



IRELAND BASED INBOUND AGENTS BUSINESS CONTINUITY SCHEME

GUIDELINES, TERMS
& CONDITIONS



Fáilte Ireland
National Tourism Development Authority



Rialtas na hÉireann
Government of Ireland

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Ireland Based Inbound Agents Business Continuity Scheme Guidelines

The Ireland Based Inbound Agents Business Continuity Scheme is subject to approval by the EU 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.

Introduction

The COVID-19 pandemic and the various containment measures adopted to curtail the spread of the virus have had an immediate and significant detrimental effect on the economy generally and the tourism and hospitality sectors.

The Ireland Based Inbound Agents Business Continuity Scheme (hereinafter referred to as the "Scheme"), has been introduced to assist Republic of Ireland based Inbound Tour Operators, Destination Management Companies (DMCs) and Professional Conference Organisers (PCOs) who package, sell and market Ireland's tourism product overseas and have suffered significant losses as a result of COVID-19. Pre COVID-19, these businesses would have derived a substantial level of income from the provision of group and Free Independent Tourist (FIT) business within Ireland from overseas.

The overall purpose of the Scheme is to help Irish Based Inbound Agents to withstand the impact of COVID-19 by providing a direct financial contribution to support their business continuity plans and to seek to position them to continue operating through 2021.

Considering the challenges facing the sector, and given their importance to the supply chain, Fáilte Ireland (National Tourism Development Authority) have developed, and will be implementing, an Ireland Based Inbound Agents Business Continuity Scheme (hereinafter referred to as the "Scheme"). A total of circa €10m current funding, subject to funding availability, has been allocated for the Scheme using funds made available for that purpose 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.

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/TF_consolidated_version_amended_3_april_8_may_29_june_and_13_oct_2020_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 30 June 2021 (subject to any extension by the EU Commission).

Eligible Applicants

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

Where you are part of a group structure, then you may apply for each eligible business in the group.

The applicant must be a Eligible Irish Based Inbound Agent, i.e.:

- (a) Operate as Republic of Ireland based inbound tour operator, DMC or PCO who package, sell, and market Ireland's tourism product overseas; and
- (b) Be a member of, or meets the criteria to become a member of, any of the following – as defined in either Appendix I or Appendix II:
 - (i) The Incoming Tour Operator Association (ITOA).
 - (ii) Association of Irish Professional Conference Organisers (AIPCO) – full or associate membership.
 - (iii) Irish Golf Tour Operator Association (IGTOA).
 - (iv) Fáilte Ireland approved Destination Management Company (DMC).
 - (v) Fáilte Ireland approved Professional Conference Organiser (PCO); or
 - (vi) The applicant has participated, in a minimum of two international sales platforms in the last two years (2018 and 2019) via the Fáilte Ireland portal.

The Applicant must:

- Be established and registered for Tax in the Republic of Ireland.
- Have a fixed place of business in the Republic of Ireland with a minimum of one full time equivalent ('FTE') employee directly employed in the Republic of Ireland.
- Have been established and operating as a Eligible Irish Based Inbound Business on 31 December 2019 and for a minimum of two years prior to that date.
- Have current valid eTAX clearance.
- 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 your 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 your accountants for your 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 its Eligible inbound business has experienced an adverse impact due to COVID-19 of a minimum of 75% in actual turnover.
- Confirm by way of declaration that its Eligible inbound business has a reasonable prospect of survival until at least the end of 2021.

NOTE: Scheme Audit

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.

Eligible Revenue for Eligible Applicants

- For eligible applicants, only revenue generated from the delivery of overseas (i.e. outside of the Republic of Ireland) delegates/visitors into the Republic of Ireland will be eligible for consideration.
- Revenue generated from ground arrangements in Ireland only.

Ineligible Revenue for Eligible Applicants

- Revenue generated from outbound activity from Ireland, or from any jurisdiction to another (outside of Republic of Ireland).
- Revenue from the movement of overseas delegates/visitors, who are already in the country, i.e. Day tours.
- Any revenue used to claim payments under the COVID-19 Restrictions Support Scheme (CRSS) <https://www.revenue.ie/en/corporate/press-office/budget-information/2021/crss-guidelines.pdf>
- Any revenue from management of domestic events or domestic attendees.
- Any revenue from other non-tourism activity.
- Any revenue generated from carrier receipts.

