



**2017**

**EU BASIC PAYMENT SCHEME (BPS)/GREENING  
PAYMENT**

**TERMS & CONDITIONS**

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## **Key dates for 2017**

Cross compliance rules must be followed all year.

### **1 January 2017**

- Official start of the BPS 2017 scheme year

### **1 January 2017 to 01 July 2017**

- EFA period for EFA fallow land

### **1 January 2017 to 31 December 2017**

- Ecological focus area (EFA) period for hedges (which must be present all year unless newly planted) and buffer strips (which must be present all year)

### **15 May 2017 (midnight)**

- BPS 2017 application deadline
- Deadline for Department of Agriculture, Food and the Marine (DAFM) to receive evidence to prove active farmer
- Deadline for BPS 2017 entitlement related applications including the online 2017 Transfer of Entitlements application and the online 2017 Young Farmers Scheme

### **16 May 2017 to 15 July 2017**

- Crop diversification period and EFA period for nitrogen-fixing crops
- Period during which the crops will generally remain on the ground

### **31 May (midnight) 2017**

- Deadline for amending an application without receiving a penalty
- Land you use to claim BPS in 2017 has to be 'at your disposal' (only the person who has the land at their disposal on this date can use it to get paid for BPS in 2017)

### **9 June (midnight) 2017**

- 'Late application' deadline

**12 June (midnight) 2017**

- Final possible date for notification of Preliminary check

**19 June (midnight) 2017**

- Final date for Preliminary check response

**15 September 2017**

- EFA catch crops must be established by this date (and retained until at least 1 December 2017)

**16 October 2017**

- Advance Payment commences

**1st December 2017**

- Balancing payment commences

**31 December 2017**

- Official end of the BPS 2017 scheme year

## General

This booklet should be read in conjunction with the following:

- A Guide to Greening 2015
- Areas of Natural Constraints Scheme (ANC) Terms and Conditions 2017
- Explanatory handbook for Cross Compliance Requirements (August 2016)
- The department's published guidelines on land eligibility.

All of the above are available on the department's website [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

It should be noted that while this Terms and Conditions booklet has been prepared as a guidance to farmers, it should be recognised that the governing EU Regulations form the definitive basis for the administration of the Schemes in question, particularly with regard to eligibility and, when necessary, any penalties that may require to be applied. The reference numbers of the relevant EU regulations are outlined at Annex 2 of this booklet. Any EU Council or Commission amendments made during 2017 will be communicated to farmers and will, where appropriate, also apply to 2017 applications. The complete EU legislation is available at <http://www.europa.eu>

Under the Direct Payment system a farmer's payment can be a combination of payment under four separate schemes.

- Basic Payment Scheme (BPS)
- Payment for Agricultural Practices beneficial for the Climate and the Environment (Greening Payment)
- Young Farmers Scheme (YFS)
- Aid for Protein Crops

All eligible farmers will receive a payment under the BPS and a Greening Payment. The Greening payment is a top-up of the BPS and amounts to approximately 44% of the total value of entitlements activated. Over 90% of farmers will automatically qualify for the Greening Payment on the basis of their current farming practices. The remainder will have to undertake specific measures to qualify.

Some farmers may also qualify for a further payment under the Young Farmers Scheme or under the Aid for Protein Crops Scheme. The Young Farmers Scheme is used to provide an additional payment to any person who qualifies as a 'young farmer'. It is available to successful farmers for a maximum period of five years depending on the year of commencement of farming. Under the Aid for Protein Crops the crops eligible for payment are Peas, Beans, Lupins. Further information is available in the Young Farmers Scheme and Protein Aid sections of this booklet.

