

Fáilte Ireland

# Strategic Tourism Transport Business Continuity Scheme

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2022 Guidelines



Rialtas na hÉireann  
Government of Ireland

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## 1. Introduction – Who is the Scheme for?

The National Tourism Development Authority (Fáilte Ireland) has developed the Strategic Tourism Transport Business Continuity Scheme 2022 (“The Scheme”) which aims to support the strategic tourism transport sector as it enables visitors to access the geographically dispersed Irish tourism offering. Pre COVID-19, these businesses earned a large portion of their income by providing tourism services to visitors and have suffered significant losses as a result of COVID-19.

The overall purpose of the Scheme is to assist the Strategic Tourism Transport 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 Business Continuity

Programme 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 eligibility criteria?

The Scheme is open to applicants meeting the below criteria, and it is important that all applicants check the definitions and eligibility criteria 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.

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

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

1. **Business Type:** Applicants must 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 definitions and eligibility criteria specified for each category of business before applying (please refer to Q3 – Q5 below).
  - **Business Category A:** Coach Tourism Operators, Tourism Chauffeur, Limousine Services, Escorted Private Tours and Hop-On Hop-Off Bus Tour Operators
  - **Business Category B:** Tourism Vehicle Rental Sector
  - **Business Category C:** Tourism Aviation & Rail Tour Operators

**2. Downturn in Eligible Tourism Turnover due to COVID-19:** Eligible applicants 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 Eligible Tourism Turnover:** Had a minimum eligible tourism turnover from the delivery of tourism related business activities within the Republic of Ireland of €50,000 in 2019.

**In the case of Business Category A:** Coach Tourism Operators, Tourism Chauffeur, Limousine Services and Escorted Private Tours, applicants must in addition submit evidence of 10% of eligible tourism turnover (not required for Hop-On and Hop-Off bus tour operators). See Q6 below for more information.

**Please note successful applicants from Strategic Tourism Transport Business Continuity Scheme (STTBCS) 2021 have demonstrated their eligibility previously and therefore those applicants that are applying in 2022, are not required to provide us with this evidence again, unless there are differences in the 2019 eligible tourism turnover that you declare in this Scheme. Fáilte Ireland reserves the right to seek clarification on information provided from any applicant.**

**4. Existing Operator:** Have been in existence and trading prior to January 1st, 2020.

**5. Continuation/Resumption of Trade:** Intend to continue trading in 2022 or when it is safe to do so 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:

- **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 are ineligible to apply for the Scheme.

- **Public Ownership:** *Fáilte Ireland reserve the right to refuse grant funding under this Scheme if it determines that a tourism business is supported by State funding.*

Note: Commercial semi-state bodies or the commercial subsidiary of a semi-state body or any applicant business 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 property to operate.

### 3. What Coach Tourism Operators, Tourism Chauffeur, Limousine Services, Escorted Private Tour Operators & Hop-On Hop-Off Tour Operators are eligible to apply?

Coach Tourism Operators, Tourism Chauffeur, Limousine Services & Escorted Private Tour Operators are those that offer luxury vehicle hire exclusively in conjunction with driver services for use predominantly by overseas visitors for a minimum of a half day.

Operators in this category provide both a driver and vehicle to escort visitors on tour itineraries. See below for examples of escorted tour itineraries.

EXAMPLE 1	EXAMPLE 2
Half-day Escorted Tour of Wicklow in minibus with driver/guide for eight visitors.	3-day Escorted Tour on the Wild Atlantic Way in limousine with driver for two visitors.
Collection from a Dublin city hotel. Visit to two Wicklow attractions. Lunch in Wicklow. Return to a Dublin city hotel.	Collection in Shannon Airport. Travel to five attractions. Travel to/from three hotels. Travel to National Park. Travel to five restaurants. Return to Ireland West Knock Airport.

