

# COVID-19 ADAPTATION FUND

For the Re-opening of  
**Tourism & Hospitality  
Businesses in 2020**

GUIDELINES, TERMS AND CONDITIONS

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# COVID-19 Adaptation Fund for the Re-Opening of Tourism & Hospitality Businesses in 2020 Guidelines, Terms and Conditions.

## Introduction

As a result of the COVID-19 pandemic Fáilte Ireland has developed guidelines for the tourism industry to assist in re-opening safely in this new environment. These *Guidelines for Re-Opening* have been developed in conjunction with relevant tourism sector bodies and with the input of the relevant government departments and state agencies including the Health Service Executive (HSE). The Guidelines are in line with the Government's *Roadmap for Reopening Society and Business* and the *Return to Work Safely Protocol*.

Simultaneously, Fáilte Ireland has developed the COVID-19 Safety Charter to give confidence to the public that tourism businesses are operating to high standards of safety and have appropriate COVID-19 measures in place.

In recognition of the re-opening costs incurred by tourism businesses, the purpose of this Adaptation Fund ("the Fund") is to contribute to the costs of implementing Fáilte Ireland's *Guidelines for Re-opening*. It is intended to help support tourism businesses through grant payments to make either the structural adaptations required for fixed, visitor-facing premises, or to cover the cost of COVID-19 related consumables (such as sanitiser or Personal Protective Equipment (PPE)) for those businesses which provide a visitor experience but do not have significant visitor-facing premises, most notably activity/experience providers and some accommodation providers. Maximum grant amounts are available based on the type and size of the tourism business and the relative costs incurred.

Through these support measures, Fáilte Ireland is seeking to encourage and support tourism businesses to re-commence trading, re-engage their employees and relaunch Ireland's tourism sector in 2020. Businesses must be open at the time of application in order to be eligible for this Fund, in line with the Government's *Roadmap for Re-opening Society and Business*<sup>1</sup>. Businesses will also be required to commit to opening for a minimum period of time between 29 June and 31 December in 2020 in order to be eligible for this Fund.

It is a mandatory requirement of this Fund that applicants have complied with the *Guidelines for Re-opening* and completed the Fáilte Ireland COVID-19 Safety Charter.

<sup>1</sup> An exception will be made where a Government-mandated closure has been ordered for businesses that were already open. These businesses will be eligible to apply for re-opening costs incurred before the mandated closure.

## Q1. What is the Fund for?

Many tourism businesses have incurred different types and level of costs, depending on the type and size of the business and the nature of the offer, e.g. a hotel with significant premises is very different to a cycling operator. Some businesses have large premises and therefore have incurred considerable capital costs in adapting for re-opening. Others may have incurred costs for cleaning and PPE only, particularly where they do not have premises or where these premises are self-contained, e.g. self-catering accommodation. In addition, many businesses may have the opportunity to adapt and weather-proof outdoor spaces to cater for more visitors both as part of immediate re-opening but also into the autumn/winter season.

In order to ensure funding is delivered to as many tourism and hospitality businesses as possible, the Fund has been designed to cater for a wide variety of business types and therefore there are two strands to the Fund:

- **Strand A – Funding for Capital Costs associated with Visitor Premises** which contributes funding to businesses which have incurred capital costs in the adaptation of their premises for re-opening to visitors/customers in line with the Fáilte Ireland *Guidelines for Re-Opening*.
- **Strand B – Funding for Consumables** which contributes funding to businesses which do not have significant visitor facing premises and/or only have expenditure on COVID-related consumables, particularly the sanitisation of equipment and safety gear, in accordance with the Fáilte Ireland *Guidelines for Re-Opening*. This strand is open to activity and boat tour operators and any accommodation providers which have not incurred any capital costs.

It is acknowledged that all businesses will have incurred costs in relation to consumables. However, Strand A is a capital grant and is therefore **not** intended to fund COVID-19 related consumables such as sanitiser or PPE, increased wage costs arising from changes in work practices and compliance, or for ongoing operational costs that would be incurred in the normal course of business. *Capital is defined as expenditure on permanent/semi-permanent infrastructure with a lifespan of 1 year or greater.*

A business is eligible for funding under **either** Strand A or Strand B. Higher funding amounts are available under Strand A (refer to Q17 for more detail).