## Applications/amendments

### Applications

Applications (both paper and online) must be submitted by midnight on Monday 15<sup>th</sup> May 2017. This is the latest date allowed under EU rules and therefore cannot be extended. The BPS application form is also the application for payment under the following schemes;

- Areas of Natural Constraints Scheme (ANC) and the Areas of Specific Constraints (Islands) Scheme
- Protein Aid Scheme
- Agri Environment Scheme (AEOS)
- Green Low Carbon Emissions Scheme (GLAS)
- Natura 2000 Scheme
- Beef Data and Genomics Programme (BDGP)
- Organic Farming Scheme (OFS)
- Continued Participation in the Young Farmers Scheme (Please note new applicants are required to complete a separate online application)

The Terms and Conditions particular to the above mentioned schemes are available on the Department's website [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

### Late Applications

Under EU Regulations, there is a 25-calendar day period after the 15 May closing date for the acceptance of late applications and any necessary supporting documentation. However, deductions to payments at a rate of 1% per day in respect of both BPS/Greening will apply to late applications which are received during this period (see table overleaf). Except in cases of force majeure, applications will not be accepted after this 25-calendar day period has ended.

The same rate of deduction will apply to ANC, the Protein Aid Scheme, AEOS, GLAS, the Natura 2000 Scheme, BDGP and OFS. Payment under any of these Schemes cannot be made in 2017 unless a valid 2017 BPS application form is submitted.

## Deductions for Late Applications

Day	Date	Month	% Reduction to apply per working day	No of Calendar days	Day	Date	Month	Reduction to apply per working day	No of Calendar days
Monday	15	May	Closing Date	N/A					
Tuesday	16	May	1%	1	Monday	29	May	10%	14
Wednesday	17	May	2%	2	Tuesday	30	May	11%	15
Thursday	18	May	3%	3	Wednesday	31	May	12%	16
Friday	19	May	4%	4	Thursday	1	June	13%	17
Saturday	20	May	4%	5	Friday	2	June	14%	18
Sunday	21	May	4%	6	Saturday	3	June	14%	19
Monday	22	May	5%	7	Sunday	4	June	14%	20
Tuesday	23	May	6%	8	Monday (Bank Holiday)	5	June	14%	21
Wednesday	24	May	7%	9	Tuesday	6	June	15%	22
Thursday	25	May	8%	10	Wednesday	7	June	16%	23
Friday	26	May	9%	11	Thursday	8	June	17%	24
Saturday	27	May	9%	12	Friday	9	June	18%	25
Sunday	28	May	9%	13	Saturday	10	June	100%	

## Online applications

Certain categories of farmers are obliged to submit their 2017 BPS/Greening Payment application using the department's online system (iNET). These categories are;

- Arable farmers, who had 10 hectares or more of arable land under the 2016 BPS Scheme, or who declare 10 hectares or more of arable land in 2017;
- Organic farmers, who participate in the Organic Farming Scheme;
- Farm Partnerships, who are registered in the Department of Agriculture, Food and the Marine's Register of Farm Partnerships;
- Recognised Share farming arrangements who want to apply under the share-farming arrangement.
- All GLAS approved farmers

**From 2018 onwards all farmers will be obliged to submit their BPS application using the department's online system.**

## Completing the BPS application online

To apply online go to [www.agfood.ie](http://www.agfood.ie) and log in. If your login or password are expired and need to be renewed please contact the Department's helpdesk at 076 1064424.

If you are not currently registered for online services you will need to do so, go to [www.agfood.ie](http://www.agfood.ie) and click register. Should you experience any difficulty registering please contact our helpdesk for assistance. Alternatively, you can authorise an agricultural consultant or Teagasc advisor to apply on your behalf. To access the relevant authorisation forms please go to <http://www.agriculture.gov.ie/agfoodinformationpages/agfoodagentforms/>.

A 2017 BPS application that is completed and submitted online to the Department by a farmer or his/her authorised Agent will be accepted as a valid application provided that all other conditions of the BPS are met. The submission of a paper application is not necessary in these circumstances. The land details presented online and pre-printed on the paper application reflects the farmer's position following the processing of their 2016 BPS application and the outcome of any review undertaken by the Department of Agriculture, Food and the Marine.