Eligible Costs for Eligible Applicants

- The continuing costs relating to the generation of inbound revenue for 2017, 2018 and 2019 to exclude payroll.

Ineligible Costs for Eligible Applicants

- Costs relating to activity generating other business revenue i.e. not relating to your inbound business are ineligible.

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

Ineligible Applicants

The following entities are deemed ineligible and therefore excluded from applying for this Scheme:

- Those that do not meet the eligibility criteria as defined above under Eligible Applicants.
- Online Travel Agents
- Retail Travel Agent
- Online Resellers
- Domestic/National event planners (those organising events in Ireland for Ireland based attendees)
- Accommodation Marketing Groups
- PR & Communications Companies
- Venue Finding Agencies
- Production Companies
- Exhibition Companies
- Concerts, Festivals, Sporting or Cultural Event organisers
- Individual service providers/suppliers to Incoming Tour Operators, DMCs or PCOs including but not limited to: day tours/excursions, ticketing providers, team building providers, accommodation providers, venues, universities, Catering companies, Florists, entertainment providers, AV companies, transport companies, visitor attractions.

Information Required of Applicants

- Details of a Parent company/Holding company and ownership structure, together with a list of all eligible businesses to be considered under the Scheme.
- Date of incorporation/set up of the business.
- Evidence that the Eligible Ireland Based Inbound Business is established and has a fixed place of business in the Republic of Ireland. Proof of address (recent utility bill or similar) will be required.
- Annual Audited Financial Statements (AFS) for the last 3 years (2017, 2018 and 2019).

- Where audited Financial Statements are abridged for filing purposes, the unabridged version should be provided too. Statements should clearly identify:
 - 2017, 2018 and 2019 costs relating to the inbound business.
 - 2017, 2018 and 2019 Revenue generated from inbound business
 - Where this is not clearly disclosed in your financial statements, a separate letter from your auditor setting out this breakdown as it relates to 2017, 2018 and 2019 signed and audited accounts.
- Where financial accounts are not required to be audited, please provide a copy of the unaudited Financial Statements, and an independent auditor's letter setting out your revenue and costs for the past 3 years for your business. (or the last 2 years if your business was only established 2 years prior to 31st December 2019).
- If the inbound revenue and costs are not shown separately in the AFS then you will need to provide a separate breakdown identifying revenues and costs (non-payroll) relating to inbound business to Ireland.
- Evidence that the Eligible Ireland Based Inbound business is registered for Tax in Ireland. You will be required to provide an Irish Tax Reference number (TRN).
- 2019 Tax return (Corporation/Partnership/Individual).
- Confirmation that all the eligible entities tax affairs are in order. Businesses will not receive support under the scheme if they are not tax cleared.
- If eligible revenue in excess of €1m, an independent Accountant/Auditor letter of confirmation is required.
- A copy of your bank statement header to verify details for payment. 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.
- 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 your 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 your accountants for your most recently prepared year-end financial statements is required.
- 2020 Management accounts, by quarter, as at date of application to show actual revenue, for the year to December 2020 from its Eligible Inbound Business and proof that the combined eligible companies business has lost a minimum of 75% of its projected revenue derived specifically from incoming FIT or Group travel business.
- Evidence that the Eligible Ireland Based Inbound Business is a member of ITOA, AIPCO or IGTOA or is a Fáilte Ireland approved DMC or PCO or a declaration that the Eligible Ireland Based Inbound Business meets ITOA, AIPCO or IGTOA membership criteria (see Appendix I) or the criteria to become a Fáilte Ireland approved DMC or PCO (see Appendix II) or that you have participated, in a minimum of two international sales platforms in the last two years (2018 and 2019) via the Fáilte Ireland portal. Where self-declaration is made, Fáilte Ireland reserve the right to request additional information to validate same.