#### Licensing Requirements

##### 1. Small Public Service Vehicle Licences

Applicants must hold a valid licence as of March 2020 and provide a copy of the licence as provided by the National Transport Authority in the following category:

- Limousine Licence

##### 2. Large Public Service Vehicle Licences

Applicants must hold a valid licence as of March 2020 and provide a copy of the licence as provided by the Department of Transport:

- Road Transport Operator Licence

Please note: Successful applicants from the Strategic Tourism Transport Business Continuity Scheme (STTBCS) 2021 are deemed to have already demonstrated their eligibility with regard to licencing evidence, therefore no further information in relation to licencing is required for an application for this Scheme. Fáilte Ireland reserves the right to

seek clarification on information provided from any applicant.

#### Ineligible Operators

Operators who engage solely in any of the following business activities are ineligible to apply:

- Services by Taxi
- Services by Hackney
- Point-to-point services e.g., airport transfer, alternative means of travel to public transport
- Transport for non-tourism related activities
- Corporate & non-tourism related VIP Services
- Wedding Car Hire & Ceremonial Events

*Fáilte Ireland reserve the right to request further information on the tourism business activity of applicants.*

## 4. What Tourism Vehicle Rental Operators are eligible to apply?

Tourism Vehicle Rental Operators are those which provide passenger vehicles made available for multi-day hire to visitors who self-drive. This includes cars, people carriers, motorbikes, and motorhomes for an overnight experience. Vehicle Rental Operators that fall outside of this definition are ineligible to apply. The following business types/entities are deemed ineligible and therefore excluded from applying under this Scheme.

### **Ineligible Vehicle Rental Operators:**

The following operators are ineligible to apply:

- Membership based car clubs
- Car sharing services
- Part-day rental operators
- By the hour rental operators

### **Operators who engage solely in the following business activities are ineligible to apply:**

- Van and/or truck hire
- Commercial vehicle leasing
- Car contract/lease hire
- Corporate contracted business e.g. car service replacement

*Fáilte Ireland reserves the right to request further information on any applicant's tourism business activity and rental fleet available for hire.*

## 5. What Tourism Aviation and Rail Tour operators are eligible to apply?

Eligible aviation and rail tour providers who offer the following onboard round trip experiences:

- Sightseeing and landing trips as part of a heritage tour.
- Hop-on hop-off aviation tours are eligible where they have been contracted for a minimum of a half day. This category includes but is not limited to helicopter tours, scenic flights, hot air balloon rides and steam train tours.

### **Ineligible Operators:**

Aviation and rail tourism experiences are those that engage solely in the following business activities which are outside the scope of this Scheme:

- Commercial/chartered/scheduled airlines
- Commercial/chartered/scheduled rail providers/routes.
- Point-to-point services e.g. transfers, alternative means of travel to public transport.

- Transport for non-tourism related activities
- Corporate & non-tourism related VIP Services.
- Transport for non-tourism ceremonial events e.g. weddings.
- Transport for non-tourism related events e.g. transport to horse racing meeting.

**Turnover generated from these business activities are not considered eligible tourism turnover under this Scheme.**

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

## 6. What are the Financial Criteria?

Applicants will be asked to declare their eligible tourism turnover figure for 2019 and 2021. Only turnover generated from the delivery of tourism transport related business activities within the Republic of Ireland will be eligible for inclusion in an applicant’s eligible tourism turnover figure.

As part of the application process, Fáilte Ireland reserve the right to seek such further evidence or verification in relation to the financial information supplied by applicants as Fáilte Ireland considers necessary to include but not be limited to evidence of up to 10% of declared eligible tourism turnover for 2019.

### Business Category A: Coach Tourism Operators, Tourism Chauffeur, Limousine Services, Escorted Private Tours & Hop-On Hop Off Tour Operators

ELIGIBLE TOURISM TURNOVER	INELIGIBLE TOURISM TURNOVER
Eligible applicants must have a minimum eligible tourism turnover threshold of €50,000 in 2019	Corporate and non-tourism related VIP Services
Turnover generated from tourism event organisers, conference venue managers, inbound tour agents and similar tourism intermediaries.	Wedding Car Hire & Ceremonial Events
Turnover generated from the provision of a minimum half day escorted tour booked directly by visitors.	Turnover generated on tourism activity taking place outside the Republic of Ireland
	Transport for non-tourism related activities e.g. school bus route
	Point-to-point services

