

Fáilte Ireland Tourism Accommodation Providers Business Continuity Scheme Guidelines

TOURISM ACCOMMODATION PROVIDERS BUSINESS CONTINUITY SCHEME



1. Introduction - What is the Scheme for?

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

The accommodation sector supports tens of thousands of tourism jobs and provides considerable wider economic impact through facilitating tourism and local spend in a destination area. Fáilte Ireland recognises the extent of the financial and trading difficulties experienced by the sector since the onset of the COVID-19 crisis. Although many accommodation businesses have reopened since June 2nd 2021, restrictions due to the ongoing pandemic continue to impose commercial constraints on the sector. Due to international travel restrictions, there is a heavy reliance on domestic tourism in 2021 and consequently the high season will be shorter.

The overall purpose of the Scheme is to help enable tourism businesses in the accommodation sector to withstand the

impact of COVID-19 in the short and medium term, by providing financial support to accommodation providers contributing to their sustainability until the end of 2021.

Funding for this scheme, subject to availability, has been allocated for the Tourism Business Continuity Programme 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 under Budget 2021. Fáilte Ireland Accommodation Providers Tourism Business Continuity Scheme, (which will be referred to as the “Scheme” throughout) is one of the schemes being funded from the allocation.

The Scheme is approved under the EU’s Covid-19 State Aid Temporary Framework¹.

1. The Scheme is approved under the EU’s Covid-19 Temporary State Aid Framework (the ‘Temporary Framework’) https://ec.europa.eu/competition/state_aid/what_is_new/TF_informal_consolidated_version_as_amended_28_january_2021_en.pdf

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:**

- **Registered or Approved (or in application) under Fáilte Ireland’s National Quality Assurance Framework (NQAF) as at July 23rd 2021:**

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

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

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

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

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

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

Accommodation providers not included on, or who have not applied to, Fáilte Ireland’s National Quality Assurance Framework by 23rd July 2021 are ineligible to apply under this scheme

- **Minimum Turnover:** Have a minimum turnover from the delivery of related business activities within the Republic of Ireland of €50,000 in 2019.
- **Downturn in Turnover:** As a result of COVID-19, the average monthly turnover in the 12-month period *1st June 2020 – 31st May 2021* must be down at least 75% compared to the average monthly turnover for the period *1st January to December 2019*.
- **Resumption of Trade:** Intend to resume normal trading in 2022 or when it is safe to do so in line with Government guidance (which for the avoidance of doubt may be prior to 2022).
- **Fáilte Ireland Safety Charter:** Have completed/commit to completing and adhering to the Fáilte Ireland Covid-19 Safety Charter.
- **Marinas:** tourism infrastructure, such as moorings and berthage approved under the Welcome Standard, are not eligible.
- **Campus Accommodation and Student Accommodation:** On the basis that this accommodation is not primarily available for tourist use, this accommodation category is ineligible
- **Public Bodies:** Any business that is owned and operated by, or in direct funding from, the following public bodies is ineligible to apply:
 - Office of Public Works
 - National Parks and Wildlife Service
 - Local Authorities/County Councils and their commercial subsidiaries
 - National Museum
 - Waterways Ireland
 - Coillte

Ineligible Applicants

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

- Accommodation providers not included on, or who have not applied to, Fáilte Ireland's National Quality Assurance Framework by 23rd July 2021 are ineligible to apply under this 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/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.
- 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 land to operate.
- **Property Marketing Companies / Groups / Organisations**

3. What is eligible turnover?

Eligible applicants must have a minimum turnover threshold of €50,000 in 2019. This turnover must be comprised of revenue generated by the (eligible) business based on services provided, this must also include funding received from Government funding programmes e.g. emergency accommodation, while vaccine programmes or mandatory hotel quarantine should be included in monthly breakdown for 2021 if received.

Ineligible Turnover

Turnover which is ineligible and should not be included:

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

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

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

A limited fund is available for this Scheme and it is expected that there will be a high level of demand from the industry. While the final amount is yet to be determined, the minimum size of the fund will be a minimum of €20 million subject to the availability of funding.