The online application is designed with a view to preventing the typical errors that recur on the paper applications each year. The online application contains mandatory fields that the farmer must complete which helps eliminate processing delays as a result of incomplete details. Advantages of the online system include;

- Built in warnings which will help to avoid certain errors in your application such as missing parcel details or over-declaration of area claimed which will help to avoid a possible penalty
- Immediate confirmation of the submission of your application.
- Online editing and submission of maps. Farmers and/or their agents who are registered for the BPS online facility can access their maps from the Land Details page and mark out ineligible areas on their maps, amend borders etc. and submit these to the department through the online application.
- Consistency between your GLAS plan and your BPS application, the BPS online system will provide on screen notifications to highlight any issues arising in this regard.
- Online videos and helpdesk assistance for completing your application
- Reply online to query letters
- View previous BPS/SPS applications/entitlements and correspondence
- Access payment details for BPS/ANC
- Avail of preliminary checks (see preliminary checks section below)

The online application can be completed in stages. Partially completed online applications can be saved at any stage and returned to later at the farmer's convenience. The details already entered can be reviewed at any stage before the application is submitted. A partially completed application cannot however, be accepted as a submitted application. Therefore please ensure you have submitted your application on or before the deadline of May 15 2017.

Instructional videos and a HELP feature are available at <http://www.agriculture.gov.ie/agfoodiehelpvideos/> as an explanatory aid for the correct completion of the online BPS application.

## **Documentation available online**

Access to comprehensive documentation is available online. This includes a summary screen of the farmer's current entitlements position, details of land parcels declared on previous applications and copies of certain correspondence between the farmer and the Department in the previous scheme year.

## **Preliminary checks**

Preliminary checks are exclusive to online farmers and allow for pre-checks of online BPS applications for any non-compliance in the areas of over-claims, dual claims and overlaps. Farmers are notified via the online system and offered the opportunity to rectify any such non-compliance with no penalty applied where the non-compliance is fully rectified by 19<sup>th</sup> June 2017. As the Department continues to progress towards the EU regulatory requirement of 100% online BPS application by 2018, these checks add a further benefit to farmers who apply online and increase the efficiency with which BPS applications can be processed.

The purpose of preliminary checks is to enhance the correctness of BPS applications with the aim of lowering reductions and administrative penalties. Full administrative checks are still required before payment issues.

## **Issues addressed by preliminary checks**

Preliminary checks will identify any over-claims, overlaps or dual claims in respect of online BPS applications. Where a preliminary check identifies such an issue farmers are given the opportunity to amend their claim by 19<sup>th</sup> June 2017. Farmers may wish to retain their original claim, or to amend their claim in light of the preliminary check notification.

For example, where a preliminary check highlights a dual claim the response can either

- Confirm that the farmer asserts the right to claim the dual claimed parcel, **or**
- Withdraw the relevant parcel without penalty where the land may have been inadvertently claimed.

## **How will farmers be notified of preliminary checks?**

Where a preliminary check identifies a dual claim, over-claim or overlap, a notification will issue on the BPS online system. Farmers and advisors should check the correspondence section of their BPS online account. Where a farmer is signed up for text message alerts, a text will issue to advise them that they have a notification on their BPS account.

Where a farmer has applied online through an advisor, the advisor will receive notification via the BPS online account in respect of any of his/her clients where a preliminary check has identified a dual claim, over-claim or overlap. Farmers who have applied through an advisor will also get a text message alert where they are signed up for this service.

## **What should I do if I get a notification arising from a preliminary check?**

When a notification/text message alert of a preliminary check is received, you should

- Log into your BPS online account to read the notification. Where a preliminary check has identified a dual claim, overlap or over-claim there will be a clear indication of this in the centre of the BPS home screen.
- Farmers who have applied through an advisor should contact their advisor in relation to responding the preliminary check.

### **How to respond to a preliminary check?**

Where preliminary checks have identified an over-claim, overlap or dual claim, this will be clearly signalled on the home screen of the BPS online application system.

A farmer or advisor can click the “View Preliminary Checks” button to see the detail in each case. It is important to note that

- A preliminary check can only be responded to once.
- In each instance, the farmer/advisor will be given the opportunity to either amend his/her original claim to take account of the preliminary check or to maintain the original claim. There will be instances where it is valid to maintain the original claim – for example, in the instance of a possible over-claim identified, where an area of scrub has been removed and brought back into agricultural use with a resultant increase in eligible area.
- Where a response to a preliminary check is sufficient to fully rectify the issue at hand, no penalty will apply.
- Further administrative checks will still need to be carried out on all applications and thus further issues and reductions/penalties may arise later in the process in respect of any application.