## Q2. What businesses are eligible to apply?

Businesses eligible to apply are listed below, and it is important that all applicants check the definition and eligibility criteria specified for each category of business before applying. An Adaptation Fund Pre-Eligibility Checklist is available on the Fáilte Ireland website at [www.failteireland.ie](http://www.failteireland.ie).

Eligibility does not mean an entitlement to funding, which is at the sole discretion of Fáilte Ireland; rather it means eligibility to proceed to application stage.

Businesses must be open at the time of application in order to be eligible for this Fund, in line with the Government's *Roadmap for Re-opening Society and Business*. An exception will be made where a Government-mandated closure has been ordered for businesses that were already open. These businesses will be eligible to apply for re-opening costs incurred before the mandated closure. In order to facilitate this the closing date for applications is 31 October 2020.

The following businesses are eligible to apply:

**Strand A: Businesses with Capital Costs for fixed premises used by visitors**

- Accommodation included on Fáilte Ireland's *Statutory Accommodation Register 2020* or *Non-Statutory Accommodation Listing 2020*
- Pubs/bars with a Publican's Licence (opening under the Government's *Roadmap for Re-opening Society and Business*)
- Restaurants or cafés with a Wine Retailer's On-Licence or a Special Restaurant Licence
- Visitor attractions
- Adventure centres/Cruise hire companies/Tourism equestrian centres/Tourism golf clubhouses/Tourism wellness centres

**Strand B: Businesses without a (significant) visitor premises and/or no capital costs**

- Activity operators
- Boat tour operators
- Accommodation included on Fáilte Ireland's *Statutory Accommodation Register 2020* or *Non-Statutory Accommodation Listing 2020* which did not incur capital adaptation costs under Strand A\*

\* *B&Bs are eligible for Strand A as there is significant support for B&Bs under the Restart Grant Plus Scheme.*

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### Q3. What accommodation providers are eligible?

All accommodation providers included on or who have applied to Fáilte Ireland's National Quality Assurance Framework by 18 August 2020 are eligible to apply. This comprises Fáilte Ireland's [Statutory Accommodation Register 2020](#) (i.e. hotels, guesthouses, holiday hostels, youth hostels, caravan and camping parks, holiday cottages, holiday apartments, holiday camps) and approved accommodation included on Fáilte Ireland's [Non-Statutory Accommodation Listing 2020](#) (B&Bs, historic houses, self-catering, Welcome Standard).

Accommodation types vary significantly in scale and type of offer, and accordingly so do their eligible costs. To address this, accommodation may be eligible under either Strand A or Strand B.

Businesses can only apply for one grant per premises. Therefore, a hotel and bar operating from the same premises (i.e. which has any shared or linked entrances or facilities) should make one application, for the higher value grant (in this instance the higher grant amount is for the hotel).

Hotel groups are eligible to apply for funding for up to 10 properties/businesses under this Fund. An individual application must be made by each business.

Golf clubhouses which have a separate visitor-facing premises to a parent or co-located hotel are eligible for a separate premises grant.

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## Q4. What pubs and restaurants are eligible?

Only **standalone** pubs with a Publican's Licence (namely, 7-day ordinary, 6-day or 6-day & early closing) are eligible and these businesses will be asked to upload their valid publican's licence for the premises as part of the application form. Pubs/bars which hold a liquor licence other than these three named licenses are not eligible under the Fund. Pubs/bars which form part of a larger entity (e.g. airport, train station, sporting venue, retail outlet, and which are not 'standalone') are also not eligible under the Fund.

Only **standalone** restaurants and cafés with either a Wine Retailer's On-Licence or a Special Restaurant Licence are eligible and will be asked to upload the licence for the premises as part of the application form. Restaurants and cafés which form part of a larger entity (e.g. airport, train station, sporting venue, retail outlet, and which are not 'standalone') are also not eligible under the Fund.

If pubs, restaurants or cafés are part of another tourism premises already eligible under this Fund, please refer to question Q14.

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## Q5. What visitor attractions are eligible?

Eligible visitor attractions are permanently established destinations, capable of attracting day visitors or tourists, which are open to the public. The primary purpose of the attraction should be sightseeing, for which it may be feasible to charge admission. It should also allow access for entertainment, interest, or education rather than being primarily a retail outlet or a venue for sporting, theatrical, or film performances.

For the purpose of the Fund, eligible attractions must typically be open for a minimum of 154 days per year, in a normal operating environment pre-COVID-19.