- Total value (€) and volume (number of international visitors) of your 2017, 2018 and 2019 inbound business generated directly by the applicant through their overseas sales and marketing activity and split by segment.
 - The Eligible Ireland Based Inbound Agent's current number of FTEs engaged in its Eligible Inbound Business (at the date of the application) and the number of FTEs on 31 December 2019. Where the Eligible Ireland Based Inbound business is not solely an inbound tour business, you should determine an appropriate allocation for staff that provide support across multiple functions (e.g. Finance/HR). This should be determined on a % of overall revenue basis. As an example, if you had 5 cross-functional employees and 60% of your revenues were generated by inbound tour business, you should include 3 of these employees in your application.
- The value of Aid received by each Eligible Ireland Based Inbound business to date under the EU Temporary Framework for State Aid Measures to Support the Economy in the Current Covid-19 Outbreak.
- The value of State Aid received by the applicant to date under the "Temporary Framework for State Aid Measures to Support the Economy in the Current Covid-19 Outbreak".
- The value and source of financial supports received from public sources by the Eligible Ireland Based Inbound business in the period of January 1st, 2019 through to the date of application. This includes any supports for sales, marketing, or other promotional activity from, and not exclusive to, Government of Ireland, Fáilte Ireland, Tourism Ireland, Tourism Northern Ireland, Local Authorities, Enterprise Ireland, IDA, Bord Bia, etc.
- 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.

How to Apply

- Only eligible applicants will qualify to apply for this Scheme.
- All applicants will be required to have a profile on Fáilte Ireland's 'Trade Portal' which is accessible on www.failteireland.ie. If you do not already have an account, you will be required to create one.
- Those that already have a Trade Portal account, the application form can also be found under '**Available Funding**'.
- The Guidelines, Terms and Conditions and Application Form will be available on 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.

Application Deadline

- All completed applications for the Scheme must be submitted to Fáilte Ireland **by 12 noon on Tuesday, 8th December 2020**.
- No funding will be advanced under the Scheme in advance of the closing date for application. It is important that the full population of applications are assessed before the Scheme funding is allocated and paid out to ensure that total grants awarded are within the maximum Scheme cap.

Scheme Allocation Mechanism

Fáilte Ireland has been allocated limited funds for this Scheme and it is expected that there will be a high level of demand from the industry. In addition to the criteria as set out above, grants awarded will be subject to available funding and the number of eligible applicants to the Scheme. 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.

A grant will only be available to those who meet each of the pass/fail Eligibility Criteria ("**Eligible Applicants**").

The maximum grant allocated to each Eligible Applicant is restricted to the lower of:

1. The applicant's funding allocation based on the calculation outlined in the example below.
2. €800,000 less State Aid received by the applicant to date in respect of Covid-19, in accordance with State Aid rules.
3. Lost revenue from Qualifying Inbound Tour Business for 2020 as compared with the average of 2017-2019.
4. The applicant's average continuing costs over 2017, 2018 and 2019, attributable to the Eligible Inbound business, excluding payroll costs.

For example, if an applicant (i) had received no State Aid under the Temporary Framework, (ii) had lost revenue of €300k in 2020, and (iii) had non-payroll overhead costs of €200k (average over 2017, 2018 and 2019), the maximum grant it would be entitled to would be restricted to €200k, being the lower amount.

The initial grant per Eligible Applicant will be determined on a pro-rata allocation to circa €10m. The allocation will be based on the Eligible Applicants' average 2017–2019 inbound tourism revenue as a % of the average 2017- 2019 inbound tourism revenue of all eligible scheme applicants. Refer to example below:

Total Grant Funding	€10m
Applicant A Average 2017–2019 Inbound Tourism Revenue	€500k
Total Average 2017–2019 Inbound Tourism Revenue of all Eligible Scheme Applicants	€100m
Initial Grant to Applicant A	$€10m * €500k / €100m = €50k$

- .1 If Eligible Applicants are capped due to reaching their maximum permitted grant, the excess should be made available to other Eligible Applicants on a proportional basis, based on their original grant entitlement and subject to their cap.
- Only revenue generated from the delivery of overseas (i.e. outside of the Republic of Ireland) delegates/visitors into the Republic of Ireland will be eligible for consideration. No revenue generated from outbound activity from Ireland, or from any other jurisdiction to another (outside of Republic of Ireland) will be eligible. Revenue from the movement of overseas delegates/visitors, who are already in the country, will not be eligible.

