimum eligible turnover of €50,000 in 2019.
- **Existing Operator:** Have been in existence and trading prior to January 1st, 2020.
- **Resumption of Trade:** Intend to resume trading in 2021 or when it is safe to do so in line with Government guidance.
- **Fáilte Ireland Safety Charter:** Have completed/commit to completing and adhering to the Fáilte Ireland Covid-19 Safety Charter.
- **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 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.
- **Public Ownership:** The applicant business entity must not be in public ownership, nor manage or operate a tourism asset/attraction on behalf of a public body. Zoos and Outdoor Wildlife businesses who received direct COVID support funding in 2020 from the Department of Housing, Local Government and Heritage through the National Parks and Wildlife Service are also not eligible. (To note, any applicant business that operates independently and not on behalf of public entities are eligible under this Scheme, regardless of whether or not that applicant uses public land to operate).

### Ineligible Applicants

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

- **CRSS Eligibility:** Applicants who are eligible to apply for the COVID-19 Restrictions Support Scheme (CRSS) at any level of restrictions or for any portion of their business <sup>1</sup>.
- **Received Funding under Two Fáilte Ireland Schemes:** Applicants eligible to apply for the Fáilte Ireland Coach Tourism Business Continuity are ineligible to apply. Applicants who are in receipt of funding through the Ireland Based Inbound Agents Business Continuity Scheme are not eligible to apply.

\*Fáilte Ireland reserve the right to refuse to grant funding under this Scheme if it determines that a tourism business/attraction is substantially supported by State funding.

## 3. What Outdoor Tourism Activity Providers are Eligible to Apply?

Outdoor activity operators providing instructor-led sessions or equipment rental in a wide variety of outdoor activities for visitors and where the outdoor activity is not ordinarily carried on from a business premises are eligible. Activities provided can include but are not limited to surfing, kayaking, canoeing, coasteering, kitesurfing, stand up paddle boarding, scuba diving, climbing, archery, orienteering, cycling, angling, paintballing, ziplining, falconry, bike tours, and other outdoor activities.

Eligible equestrian operators whose primary business is tourism are also eligible. Activities provided can include, but are not limited to, horse trekking, horse drawn caravan tours, and pony and trap tours. Horseracing and stud activities are not eligible.

1. Please see full eligibility for the CRSS scheme at <https://www.revenue.ie/en/corporate/press-office/budget-information/2021/crss-guidelines.pdf>

## 4. What Tourism Golf Courses are Eligible to Apply?

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Golf properties with a minimum of 18 holes and which meet at least one of the following criteria, will be eligible to apply for this Fund:

- Have engaged with one of Fáilte Ireland's sales platforms between and including the years 2016 to 2020, such as but not limited to, Belfast Golf Promotion, PGA Merchandise Show, IGTM etc.
- Have attended annual IGTOA conferences between and including the years 2016 to 2020.
- Have invested in becoming a member of one of Fáilte Ireland's recognised Golf Marketing Groups (confirmation of membership in 2020 will be required).
- In the case of a Golf Resort, the golf course should be part of a separate legal entity from the accommodation offering.

Golf properties, ineligible to apply include:

- Golf properties eligible to apply to the Golf Ireland Golf Resilience Fund.
- Golf properties with less than €50,000 turnover from visitor green-fees.
- Golf resorts, where the legal entity has received support through the CRSS Scheme.

## 5. What Hop-On/Hop-Off Bus Tour Operators are Eligible to Apply?

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Hop-On Hop-Off Bus Tour Operators are those which provide a trip on a bus for the purpose of sightseeing, wildlife and nature experiences onboard for visitors to their destination on a licensed route. Typically, this is a tourist bus that follows a circular route with fixed stops through a town or city that allows paying passengers unlimited travel for a day (or other period of time) with the freedom to disembark at any stop and the option to reboard another bus to continue their journey.

Eligible activities include, but are not limited, to Hop-On/Hop-Off Bus Tours and City Sightseeing Tours. Operators must hold a valid route license, as required by the National Transport Authority, for the tour experience(s) upon which their application is based.

Applicants who are eligible to apply for the Fáilte Ireland Coach Tourism Business Continuity Scheme are not eligible to apply.

## 6. What Cruiser Hire Companies are Eligible to Apply?

Eligible cruise-hire companies are those which have a fleet of commercial cruisers and offer an inland multi-day cruising experience primarily for visitors to their destination, must

offer an overnight experience and meet the Scheme eligibility criteria.

## 7. What Tourism Boat Tour Operators are Eligible to Apply?

Passenger boats and passenger ships licensed to Irish waters whose primary purpose is tourism and offering the following **onboard** visitor experiences in Ireland: sightseeing, nature and wildlife tours, heritage tours, specialist trips, catered tours, island landing trips as part of a heritage tour, dive charters and angling/fishing charters and audio guided tours.

Ineligible boat tour operators for Phase 1 of this Scheme include:

- Subsidised cargo services.

- Operators whose primary purpose are scheduled island transfer services and/or are subsidised as a life-line service under the Subsidised Transport Services for Offshore Islands (cargo or passenger ferry services).
- Car ferries.