In the case of local authority owned/managed attractions, only staffed and indoor attractions are eligible to apply.

Visitor attractions will be asked to declare their average annual visitor numbers in the application form and this may be verified by any information held by Fáilte Ireland. Visitor attractions will be asked how they count their visitor numbers and spot-checks will be carried out to verify declarations made as part of the application form.

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## Q6. What tourism golf clubhouses are eligible?

Clubhouses of golf courses with a minimum of 18 holes and which meet at least **one** of the following criteria will be eligible to apply for this Fund:

- Engaged with one of Fáilte Ireland's sales platforms between the years 2016 to 2020, such as but not limited to, Belfast Golf Promotion, PGA Merchandise Show etc.
- Or a member of one of the following Golf Marketing Groups:
  - North West Coast Links;
  - South West Ireland;
  - Club Choice; and,
  - Ireland's Hidden Heartlands Golf Marketing Group

Golf clubhouses which have a separate visitor-facing premises to a parent or co-located hotel are eligible for a separate premises grant.

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## Q7. What adventure centres are eligible?

Eligible adventure centres are permanently established destinations which provide instructor-led sessions in water and land based outdoor activities for visitors. Activities provided can include but are not limited to kayaking, canoeing, coasteering and other water-sports, mountain biking, orienteering and other outdoor activities. These businesses must operate out of a premises open to the visitor in order to be eligible for Strand A of the Fund; otherwise Strand B (i.e. Activity Operators - see Q10) applies.

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## Q8. What cruise hire companies are eligible?

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

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## Q9. What tourism equestrian centres are eligible?

Eligible equestrian centres are permanently established destinations which provide instructor-led sessions for visitors. Applicants will be required to declare that a minimum of 30% of their revenue comes from domestic or international (including Northern Ireland) visitors. For the purpose of the Fund, domestic tourist refers to visitors from outside a radius of 40km.

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## Q10. What activity operators are eligible?

Activity operators providing instructor-led sessions or equipment rental in a wide variety of outdoor activities for visitors are eligible. Activities provided can include but are not limited to surfing, kayaking, canoeing, coasteering, kitesurfing, stand up paddle boarding, scuba diving, climbing, archery, orienteering, cycling, angling and other outdoor activities.

Activity operators operating from a fixed premises adventure centre for visitors are eligible for Strand A; otherwise all activity operators are eligible for Strand B.

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## Q11. What boat tour operators are eligible?

Boat tour operators which provide a trip onboard a boat for the purpose of sightseeing, wildlife and nature experiences for visitors to their destination are eligible for Strand B.

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## Q12. What tourism wellness centres are eligible?

Eligible wellness centres are permanently established destinations offering either seaweed baths or overnight wellness retreats for visitors. Applicants will be required to declare that a minimum of 30% of their revenue comes from domestic or international (including Northern Ireland) visitors. For the purpose of this Fund 'domestic tourist' refers to visitors from outside a radius of 40km.

Wellness centres and spas connected to, or on the grounds of, a hotel or resort are not eligible for a separate premises grant (see Q14).

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## Q13. What businesses are not eligible to apply for the grant?

The following categories of business are not eligible because

1. their primary function is not tourism, or
  2. they do not have visitor-facing fixed premises likely to have incurred capital or consumable costs associated with re-opening to visitors, or
  3. they have not incurred costs related to implementing the Fáilte Ireland *Guidelines for Re-Opening*.
- Bike sharing operators (e.g. Dublin Bikes etc);
  - Commercial art galleries, craft outlets or any business whose primary function is retail;



- Community and leisure centres, play centres;
- Conference centres\*;
- Education and Training Boards Ireland (ETBI) outdoor education centres;
- Festivals and events\*;
- Food businesses that do not hold the relevant licences listed above (see Q4) including mobile cafés, coffee-shops, food trucks, delis, fast-food outlets etc.;
- Marinas and sailing clubs;
- Outdoor guided services, e.g. walking guides;
- Coach tour operators;
- Transport providers;
- Sporting venues and facilities including bars/pubs associated with these;
- Theatres and cinemas;
- Tourism infrastructure and public realm i.e. trails etc.;
- Tour operators not specified as eligible;
- Wellness centres and spas connected to or on the grounds of a hotel or resort;
- Pubs and bars associated with any of the ineligible business types listed here.