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 general eligibility criteria as set out in Q.2 above (“Eligible Applicants”)

The initial grant per Eligible Applicant will be determined on a pro-rata allocation of the total fund. The grant award will be based on the number of units per applicant property, defined as follows:

Accommodation Category	Grant Award Basis (Unit)
Hotels	No. of Bedrooms
Guest houses	No. of Bedrooms
Holiday Hostels	No. of Calculated Units
Youth Hostels	No. of Calculated Units
Caravan & Camping Parks	No. of Pitches
Self-Catering	No. of Bedrooms
Holiday Camps	No. of Bedrooms
<u>Non-Statutory</u>	
B&Bs	No. of Bedrooms
Historic Houses	No. of Bedrooms
Self-Catering	No. of Bedrooms
Fáilte Ireland’s Welcome Standard:	
- Activity Holiday Accommodation	No. of Bedrooms
- B&B	No. of Bedrooms
- Camping	No. of Pitches
- Glamping	No. of Pitches
- Hostel	No. of Calculated Units
- Self-Catering	No. of Bedrooms
- Cruise Hire	No. of Bedroom Cabins in the fleet

With the exception of Holiday Hostels, Youth Hostels, Cruise Hire boats and Self Catering (Statutory and Non-Statutory), only the number of units currently registered with, approved by, or in application to Fáilte Ireland as at 23rd July 2021 will be used to calculate the grant.

The NQAF Listings as at 30th June 2021 (published as the “Q3 2021” listing), including the current registered number of units per premises, are available to view here: <https://www.failteireland.ie/Supports/Get-quality-assured.aspx>

Any units not contained in the published Q3 2021 NQAF listings, or not currently in the approval process, will not be considered for inclusion in the grant calculation under any circumstances.

On closure of the scheme, the total fund available will be divided by the total number of eligible units. This will determine the Grant Amount per Unit. Each eligible applicant will then be allocated a grant amount according to the number of units per applicant property. The maximum grant amount per legal entity under this scheme is €800,000. There can only be one grant provided per eligible property.

Because the grant award is based on the number of units per property, the units figure will therefore be subject to verification, which may include a physical check on the premises.

In all cases, the final decision with regard to the number of units per applicant property upon which the grant amount will be based, will be made by Fáilte Ireland.

Special Note 1: Holiday Hostels, Youth Hostels

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

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

Bedrooms/Dorms	Conversion of Bedspaces	Calculation
2 x 4-bed dorms	Each 4-bed dorm = 1 unit	1 unit x 2 = 2
3 x 8-bed dorms	Each 8-bed dorm = 2 units	2 units x 3 = 6
1 x 12-bed dorm	Each 12-bed dorm = 3 units	3 units x 1 = 3
4 x double bedrooms	Each double bedroom = 1 unit	1 unit x 4 = 4
2 x family rooms	Each family room = 1 unit	1 unit x 2 = 2
Total Units for Grant Calculation:		17 units

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

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

Special Note 3: Cruise Hire Boats

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

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

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

The level of grant funding is subject to the overall cap on aid of €1.8 million 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.

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

If the business is a single legal entity, but operates an accommodation group, or has more than one property on (or in application to) the Fáilte Ireland Q3 2021 NQAF listings (“**Eligible Property**”) as outlined in Section 2 above then an application should be made at a group level, i.e. a single application to cover the entire group of eligible properties. The turnover for the group must exceed or meet the minimum threshold of €50,000 as set as in Section 2 above.

However, each property will be evaluated against the remaining eligibility criteria (see Section 2 above) individually. While the grant is provided per registered/approved property, one payment will be made to the group entity, taking into account the aid limits under 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 are to be submitted at the same time. An excel template is provided with the application form to facilitate this.

Example:

An accommodation business consists of registered caravan & camping park, and an approved B&B. Both are separate properties listed on the NQAF. The turnover for the properties are €45,000 for the campsite and €35,000 for the B&B. The campsite has not suffered a 75% downturn in turnover but the B&B has. Both properties have attained the Safety Charter and intend to reopen in 2022. How will this be evaluated?

In this example, the owner should submit a single application. The excel template provided should be used to complete all the property information and should be uploaded as part of the application. Because the total turnover of the business is €80,000, the minimum threshold of €50,000 has been exceeded. However, the campsite property is not eligible because it has not suffered a 75% downturn in turnover. Therefore, only the B&B property will qualify for a grant payment.

6. How will the applications be evaluated?

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

Fáilte Ireland will conduct a detailed examination of a sample of applications. This sample will be selected using audit methodology and will be in line with the relevant auditing standards. This detailed examination will require those selected applicants to supply relevant supporting information to ensure they meet the general eligibility criteria set out in Section 2 above. With respect to supporting financial information to confirm eligibility under criteria 2(2) and 2(3), Fáilte Ireland will request some or all of the following:

- Full Annual Financial Statements for 2019. Where audited Financial Statements are abridged for filing purposes, the unabridged version should be provided. If the business is a Sole Trader or Partnership, where full financial statements have not been prepared, the 2019 business profit and loss account will need to be provided as part of

the application. This may mean the provision of two sets of Financial Statements where the Financial Year does not align with the calendar year.