*Fáilte Ireland reserve the right to request further information on the origin of and number of passengers from applicants in this category.*

## 8. What Visitor Attractions are Eligible to Apply?

Visitor attractions are permanently established destinations, capable of attracting day visitors or tourists, which are open to the public. The primary purpose of the attraction should be sightseeing, and either offer guided tours, have a visitor centre/facilities or be capable of offering a ticketed element for a visitor. It should also allow access for entertainment, interest, or education rather than being primarily a retail outlet or a venue for sporting, theatrical, or film performances.

In the context of this Scheme:

- Eligible visitor attractions are those with a charitable exemption from paying Corporation Tax under Case I Schedule D that deemed them ineligible to apply for CRSS.
- Attractions where the business activities would not be considered to be ordinarily carried on from a business premises and therefore were ineligible to apply for CRSS. These include but are not limited to outdoor theme and amusement parks and commercial gardens and parks.

### To Note:

- Attractions that are also places of worship must be capable of attracting day visitors or tourists, offer guided tours or be capable of offering a ticketed element for a visitor and received €50,000 in eligible visitor turnover in 2019.
- Commercial visitor/pet farms where the tourism experience is the main element of business, is ticketed and in compliance with the Animal Health and Welfare Act 2013 are eligible to apply and received €50,000 in eligible visitor turnover in 2019.
- Commercially operated outdoor theme and amusement parks which provide recreational entertainment are eligible to apply. These must be operated from a fixed location and their core primary function is tourism.

## 9. What Caravan and Camping and Outdoor Accommodation Businesses are Eligible to Apply?

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The Scheme is limited to the following accommodation providers only:

- Caravan and camping parks that are registered with Fáilte Ireland under the Tourist Traffic Acts 1939 – 2016 and meet the Scheme eligibility criteria.
- Outdoor tourism accommodation businesses who are ineligible to apply for CRSS and have the Fáilte Ireland Welcome Standard classification.

**Decisions taken by Fáilte Ireland on an applicant's eligibility are full and final and not open to appeal.**

## 10. I have more than one eligible business, what do I do?

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If you have more than one business/affiliate company that meets the eligibility criteria and are established as separate legal entities, applications are to be submitted per eligible legal entity. Payment of grants will be issued per eligible legal entity, taking into account State aid rules.

Multiple applicants from the same group of companies are considered to form one economic unit and therefore a single “undertaking” for the purposes of the State aid rules. The “Temporary Framework for State Aid Measures to Support the Economy in the Current Covid-19 Outbreak” provides that overall aid granted on the basis of schemes notified under the Temporary Framework shall not exceed €1.8 million per undertaking. All applications will be subject to this overall cap of €1.8 million per undertaking for aid granted under the Temporary Framework.

The Applicant will be asked to declare all applications being submitted for affiliated businesses when submitting the application forms, and applications on behalf of all such applicants should be submitted within the same time period.

## 11. What do I do if my business operates from more than one location?

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Businesses that operate from more than one location may only make one application for the grant per legal entity

## 12. What are the financial criteria?

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A qualifying applicant must meet the following financial criteria:

### Eligible Turnover

- Eligible applicants must have a minimum eligible turnover threshold of €50,000 in 2019.

### Operational Subvention in 2020

Applicant business entities will be required to declare any operational subvention or operational funding they received from a public body in 2020. Funding received from the Employee Wage Subsidy Scheme, Restart Grants, Adaptation Fund and Rent Relief received should be omitted from the 2020 turnover figure. This will be taken into account when calculating the final grant amount.

### Ineligible Turnover

Turnover which is ineligible and should not be included is:

- Donations at not-for-profit visitor attractions.
- Relating to Tourism Golf Courses, ineligible turnover would include membership fees, member competition revenue, Pro Shop revenue and Bar & Restaurant revenue.

As part of the application process, Fáilte Ireland reserves the right to seek further evidence or clarification in relation to the financial information supplied by applicants.

Turnover not related to tourism activity may be deemed ineligible at Fáilte Irelands discretion

## 13. How much will my business receive if it is eligible and qualifies for a grant?

Grants for successful applicants will be based on the following calculations:

- The grant amount per applicant will be based on the annual eligible turnover from 2019.
- The grant payment is calculated as 9/12ths of 10% of the 2019 eligible turnover figure
  - 9/12ths reflects the potential loss of earnings for the 9-month period, October 2020 to June 2021, subject to there being sufficient overall funding available within the Scheme.
- The minimum grant amount per applicant is €3,750 based on a minimum eligible turnover of €50,000.
- The maximum grant amount per applicant is €200,000.
- For those with eligible turnover of €2.666m and above €200,000 is the maximum award payable out under this Scheme.

### Working Examples:

Eligible activity operator with eligible 2019 turnover of €200k	Eligible cruise hire company with eligible 2019 turnover of €3 million	Eligible not-for-profit attraction with eligible 2019 turnover of €2 million  Annual subvention from local authority = €100,000
10% of eligible turnover = €20k 9/12ths of €20k = €15k grant payment	10% of eligible turnover = €300k 9/12ths of €300k = €225k Grant payment = €200k as they have reached cap	10% of eligible turnover = €200k 9/12ths of €200k = €150k Deduct €100k subvention = €50k grant payment

The level of grant funding is further subject to the overall caps on aid under the 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.