- Payments will be based on a proportionate percentage of eligible revenue from eligible businesses. A total of circa €10m current funding, has been allocated for the Scheme. The Scheme is subject to funding availability, and subject to EU approval, with a maximum payment of €800,000 per Company/Company Group.
- Grants will be based on the eligible revenue from eligible company, divided by the total eligible revenue from the total value of eligible applicants multiplied by €10m.

Terms & Conditions

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.

Terms & Conditions of Grant funding

- All applications for funding under the Scheme will be reviewed and assessed by Fáilte Ireland to ensure eligibility.
- 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 its inbound FIT or Group business to Ireland from overseas.
- 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, 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.
- The applicant shall ensure that operation of the incoming tour operator is fully and properly documented and that adequate records are kept and maintained in order to demonstrate and verify that the grant funding is used solely and exclusively by the applicant in the operation of the business which has applied for the grant. In this regard all reports, records, accounts and other documentation of the applicant relating to the operation of each Eligible Ireland Based Inbound business and/or the use by the applicant of the grant shall be maintained and made available for inspection by Fáilte Ireland on request, for whatsoever reason. In no circumstances shall any financial documentation be destroyed or otherwise disposed of without the prior written consent of Fáilte Ireland.
- 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 2030, the applicant may be asked to make all books and records relating to the 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.

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](#).

By submitting an application, the applicant confirms its acceptance of the terms of the 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.

Applicants consent to Fáilte Ireland 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.

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 and C (2020) 7127 of 13 October 2020 – for measures to support the economy in the current COVID-19 outbreak.

Public Procurement

All projects in receipt of public funding are required to follow EU and national public procurement rules and procedures, where applicable. In response to the need for urgent and immediate actions to contain and control COVID-19, the Office of Government Procurement (OGP) published a guidance document on 22 March 2020: "[Information Note – Covid-19 \(Coronavirus\) and Public Procurement](#)" to assist in supporting contracting authorities. The Information Note draws attention to the provisions within legislation to allow contracting authorities use a negotiated procedure without prior publication (advertisement) and thus enable the continuation of much needed service at time of extreme urgency such as those brought about by COVID-19. Applicants are required to declare in the application form that they have endeavoured to ensure value for money, and that they have reviewed the OGP Information Note and are satisfied that the expenditure incurred and included in their application has been procured in line with same.

Appendix I – Membership Criteria for ITOA, AIPCO and IGTOA

Please refer to Irish Incoming Tour Operators Association (ITOA) or <https://itoe-ireland.com/> for their Membership Criteria.

Please refer to Association of Professional Conference Organisers or <https://aipco.ie/new/> for their Membership Criteria.

Please refer to Irish Golf Tour Operators Association (IGTOA) or <https://igtoa.com/> for their Membership Criteria.

Appendix II – Fáilte Ireland approval criteria for Destination Management Companies and Professional Conference Organisers

Fáilte Ireland Destination Management Company Minimum Eligibility Criteria

- The applicant has a permanent company, with a full-time staffed office, located and registered in the Republic of Ireland.
- Must be trading as an Inbound DMC in the Republic of Ireland for a minimum of two years.
- Must have a minimum of two FTEs dedicated to servicing MICE inbound business.
- The applicant has a valid Tax Clearance Certificate.
- The DMC must have in place and maintain employer's liability Insurance with indemnity limit of €13,000,000 and Public Liability Insurance with an indemnity limit of €6,500,000
- The DMC must have appropriate processes in place to ensure the safety of their client's funds.
- Must be fully compliant with all legislation.
- Must provide a minimum of SIX of the following services:
 - a. Programme creation and management on-site
 - b. Budget management
 - c. Accommodation & venue finding
 - d. Transport, tours & logistics
 - e. Activities and team building
 - f. Gala dinner, events, entertainment & production
 - g. Communicate in languages.
- Must provide evidence of Ireland programmes (minimum of 3 programmes) totalling **500 international participants** in any one calendar year over the last two years with a minimum total spend of €525,000.