### **Will all online farmers get a notification of a preliminary check?**

No. An action is only required of farmers/advisors where a preliminary check has identified a dual claim, over-claim or overlap on an application.

### **Further information**

Further information is available on the Department’s website, [www.agriculture.gov.ie](http://www.agriculture.gov.ie). and on [www.agfood.ie](http://www.agfood.ie).

Any queries can also be addressed via the Department’s dedicated online helpdesk at **0761 064424**

### **Expired Herd Number**

Where a farmer’s Herd Number has expired at the date of application, it will not be possible to apply online. The farmer will be given a message to this effect on the BPS Home Page. In these circumstances arrangements should be made with the Department’s local District Veterinary Office to have the herd number reactivated. Where a farmer is changing the registration details of the herd number the application should be made to the Department’s local District Veterinary Office on or before 15 May, 2017. Where the herd owner is deceased, contact should be made

with the Department's Inheritance Enquiry Unit, Eircom Building, Knockmay Road, Portlaoise, Co Laois, 0761 064428 or [inheritance@agriculture.gov.ie](mailto:inheritance@agriculture.gov.ie)

**Please note a facility to submit an application requesting the Transfer of Entitlements from an expired herdnumber is available by using the online application facility on Agfood.ie. To do this applicants will need to register first at [www.agfood.ie](http://www.agfood.ie) or contact Agfood Online Services Helpdesk in the Department's Portlaoise Office, Lo call 0761 064424/email [agfood@agriculture.ie](mailto:agfood@agriculture.ie).**

### **Paper Applications**

Paper applications should be submitted to the **BASIC PAYMENT SCHEME UNIT, DEPARTMENT OF AGRICULTURE, FOOD & THE MARINE, OLD ABBEYLEIX ROAD, PORTLAOISE, CO. LAOIS** using the envelope provided to you with your application pack. **It is not permitted to submit your form through a Local Office, or any other office of the Department.**

In the event of a query arising as to receipt of your completed application in the Department you will be required to produce proof of postage. The only acceptable proof of postage is a Registered Post/Express post receipt. Please use the return envelope provided in your BPS pack when returning your application form and keep your express post/registered post receipt safe in case you need it at a later date.

Complete and return only the pre-printed application form that you received. Your pre-printed 2017 BPS application form is bar-coded and pre-printed with details relating to you and is therefore for your use or for use by successors only.

Further guidelines on how to complete the paper application form are on <http://www.agriculture.gov.ie/farmerschemespayments/basicpaymentschemegreeningareasofnaturalconstraint/>

**NB. Unless you are a first-time farmer, under no circumstance should you submit a non-pre-printed application form. If you mislay the pre-printed form supplied to you, you should contact the BPS Co ordination Unit in Portlaoise to obtain a replacement.**

### **Use of information supplied**

In submitting your application, the farmer accepts that all the information supplied on the application form and any supporting documentation may be made available to any other Department or Agency or Local Authority for the purpose of Audits, Cross Compliance controls, controls relating to the legislation underpinning Cross Compliance and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Act.

You are also notified that the Department of Agriculture, Food and the Marine is required, in accordance with EU law, to publish on a website details of the names, addresses and amounts received by legal persons (not a natural person but, for example, a company), who are beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD). The rights of data subjects and how they may be exercised in this respect are laid down in the Data Protection Acts, 1988 and 2003. The data therein may be processed by auditing and investigating bodies of the

Communities and the Member States for the purposes of safeguarding the Communities' financial interests. The data therein cannot be used for direct marketing or other purposes and this is made clear on the website.

## **Amendments**

Land parcels that come into a farmer's possession in 2017 can be added when submitting an application, as can details of any new plots. Where a new plot is added, a map outlining the boundaries of that plot must be submitted to the Department under separate cover either by post or through the online map editing system. This also applies where any other supporting documentation, for example, evidence of Commonage rights, is required. For convenience, a printable covering letter for the submission of documents is available online, this should be included with your correspondence if posting.

