

Terms & Conditions

The awards of any grants under the Adaptation Fund 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

- Any monies granted by Fáilte Ireland under the Fund will be used solely by eligible beneficiaries for eligible costs in accordance with the purposes of and objective of the Fund.
- The Fund will operate subject to European Commission State aid approval. The submission of an application should not be construed as granting any rights or expectations of funding to the applicant.
- Fáilte Ireland may make any enquiries that it considers necessary to establish the applicant's eligibility for funding under the Fund, 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.
- In accepting any offer of monies under the Fund, the following warranties and undertakings are made by the applicant to Fáilte Ireland:
 - (a) That any information supplied by the applicant as part of its application under the Fund 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 declaration if audited.
 - (b) 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 this and the Fund have been done and performed and have happened in due and strict compliance with Irish law.
- The applicant must provide Fáilte Ireland with evidence of work completed in respect of eligible costs under the Fund before funding can be granted.
- 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 and a Grant Confirmation Email has been received by the applicant.
- 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 Ireland, otherwise based on the financial prospects of the applicant business, 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 Fund, 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 Fund.
- If in receipt of a grant, the applicant must keep, maintain and update the premises and ensure that it operates to the highest industry standards and in compliance with the Fáilte Ireland COVID-19 Safety Charter at all times.

- That the applicant will comply with 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.
- That the applicant business is solvent and is able to pay its debts as they fall due and that as of 31 December 2019:
 - (a) No receiver or receiver and manager has been appointed over all or any of the assets of the company;
 - (b) No petition seeking the winding up of the company has been presented;
 - (c) No order has been made winding up the company on any grounds;
 - (d) No resolution has been passed by the members to wind up the company on an insolvent basis;
 - (e) No petition seeking the appointment of an examiner to the company has been presented;
 - (f) No statutory demand has issued against the company pursuant to section 570 of the Companies Act 2014; and
 - (g) 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 Fund, 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 Fund 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 Fund 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.
- The Fund is not unlimited. The Fund may have been fully allocated by the time an individual applicant makes an application for funding.
- Grant payments are subject to applicants continuing to trade for a period of at least 70 days between 29 June 2020 and 31 December 2020 (or, alternatively for those re-opening later than 29 June, 40% of the time remaining till year end from the day of opening) in accordance with the Qualifying Criteria as set out above (see Q15).
- Applicants must commit to retaining employees on the Employment Wage Subsidy Scheme (EWSS) (formerly Temporary Wage Subsidy Scheme (TWSS)), if applicable.
- 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 Fund are also subject to the rules of the Department of Public Expenditure and Reform Circular 13/2014. 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 Fund 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 eligible expenditure available to authorised Fáilte Ireland personnel and, upon the giving of seven days' notice, to any accountant, auditor, surveyor 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 Fund 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 Fund 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: -
 - (a) require specific performance of the conditions of the Fund and/or
 - (b) require immediate repayment of the Grant, or any part of the Grant already paid, to Fáilte Ireland from the applicant and/or
 - (c) be under no obligation to pay the Grant or any part thereof to the applicant.
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