*\* Given the current restrictions on mass gatherings, many conferences, festivals and events are not proceeding in the near future. Fáilte Ireland is developing separate supports for these sectors.*

This list of exclusions above is not exhaustive: however any businesses not listed in Q2 to Q12 are not eligible under this Fund.

It should be noted that many businesses excluded here may be eligible for other Government supports such as the [Restart Grant Plus](#) which is specifically for businesses which pay rates and now also includes B&Bs.

Any entity in a formal Strategic Partnership with Fáilte Ireland is ineligible to apply.

## Q14. I have more than one eligible business on the same premises (e.g. a bar and a hotel) – what do I do?

If you are applying for a grant for your premises you are applying under Strand A and you can only apply for one grant per premises. Therefore, a bar and hotel operating from the same premises (i.e. which has any shared or linked entrances or facilities) should make one application, for the higher value grant or total eligible expenditure whichever is less. Similarly, a visitor attraction or adventure centre with a licenced restaurant or café (including those operated as a concession or franchise) may only apply for one grant.

However, when calculating adaptation costs incurred, applicants may include the food and beverage outlets in the calculation of costs for the overall premises so that the full grant amount obtainable can be claimed. Please refer to Q17 for eligible grant amounts.

If a group operates multiple businesses at different premises, a separate grant application should be made for each premises. For the purposes of this Fund, a group is defined as one legal entity with a number of premises.

## Q15. What are the criteria to qualify for the grant?

1. A business must be tax compliant (this means the business is registered with the Revenue Commissioners and all relevant tax filings with the Revenue Commissioners are up to date) on the date of application. A Tax Reference Number (TRN) will be required as part of the grant application form.
2. A Companies Registration Office Number (CRO) is required for any registered company or registered business name. The onus is on the applicant to ensure that the TRN, CRO and applicant details match: if verification is not possible the application may be delayed or rejected.
3. A business must have been in existence and trading prior to 13 March 2020, and a declaration to that effect is required as part of the application form.
4. A business must have suffered a 25%+ loss in turnover from 1 April 2020 to 30 June 2020, and a declaration to that effect is required as part of the application form.
5. Applicants must commit to retaining employees on the Employment Wage Subsidy Scheme (EWSS) (formerly Temporary Wage Subsidy Scheme (TWSS)), if applicable.
6. As these are grants to assist businesses to adapt to COVID-19, eligible businesses applying for a grant must implement the relevant sector-specific *Guidelines for Re-opening*.
7. All eligible businesses making a grant application will be required to complete the Fáilte Ireland COVID-19 Safety Charter, which includes ensuring that all employees undertake requisite COVID-19 safety and hygiene control training.
8. Businesses will be asked to declare their 2020 re-opening date in the application form and spot-checks will be carried out to verify a declaration to this effect. Businesses must be open for a minimum of 70 days between 29 June and 31 December 2020, or alternatively, 40% of the time from opening to year end if re-opening later than 29 June. It is not a requirement that these days run consecutively. As a condition of the funding, if the business does not open as planned, the grant award must be returned to Fáilte Ireland. This criterion is dependent on public health advice and the Irish Government's *Roadmap for Reopening Society and Business*. In the event that businesses are mandated to close on foot of a Government order, the requirement to remain open for 70 days or 40% of the time from opening to year end if later than 29 June, will be waived.

9. Businesses must further commit to re-opening in 2021, and a declaration to that effect is required as part of the application form. This criterion is dependent on public health advice and the Irish Government's *Roadmap for Reopening Society and Business*.

Businesses should retain supporting documentation for 10 years as spot-checks will be carried out to verify declarations made as part of the grant application.

Information supplied by applicants in the application form may be verified against information already held by Fáilte Ireland and other relevant listings e.g. the Revenue Commissioners' register of renewed liquor licences.

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## Q16. What are the grants for?

**Strand A:** this funding is designed to support capital expenditure adaptations which are required by businesses to re-open and continue in business in accordance with the Fáilte Ireland *Guidelines for Re-opening*. Eligible expenditure includes adaptation and reconfiguration costs of fixed visitor-facing premises to include outdoor areas, buildings and room layouts to allow for physical distancing. Examples of eligible items include internal and external signage, queuing system materials, screens and barriers, technology enhancements etc.