### **Amendments up to 31 May 2017**

Amendments to 2017 BPS applications, including the addition of parcels/plots, may be made up to 31 May 2017 on the BPS 2017 AMENDMENT FORM. While certain amendments will be allowed after 31 May (see below), please note that if you need to amend an incorrectly claimed area or need to add parcels/plots to your 2017 application, this official Amendment form must be submitted by the 31 May 2017 deadline. Amendment forms should be completed fully and accurately as they will become part of your 2017 BPS Application. The form is available from the Basic Payment Unit, Local Offices of the Department, Teagasc Agricultural Consultants and is also available on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie).

### **Late Amendments (Amendments after 31 May 2017)**

Late Amendment Forms with additional parcels/plots or amended claimed areas will be accepted up to and including 9 June 2017 with a penalty. Payment on the parcel(s) concerned will be reduced by 1% for each working day in this period that the Amendment is late.

You may withdraw land, reduce the claimed area of a parcel or change use from eligible to ineligible (for example, the transfer of a house site), from your application without penalty, at any time after the 31 May 2017 closing date for Amendments provided:

- the Department has not notified you about any issues concerning your 2017 BPS application;
- you have not been notified of an on-the-spot inspection;
- an on the spot inspection does not reveal any non-compliances for the parcel(s) concerned
- you have not been either fully or partially paid under the BPS in respect of 2017

You are, however, permitted to correct obvious/innocent errors at any time after the 31 May 2017 closing date for Amendments. An obvious/innocent error would be a minor clerical error on your part, generally relating to missing details from your application, for example crop use. You may also change a declared crop use, provided that the original crop was eligible for payment. You are not entitled to alter the crop use from an ineligible to an eligible crop. The Department will consider each request to correct an obvious/innocent error on its individual merits.

In both circumstances above (amendments up to and after 31 May) where the Department has already informed you of irregularities in the application or where it has given notice of its intention to carry out an on-the-spot inspection or where an on-the-spot inspection reveals irregularities, amendments shall not be authorised in respect of the agricultural parcels affected by the irregularities.

### **Online amendment to a 2017 BPS application**

It will be possible to submit an amendment form online until the 31 May 2017 deadline for amendments, and afterwards a late amendment with penalty up to 9 June 2017. An online amendment form may only be submitted where an online 2017 BPS application has already been submitted.

### **Active farmer requirements**

To participate in BPS and related schemes a person must be an ‘active farmer’ as set out in Article 9 (1) Regulation (EU) No 1307/2013 and related Regulations. Only farmers who fulfil the following condition will be considered an ‘active farmer’ and will be eligible to participate in BPS and related Schemes;

- i. A ‘farmer’ is defined as a natural or legal person, or a group of natural or legal persons, who exercises an agricultural activity as set out on page 15

### **Negative List**

In accordance with article 9(2) of Regulation (EU) No 1307/2013, no direct payments shall be granted to natural or legal persons, or to groups of natural or legal persons, who operate airports, railway services, waterworks, real estate services or permanent sport and recreational grounds. This shall not apply to farmers who received direct payments totalling less than €5,000 for 2016. Any person or group of persons falling within the scope of this provision shall however be regarded as an active farmer if he/she/it provides verifiable evidence which demonstrates any of the following;

- a) That their annual amount of direct payments represents at least 5% of their total receipts obtained from non-agricultural activities in the most recent fiscal year for which such evidence is available.
- b) That their total receipts obtained from agricultural activities represents at least one third of their total receipts obtained in the most recent fiscal year for which such evidence is available.
- c) In the case of companies and other legal entities, an agricultural activity will be considered to be a ‘principal business or company objects’ of a legal person or group of legal persons if recorded as such on the relevant documentation submitted by the legal person or group of legal persons to the Companies Registration Office at the time of incorporation.
- d) In the case of natural persons or groups of natural persons, an agricultural activity will be considered to be the principal business of the natural person or group of natural persons where the average annual amount of receipts obtained from the agricultural activity for the three most recent fiscal years for which such evidence is available represents at least

40% of the average annual total receipts obtained by the natural person or group of natural persons for the same period.