- Management accounts / Financial Statements for 2020
- Copy of 2019 tax return (CT1, Partnership or Individual). If applicant is a Charity, proof of charitable status is required.
- Other documents as necessary to ensure eligibility

Note that turnover not related to tourism activity in the Republic of Ireland may be deemed ineligible at Fáilte Irelands discretion.

The exact number of applications to be examined in detail is yet to be determined. The final number will be at Fáilte Ireland’s discretion, with the sample selected using audit methodology.

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

Unfortunately, any applicants that cannot confirm their eligibility to Fáilte Ireland's satisfaction will be deemed ineligible.

On completion of the evaluation phase, the distribution of the funding will be calculated in accordance with the process set out in Section 3 above, and grant payments will issue as

soon as possible thereafter. While we anticipate that this may be November 2021, approximately 8 weeks after the scheme closes, every effort will be made to expedite payments as soon as possible.

NOTE: Future Audits

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

7. How do I apply?

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

- All applicants must be registered/approved accommodation providers and therefore already have a profile on Fáilte Ireland's 'Trade Portal' (accessible on www.failteireland.ie).
- The application form can be accessed under '**Funding**'. Should the form not be available please contact customersupport@failteireland.ie
- The Scheme Guidelines will be available on www.failteireland.ie
- Applicants should note that granting access to the application form does not confirm final eligibility of an applicant. Depending on the information provided in the

application form, an applicant may still be deemed ineligible for funding later in the process.

- Applicants will be asked to declare that they have read the eligibility criteria for the Scheme and will abide by the terms and conditions of the Scheme. In addition, applicants are required to retain all records relating to the Scheme, including basis for eligibility, for auditing purposes.

All completed applications for the Scheme must be submitted via the Fáilte Ireland Trade Portal by **12 noon on September 17th, 2021**. Evaluations for this Scheme will not begin until after the Scheme has closed for all applicants on this date.

8. What do I need to apply?

The following information is required when submitting an application:

- Tax Reference Number (TRN), CHY Number, Registered Charity Number and / or Companies Registration Office number (CRO) as appropriate.
- The applicant's property registration number as per the Fáilte Ireland Q3 2021 NQAF listings.
- Details of the number units per applicant property as detailed in Section 4 above.
- Declaration that the applicant had a minimum of €50,000 in eligible turnover for 2019
- Declaration that applicant had a 75% downturn in average monthly turnover when comparing the 12-month period from 1st June 2020 to 31st May 2021 to the average monthly turnover for the period 1st January to 31st December 2019.
- Confirm by way of declaration that its business has a reasonable prospect of survival and that the intention is to resume normal trading in 2022, or when it is safe to do so in line with Government guidance (which for the avoidance of doubt may be prior to 2022).
- 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.
- 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 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. Further information on the definition of an Undertaking in Difficulty is available here ([here](#))
- Bank Account Details and copy of Bank Statement Header. This information will only be used in verifying the payment details so that the payment can be processed without unnecessary delay. If the applicant is unsuccessful, this information will be erased immediately. It will only be retained for successful applicants.

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

9. Terms and Conditions of Grant Funding

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

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

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

- In accepting any offer of monies under the Scheme, the following warranties and undertakings are made by the applicant to Fáilte Ireland:
 - That any information supplied by the applicant as part of its application under the Scheme is up-to-date and accurate, and the applicant will inform Fáilte Ireland immediately if this ceases to be the case. Evidence to this effect must be maintained to substantiate this if audited.
 - That all acts, conditions and things required to be done and performed and to have happened before the applicant's acceptance of the terms and conditions of the Scheme have been done and performed and have happened in due and strict compliance with Irish law.
- No funding will be granted by Fáilte Ireland unless and until an application has been completed to Fáilte Ireland's satisfaction, and the applicant has accepted these Terms and Conditions. A Letter of Award will be issued to the Applicant confirming the offer, prior to payment being issued.
- That even in circumstances where the applicant has initially been approved to receive a grant, Fáilte Ireland retains an overall discretion and reserves its right to refuse 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
- 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 (2016/670) and the Data Protection Acts 1988 to 2018. In this regard, in so far as the applicant processes personal data for the purpose of this application it shall comply with its obligations as a “data controller” under the GDPR. Please read Fáilte Ireland’s Privacy Policy for details please see [Fáilte Ireland - Fáilte Ireland | Privacy Policy](#).

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

Fáilte Ireland will be sharing information provided in the Application form or pursuant to the Scheme with Government Departments and/or Government Agencies, in the event that information is required from those

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

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

EU State Aid

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

Aid being provided towards this Scheme is subject to the provisions of the European Commission’s 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. 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