Strand A is a capital grant and is therefore **not** intended to fund COVID-19 related consumables such as sanitiser or PPE, increased wage costs arising from changes in work practices and compliance, or for ongoing operational costs that would be incurred in the normal course of business. *Capital is defined as expenditure on permanent/semi-permanent infrastructure with a lifespan of 1 year or greater.*

*Businesses may have already incurred costs for the initial and immediate re-opening for the summer season. However, further adaptations to outdoor areas, including awnings/canopies, heaters, paving, furniture etc to both increase capacity and weatherproof outdoor areas for the summer and autumn/winter season are also eligible.*

**Strand B:** this funding is designed to support businesses that do not have large visitor premises and/or only have expenditure on COVID-19 related consumables, particularly the sanitisation of equipment and safety gear in accordance with the Fáilte Ireland *Guidelines for Re-opening*.

As a condition of the funding for either of these strands, grantees are required to retain evidence of eligible expenditure in the form of invoices/receipts for 10 years to facilitate spot-checks and sample audits, and for State aid purposes.

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## Q17. How much will my business get if it is eligible and qualifies for a grant?

It is intended that the grant is a contribution towards expenditure incurred by a tourism business, and it is not expected to cover the entirety of the re-opening costs incurred. Businesses will be asked to declare the total amount of eligible expenditure incurred in the application form. As a condition of the funding, grantees are required to retain evidence of eligible expenditure in the form of invoices/receipts for 10 years to facilitate spot-checks and sample audits, and for State aid purposes.

As tourism businesses will incur different costs, depending on their category and size, different maximum grant awards are available to eligible tourism businesses. If the eligible expenditure incurred and declared by the business is less than the **maximum** grant award, the lower amount will be awarded.

For all businesses, the amount requested from this Fund, combined with funding already received from other publicly-funded schemes or any tax relief or VAT reclaimable against the expenditure, cannot exceed the total costs of re-opening a business: applicants will be asked to make a declaration to that effect in the application form.

The maximum eligible grant amounts are outlined in the table below.

### Strand A Capital Expenditure

Eligible Business Category	Size/Scale	Maximum Eligible Grant Amount
<b>Hotels</b>	100 bedrooms or more	€15,000
<b>Hotels &amp; Guesthouses</b>	Between 30 and 99 bedrooms	€10,000
<b>Hotels &amp; Guesthouses</b>	29 bedrooms or less	€7,500
<b>Holiday &amp; Youth Hostels</b>	100 bed spaces or more	€7,500
<b>B&amp;Bs</b>		€500
<b>Other Accommodation</b> (types and sizes not covered above)	Holiday and youth hostels with 99 bed spaces or less; caravan and camping parks; holiday cottages, holiday apartments or holiday camps, historic houses; self-catering and Welcome Standard	€1,000
<b>Pubs serving food</b>		€2,500
<b>Pubs not serving food</b>		€1,500
<b>Restaurants</b>		€2,500
<b>Visitor Attractions</b>	Average annual visitor attendance of 50,000 total visitors or more	€15,000
	Average annual visitor attendance between 20,000 and 49,999 total visitors	€7,500
	Average annual visitor attendance between 2,000 and 19,999 total visitors	€3,500
	Average annual visitor attendance of 1,999 total visitors or less	€1,500

<b>Adventure Centres</b>	As per Q7	€7,500
<b>Tourism Equestrian Centres</b>	As per Q9	€1,000
<b>Cruise Hire Companies</b>	As per Q8	€7,500
<b>Tourism Golf Clubhouses</b>	As per Q6	€500
<b>Tourism Wellness Centres</b>	As per Q12	€1,000

<b>Strand B Consumables</b>		
<b>Activity operators</b>	As per Q10	€1,000
<b>Boat Tour operators</b>	As per Q11	€1,000
<b>Accommodation</b> *(Excl. B&Bs)	Holiday and youth hostels with 99 bed spaces or less; caravan and camping parks; holiday cottages, holiday apartments or holiday camps, historic houses; self-catering and Welcome Standard	€500

Note: Bedroom numbers will be checked against Fáilte Ireland's relevant Register or Listing.

Visitor attractions will be asked to declare their average annual visitor numbers in the last three years (2017, 2018 and 2019) in the application form and this may be verified by any information held by Fáilte Ireland. Visitor attractions will be asked how they count their visitor numbers and spot-checks will be carried out to verify declarations made as part of the application form.

## Q18. How do I apply?

Application forms can only be submitted online via the [Fáilte Ireland Trade Portal](#).