## Eligible land

The basic requirement: **ONE ELIGIBLE HECTARE OF LAND DECLARED = ONE BPS ENTITLEMENT ACTIVATED FOR PAYMENT PURPOSES**



This section should be read in conjunction with the department's published guidelines on land eligibility.

In order to draw down payment in respect of your BPS entitlements, you must have an “eligible hectare” to accompany each entitlement. In this context, an “eligible hectare” **is land that is used for an agricultural activity** and includes land used to grow cereals, oilseeds, short rotation coppice, *Miscanthus sinensis*, protein crops, sugar beet, maize, fodder beet, turnips, mangolds, kale, vegetables, potatoes, grass for silage or hay or grazing. It also includes maintaining an agricultural area in a state suitable for grazing or cultivation. If you previously participated in REPS and you wish to retain your former REPS 4a habitats you can do so by declaring them as Designated Habitats. In this way the areas continue to be eligible for BPS but the habitat becomes a landscape feature under cross compliance so it must be retained. Areas under Wild Bird Cover and Riparian Zones are also eligible for BPS provided you are in AEOS or GLAS and undertaking the relevant actions in that scheme.

In determining the eligibility of land applied upon to draw down payment, a number of particular conditions have to be complied with, namely:

- The land must be managed by the farmer. If the farmer is not the owner of the land, he/she must be in a position to provide verifiable evidence that the land is available to him/her for the required period as set out in the “Land Availability Rule”, in section (iii).
- There must be independent and suitable access for animals and/or machinery for the farming enterprise being conducted. Independent access means access by public or private roadway or by a defined right of way. Access over adjoining landowners land, or over land which is subject to a lease or rental agreement to another person, is not acceptable;
- **There must be appropriate fencing for the farming enterprise being conducted. Appropriate fencing means stock proof fencing that will adequately control the farmer’s and neighbouring farmer’s animals. In this regard temporary electric fencing will not suffice as a stock proof barrier between two farmers. In mountain/hill areas this generally means sheep fencing;**
- There must be defined external boundaries except in the case of commonage;
- If at inspection the farmer claims to be farming the land with animals then the type of animals must be appropriate to the land and there must be appropriate handling facilities available on the lands to meet the animals’ welfare requirements.

The agricultural activity must be the predominant activity on the area. Where non-agricultural activities also occur, that area shall be considered to be used predominately for agricultural activities provided that the agricultural activities can be exercised without being significantly hampered by the intensity, nature, duration and timing of the non-agricultural activities.

### **The Birds and Habitats Directives - eligible land for payment purposes only**

Article 32 (2) (b) (i) of Regulation (EU) No 1307/2013 provides that the following land is eligible for payment under the Basic Payment Scheme. It is land which no longer complies with the definition of eligible as a result of the implementation of Council Directive 2009/147/EC of 30<sup>th</sup> November 2009 on the conservation of wild birds or Council Directive 92/43/EEC of 21<sup>st</sup> May 1992 on the conservation of natural habitats and of wild fauna and flora or Council Directive 2000/60/EC of 23<sup>rd</sup> October 2000 establishing a framework for community action in the field of water policy. To be eligible for payment, the land in question must meet the following conditions:

- (i) It must have been claimed under the 2008 Single Payment Scheme;
- (ii) It must have been eligible for payment under the 2008 Single Payment Scheme;
- (iii) Any increase in the ineligible area should be directly linked to the management requirements for the habitat.

### **Afforested land - eligible from 2009**

With effect from 2009, eligible land that was declared on a Single Payment Scheme application in 2008 and was afforested between 2009 and 2017 can continue to be eligible to draw down a BPS payment in 2017 provided it satisfies the conditions outlined in the section Afforestation Measures.