Fáilte Ireland Ultra-Lux Destination Management Company Minimum Eligibility Criteria

- The applicant has a permanent company, with full time staffed office, located and registered in the Republic of Ireland.
- Must be trading as an Inbound Ultra lux DMC in the Republic of Ireland for a minimum of two years.
- Must have a minimum of two FTEs dedicated to servicing the Ultra Lux inbound business.
- Applicant turnover for UltraLux inbound tourism business during any one of the previous three financial years (excluding commission earned) was at least €500,000.
- The applicant has a valid Tax Clearance Certificate.
- The DMC must have in place and maintain employer's liability Insurance with indemnity limit of €13,000,000, and Public Liability Insurance with an indemnity limit of €6,500,000.

- The DMC must have appropriate processes in place to ensure the safety of their clients' funds.
- Must be fully compliant with all legislation.
- Offer a minimum of five of the following services:
 - a. Bespoke programme creation
 - b. Luxury accommodation & unique venue finding services
 - c. Exclusive transport services
 - d. Expert specialist tour guides
 - e. Private celebrations, entertainment & production
 - f. Unique Ultra Lux Experiences e.g. VIP tours, culinary experiences, cultural specialist tours.

Fáilte Ireland Professional Conference Organisers Minimum Eligibility Criteria

- Have a permanent company or business address and a full-time staffed office in the Republic of Ireland.
- The PCO must have been engaged exclusively or principally on a full-time basis in the organisation of professional association conferences, congresses, and other international meetings for at least 4 years.
- Over the past four years, the PCO must have organised:
 - Eight international association conferences.
 - Four of which should have been held in the Republic of Ireland.
 - Five of the eight international conferences must have been attended by a minimum of 300 international delegates.
 - Should a PCO be engaged as a Core PCO for an International Association/Society and have experience in organising multiple conferences for said Association/Society then this experience will be assessed within the totality of the PCOs experience.
- The PCO must have expertise and management systems in-house capable of managing all aspects of a major international association conference including (but not limited to): online registrations and activity, receipt of abstracts, exhibition, transport, social programme, financial operations and budgeting, printed materials, venue management, sponsor requirements, and dealing with suppliers. Full details of the experience and requirements will be made available in a confidential Self Completion Application Form which may be subject periodic audits and reviews to be undertaken by an independent evaluator appointed by Fáilte Ireland.
- The PCO must have in place and maintain employer's liability Insurance with indemnity limit of €13,000,000, and Public Liability Insurance with an indemnity limit of €6,500,000.
- The PCO must have appropriate processes in place to ensure the safety of their clients' funds.
- The PCO must be registered for VAT and have a current tax clearance certificate.
- The PCO must comply with all applicable laws governing its business.
- New entrants are required to supply 2 referees from previous conferences they managed as part of their conditions/application.

Appendix III – Definition of an Undertaking in Difficulty for State Aid Requirements

In accordance with Commission Regulation (EU) No 651/2014 of 17 June 2014 an 'undertaking in difficulty' means an undertaking in respect of which at least one of the following circumstances occurs:

- a) In the case of a limited liability company (other than an SME that has been in existence for less than three years or, for the purposes of eligibility for risk finance aid, an SME within 7 years from its first commercial sale that qualifies for risk finance investments following due diligence by the selected financial intermediary), where more than half of its subscribed share capital has disappeared as a result of accumulated losses. This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital. For the purposes of this provision, 'limited liability company' refers in particular to the types of company mentioned in Annex I of Directive 2013/34/EU (1) and 'share capital' includes, where relevant, any share premium.
- b) In the case of a company where at least some members have unlimited liability for the debt of the company (other than an SME that has been in existence for less than three years or, for the purposes of eligibility for risk finance aid, an SME within 7 years from its first commercial sale that qualifies for risk finance investments following due diligence by the selected financial intermediary), where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses. For the purposes of this provision, 'a company where at least some members have unlimited liability for the debt of the company' refers in particular to the types of company mentioned in Annex II of Directive 2013/34/EU.
- c) Where the undertaking is subject to collective insolvency proceedings or fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors.
- d) Where the undertaking has received rescue aid and has not yet reimbursed the loan or terminated the guarantee or has received restructuring aid and is still subject to a restructuring plan.
- e) In the case of an undertaking that is not an SME, where, for the past two years:
 - (1) the undertaking's book debt to equity ratio has been greater than 7.5 and
 - (2) the undertaking's EBITDA interest coverage ratio has been below 1.0.