### Business Category B: Tourism Vehicle Rental Sector

ELIGIBLE TOURISM TURNOVER	INELIGIBLE TOURISM TURNOVER
Eligible applicants must have a minimum eligible tourism turnover threshold of €50,000 in 2019	Non-tourism related transport turnover e.g. van hire
Eligible turnover relates to turnover generated from tourism vehicle rental to domestic and overseas visitors	Non-tourism contracted business e.g. commercial, car replacement services

### Business Category C: Tourism Aviation and Rail Tour Operators

ELIGIBLE TOURISM TURNOVER	INELIGIBLE TOURISM TURNOVER
Eligible applicants must have a minimum eligible tourism turnover threshold of €50,000 in 2019	Commercial/chartered/scheduled airlines or rail providers
Turnover generated sightseeing and landing trips as part of a heritage tour	Corporate and non-tourism related VIP Services
Turnover generated from hop-on hop-off aviation tours are eligible where they have been contracted for a minimum of a half day	Turnover generated on tourism activity taking place outside the Republic of Ireland
	Point-to-point services

For applicants in **Business Category A: Coach Tourism Operators, Tourism Chauffeur, Limousine Services & Escorted Private Tours** to be eligible to apply, applicants are required to submit evidence to the value of 10% of declared eligible tourism turnover for 2019.

Please note successful applicants from Strategic Tourism Transport Business Continuity Scheme (STTBCS) 2021 have demonstrated their eligibility previously and therefore those applicants that are applying in 2022, are not required to provide us with this evidence again, unless there are differences in the 2019 eligible tourism turnover that you declare in this Scheme. Fáilte Ireland reserves the right to seek clarification on information provided from any applicant.

**The following constitutes acceptable examples (but not limited to) of evidence to demonstrate that the business engages in tourism activity:**

- Invoice clearly stating tourism purposes
- Invoice or proof of bank transfer in 2019 from members of the following:
  - Irish Tour Operators Association
  - Ireland Golf Tour Operator Association
  - Association of Irish Professional Conference Organisers
- Invoice / letter confirming preferred supplier for guest tour to a Fáilte Ireland registered accommodation provider
- Invoice from a tourism experience provider e.g. visitor attraction, tourism activity operator
- Accountant’s letter declaring value of eligible tourism turnover

### Examples

ELIGIBLE TOURISM TURNOVER	INELIGIBLE TOURISM TURNOVER
€50k turnover	Documentation demonstrating tourism activity to the value of €5k
€1m turnover	Documentation demonstrating tourism activity to the value of €100k

**Note: Applicants who cannot demonstrate the minimum value of 10% of their eligible tourism turnover will be deemed ineligible for funding under this Scheme.**

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



## 7. 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 tourism turnover from 2019.
- The grant amount is calculated as 5% of the 2019 eligible tourism turnover figure (subject to the maximum grant as set out below, and State Aid rules).
- The minimum grant amount per applicant is €2,500 based on a minimum eligible tourism turnover of €50,000.
- The maximum grant amount per applicant is €800,000.
- For applicants with eligible tourism turnover of €16m and above, €800,000 is the maximum award payable out under this Scheme, subject to State Aid rules.

The Scheme is not linked to earlier phases of Fáilte Ireland’s Tourism Business Continuity programme. Eligible businesses under this Scheme who have previously availed of funding through these Schemes are not excluded from applying for funding under this Scheme **subject to** the cap on the total funding that may be awarded to a single undertaking under the Temporary State Aid Framework.

Where applicants feel they may be eligible for both Strategic Tourism Transport and Ireland Based Inbound Agents Business Continuity Schemes, applicants must demonstrate eligibility in both Schemes.

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.