- Eligible businesses as outlined above which already have a Trade Portal Account can log in and access the Adaptation Fund application form immediately via the 'Available Funding' tab.
- If you already have a Trade Portal account, and the application form is not visible to you in the 'Available Funding' screen, your business may not be in an eligible category as defined above, or we may not have your full details. Please submit the Adaptation Fund Pre-Eligibility Checklist available on the Fáilte Ireland website at [www.failteireland.ie](http://www.failteireland.ie). If your business is eligible, information on how to access the application form will be submitted to you via email.
- If you do not already have a Trade Portal Account, and your business is in an eligible category as defined above, please submit the Adaptation Fund Pre-Eligibility Checklist available on the Fáilte Ireland website at [www.failteireland.ie](http://www.failteireland.ie). If your business is eligible, information on how to access the application form will be submitted to you via email.

All applicants are required to complete the Fáilte Ireland COVID-19 Safety Charter before submitting the application form.

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.

Please contact our Customer Service Team on 1800 242473 or +353-1-8847101 or email [customersupport@failteireland.ie](mailto:customersupport@failteireland.ie) for further assistance.

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## Q19. How will the grant be paid?

The grant will be paid by electronic transfer to the business account detailed on the application form.

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## Q20. What is the closing date for applications to the Fund?

The Fund is open for applications until 31 October 2020 and only businesses which have re-opened by this time are eligible to apply.

The timelines will be kept under review and may be extended for certain business sectors under exceptional circumstances (e.g. public health advice and the Irish Government's *Roadmap for Reopening Society and Business*).

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## Q21. How long will it take to receive payment?

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 be a matter of weeks. We will keep all applicants informed throughout the application process of anticipated timeliness for completion.

Only fully completed 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 procedure. Any payment to applicants by Fáilte Ireland is subject to the terms and conditions set out below.

In order to be eligible to apply for funding applicants must first have completed the Fáilte Ireland Covid-19 Safety Charter and it is recommended that this is done in a timely manner to expedite the process.

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## Q22. 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](http://www.circulars.gov.ie/pdf/circular/per/2014/13.pdf).
- Applicants are responsible for satisfying themselves that the aid being granted to them is being lawfully granted and to ensure adherence with State aid rules. If an applicant provides false information and this is found to be the case, this will result in the aid being recovered by Fáilte Ireland (with interest) on the grounds that this is illegal aid. Applicants are encouraged to carefully review, consider and adhere to these terms and conditions, together with the eligibility criteria of the 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.



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- 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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### Q23. Where can I find further information?

Please visit [Fáilte Ireland Covid 19 Supports](#) for all the latest information pertaining to this Fund.

For individual queries please contact our Customer Service Team on 1800 242473 or +353-1-8847101 or email [CustomerSupport@failteireland.ie](mailto:CustomerSupport@failteireland.ie) for further assistance.

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## Legal and State Aid

### Freedom of Information

Fáilte Ireland may be required to disclose, in connection with the Fund, (a) any information supplied by the applicant to Fáilte Ireland and (b) any relevant data accumulated by Fáilte Ireland in administering the Fund, 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 [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 Fund and the applicant may be processed by Fáilte Ireland for the purposes of the administration of the Fund.

### State Aid

Fáilte Ireland is the grant-aiding Authority for the Adaptation Fund. The legal basis of the Fund 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 Fund falls under the State aid rules and terms of the European Commission Temporary Framework as adopted on 19 March 2020 C (2020) 1863 and incorporating its three amendments – C (2020) 2215 of 3 April 2020, C (2020) 3156 of 8 May 2020 and C (2020) 4509 of 29 June 2020 – for State aid measures to support the economy in the current COVID-19 outbreak.

Under the Temporary Framework rules, medium-sized enterprises more than 3 years in operation cannot have been an ‘undertaking in difficulty’ on 31 December 2019. Medium and large-sized businesses who apply for a grant under this Fund will be asked to make a declaration to that effect and provide evidence to confirm this as part of the grant application.

Medium-sized enterprises are defined as having between 50 employees and 249 employees and an annual turnover not exceeding €50m or an annual Balance Sheet total not exceeding €43m. Large enterprises are defined as having 250 employees or more and an annual turnover exceeding €50m or an annual Balance Sheet total exceeding €43m.

### Public Procurement

All projects in receipt of public funding are required to follow EU and national public procurement procedures, as applicable. In response to the need for urgent and immediate actions to be taken 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.