## 14. How do I apply?

Applicants who believe they meet the eligibility criteria above are welcome to apply through the following steps.

- All applicants are required to have a profile on Fáilte Ireland's 'Trade Portal' which is accessible on [www.failteireland.ie](http://www.failteireland.ie). If an applicant does not already have an account, they will be required to create one.
- Those that already have a Fáilte Ireland Trade Portal account, the application form can be accessed under '**Funding**'.
- The Scheme Guidelines and Terms and Conditions will be available on [www.failteireland.ie](http://www.failteireland.ie)
- Applicants should note that granting access to the application form does not confirm final eligibility on 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 **12 noon on Monday March 8th, 2021.**

## 15. What do I need to apply?

The following information is required when submitting an application:

- Tax Reference Number (TRN), CHY Number, Registered Charity Number and / or Companies Registration Office number (CRO) as appropriate.
- Full Annual Financial Statements for 2019.
- Where audited Financial Statements are abridged for filing purposes, the unabridged version should be provided.
- If your business is a Sole Trader or Partnership, where full financial statements have not been prepared you will need to provide your 2019 business profit and loss account as part of this application
- Value of any operational financial support (non-State Aid) received by the from public sources in 2020 if applicable (e.g. Local Authority operational subvention, etc. We do not require any capital funding from public sources to be declared here)
- If eligible turnover is in excess of €1m in 2019, an independent auditors letter is required confirming that this is the case.
- Be established and registered for Tax in the Republic of Ireland or have been granted Charitable Tax Exemption by the Revenue Commissioners.
- Copy of your 2019 tax return (CT1, Partnership or Individual). If applicant is a Charity, proof of charitable status is required.
- Declaration that the business was open and operating prior to 1st January 2020.
- The value of State Aid received by the applicant to date under the EU "Temporary Framework for State Aid Measures to Support the Economy in the Current Covid-19 Outbreak". The total value of State Aid received by the applicant and /or by its wider group entities to date, under the Covid-19 EU Temporary Framework for State Aid measures to support the economy in the current Covid-19 pandemic.
- Bank Account Details and copy of Bank Statement Header. This information will only be used in verifying the payment details so that we can process the payment without unnecessary delay. If the applicant is unsuccessful, this information will be erased immediately. It will only be retained for successful applicants.
- Have a fixed place of business in the Republic of Ireland.

- Under State Aid rules, 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 verifying that this is the case or (ii) an audit letter/report (dated 2019 or 2020 signed by an accountant for the most recently prepared year-end financial statements is required.
- In the case of small and micro entities 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.
- Confirm by way of declaration that it has not commenced (or does not intend to commence) any steps to insolvency/liquidation proceedings.
- Confirm by way of declaration that the eligible tourism business has experienced an adverse impact due to COVID-19 of a minimum of 75% in eligible turnover.
- Confirm by way of declaration that the eligible tourism business has a reasonable prospect of survival until at least the end of 2021.

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

**NOTE: Scheme Audit**

- 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.

## 16. Terms & 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.

- All applications for funding under the Scheme will be reviewed and assessed by Fáilte Ireland to ensure eligibility.
- Successful applicants must confirm payment received will be used as a defrayment of fixed costs.
- 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 Offer 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 to 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.
- The Applicant has completed or shall complete Fáilte Ireland's COVID-19 Safety Charter and shall adhere to the requirements set out therein and/or the appropriate sector specific guidelines for re-opening in light of COVID-19 (as may be amended from time to time).
- 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](http://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 2031, 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 (2016/679) 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 [HERE](#).

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 Offer. 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 State Aid Temporary Framework as adopted on 19 March 2020 (C (2020) 1863 and incorporating its four 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 and C(2021) 564 of 28 January 2021– for measures to support the economy in the current COVID-19 outbreak.

The Scheme will be operated under the EU’s Covid-19 Temporary Aid Framework (the ‘Temporary Framework’)\*. 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.

\*A consolidated version of the Temporary Framework as of 13 October 2020 is available at: [https://ec.europa.eu/competition/state\\_aid/what\\_is\\_new/T\\_F\\_informal\\_consolidated\\_version\\_as\\_amended\\_28\\_january\\_2021\\_en.pdf](https://ec.europa.eu/competition/state_aid/what_is_new/T_F_informal_consolidated_version_as_amended_28_january_2021_en.pdf). It is the applicant’s responsibility to ensure that it is aware of any amendments to the Temporary Framework and applicants are free (and encouraged) to take legal advice as appropriate on how State aid rules apply in their particular situation. Please note that it is a requirement of the Temporary Framework that the aid is granted no later than 31 December 2021 (subject to any extension by the EU Commission).



**Fáilte Ireland**  
National Tourism Development Authority



**Rialtas na hÉireann**  
Government of Ireland