EXAMPLE 1	EXAMPLE 2	EXAMPLE 3	EXAMPLE 4
Eligible limousine operator with eligible tourism turnover for 2019 of €60k	Eligible car rental company with eligible tourism turnover for 2019 of €30m	Eligible motorbike rental operator with eligible tourism turnover for 2019 of €180k.	Eligible coach tour operator with eligible tourism turnover for 2019 of €800k
5% of eligible tourism turnover = €3k grant amount	5% of eligible tourism turnover = €30m Grant amount = €800k as they have reached cap	5% of eligible tourism turnover = €9k	5% of eligible tourism turnover = €40k

*\*Fáilte Ireland may at its sole discretion reduce the maximum grant amount per applicant, depending on the overall funding available for the Scheme.*

The level of grant funding is further subject to the overall caps on all aid under the Temporary Framework for State Aid Measures to Support the Economy in the Current COVID-19 Outbreak<sup>1</sup>, and the grant available may be reduced where an applicant or the group of which the applicant is part has already benefitted under another Scheme notified under the Temporary Framework, including but not limited to other Fáilte Ireland Schemes.

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

Should an applicant have more than one business, or if an applicant shares common ownership with another business in the same cohort, each business may apply per eligible legal entity, or as a group. While these businesses will be evaluated on their own merit, they will be considered a 'group' for the purposes of this Scheme. Payment of any grants will be calculated subject to Scheme caps and with taking into account EU State Aid rules as set out below.

Please note: Multiple applicants from the same group of businesses 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 to a single undertaking on the basis all of 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.

Applicants will be asked to declare all applications being submitted for affiliated businesses when submitting the application forms. Failure to make the appropriate declaration may result in funding being declined, reduced or becoming repayable if already paid.

## 9. 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 <https://tradeportal.failteireland.ie> If an applicant does not already have an account, they will be required to create one.
- For those that already have a Fáilte Ireland Trade Portal account, the application form can be accessed under '**Funding**'. Should the form not be available please contact [customersupport@failteireland.ie](mailto:customersupport@failteireland.ie)
- The Scheme Guidelines and Application Form support notes are available on [www.failteireland.ie](http://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 or during the 10 year grant period\*.
- 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.

*\*NOTE: 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.*

## Application Deadline

- All completed applications for the Scheme must be submitted via the Fáilte Ireland Trade Portal by **12 noon on Tuesday 8th February 2022**.
- We strongly advise applicants not to wait until the last day to submit applications in case you experience IT related problems. We regret that applications cannot be accepted after the closing date and time.

Due to the anticipated high volume of applications, Fáilte Ireland will endeavour to process applications as quickly as possible. However, applicants should be aware that during peaks in applications this may take a matter of weeks. We will keep all applicants informed throughout the application process of anticipated timelines for completion.

Only fully and correctly completed application forms will be processed, and the onus is on the applicant to ensure that applications are completed correctly and fully, in order to expedite the claim process.

Fáilte Ireland will contact applicants with any queries on applications and regarding the status of the application.

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.

## 10. What do I need to apply?

The following information is required when submitting an application:

1. Management accounts for 2021. These do not need to have been prepared by an accountant, however please ensure they are as accurate as possible, as this Scheme will be subject to audit in the future.
2. 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.
3. Tax Reference Number (TRN), or Companies Registration Office number (CRO) as appropriate.
4. Copy of your 2019 tax return (CT1, Partnership or Individual).
5. Limousine Licence Number and Vehicle Registration Number, or Road Passenger Transport Operator Licence Number as appropriate.
6. In the case of Business Category A: *Coach Tourism Operators, Tourism Chauffeur, Limousine Services & Escorted Private Tours*, evidence of 10% turnover related to eligible tourism business activity, as appropriate.
7. If eligible tourism turnover is in excess of €1million in 2019, an independent auditor's letter is required confirming that this is the case.
8. Be established and registered for Tax in the Republic of Ireland.
9. 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.

10. 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.
11. The Applicant's current number of Full Time Equivalent (FTE) on 31 December 2019 and at the date of the application.
12. 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.

## 11. 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.

- 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 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 applicants 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 enterprises, that the applicant business was not an undertaking in difficulty, was solvent and is able to pay its debts as they fall due as of 31 December 2019.
- In the case of small and micro enterprises 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: [Management of and Accountability for Grants from Exchequer Funds \(circulars.gov.ie\)](#).
- 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 European 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, (b) any relevant data accumulated by Fáilte Ireland in administering the Scheme or (c) publish details of amounts awarded under the Scheme. 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 (together with any Regulations made thereunder). 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.

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. Please read Fáilte Ireland’s Privacy Policy for details [here](#).

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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