### **Land not eligible for BPS**

Land that is not eligible for BPS or ANC payments includes;

- Land that is used predominantly/solely for non-agricultural purposes (golf courses etc.).
- Land where the farmer does not have access as defined above.
- Land that was forestry planted prior to 2009 with the exception of Forestry Set-aside.
- Any parcels/plots claimed that are not under the control of the farmer, no agricultural activity being carried out by the farmer or not maintained in an eligible state by the farmer.
- Land under permanent crops which are non-rotational crops (other than permanent pasture) that occupy the land for five years or longer and yield repeated harvests.
- Any land where an agricultural activity cannot be carried out because of a pre-existing restriction, e.g. an NPWS commonage framework plan prohibiting grazing, is not eligible where the restriction was imposed prior to the farmer acquiring title, lease or rental of the land.

Farmers should further note:

- The releasing of animals onto a parcel without conducting the normal husbandry and welfare practices throughout the year does not satisfy the requirement of an agricultural activity and will be deemed to be in breach of Article 60 of Regulation (EU) 1306/2013 of the European Parliament and of the Council.
- There must be evidence of a sufficient agricultural activity being conducted throughout the parcel otherwise the unused part(s) of the parcel may be found to be ineligible. This can arise where the stocking rate is too low.
- Abandoned or unused land including land not being maintained in a state suitable for grazing or cultivation will be rejected.

In the case of each hectare declared, the eligible area excludes any areas under roads, paths, buildings, farmyards, woods, scrub, rivers, streams, ponds, lakes, sand, areas of bare rock, boglands unfit for grazing, sand/gravel pits, areas used for quarrying, areas fenced off and not being accessed, areas ungrazed due to low stocking rates, areas of ungrazed mature heather, rushes or ferns, inaccessible areas, land that is not being maintained in a state suitable for grazing or cultivation by the farmer, areas used exclusively as sports fields, golf courses, pitch and putt courses, areas used for commercial turf production or any other areas of ungrazable groundcover. Deductions are not required for headlands or for landscape features such as hedgerows and drains/ditches.

Where you have not previously advised the Department of any of the above exclusions, please outline them clearly on the map provided and return it with your 2017 BPS Application form.

With specific regard to farmyards, if you have not previously identified or mapped any farmyard(s) on your holding, please ensure you return your maps outlining clearly its location.

### **Agricultural Activity**

This section should be read in conjunction with the Department's published guidelines on land eligibility. In order to be eligible for payment each land parcel must have an agricultural activity carried out on it. An 'Agricultural Activity' means:

- a) The production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes.

- b) Maintaining an agricultural area in a state suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries

Farmers are obliged to declare all lands on their “holding” as defined in Article 4, of Regulation (EC) No 1307/2013 including afforested land, eligible from 2009 as set out above. If farmers intend to declare any land parcel where there is no agricultural activity undertaken they **should reduce the claimed area to zero and insert a use of “Inactive” in column 9 of the application form.**

The agricultural activity should be such that it maintains the land in a state eligible for payment as in line with the department’s published guidelines on land eligibility.

In carrying out agricultural activities, farmers must comply with the requirements of Cross Compliance and Good Agricultural and Environmental Condition, as set out in Section 1.11 of this document, the Explanatory handbook for Cross Compliance Requirements August 2016 available at

<http://www.agriculture.gov.ie/media/migration/farmingschemesandpayments/crosscompliance/CrossComplianceHandbook130916.pdf>, and Articles 91-101 of Regulation (EU) No 1306/2013.

As regards maintenance of mountain and hill land, generally the only way of keeping it in an eligible state is by grazing it with an adequate level of livestock appropriate to the conditions.

### **The Land Availability Rule**

- To claim payment under the 2017 BPS, all of the hectares of land declared by the farmer to support their claim (owned, rented-in and leased-in) must be subject to an agricultural activity for a period from the beginning of the year until after 31 May 2017 or for a period before 31 May 2017 to 31 December 2017.
- Lands that the farmer declares as being available to them (in accordance with the first point above) for a period including 31 May 2017, as described above, must be maintained as agricultural land for the 2017 calendar year, or planted under the Afforestation Aid Scheme in 2017. If the farmer becomes aware that a land parcel or any part thereof is going to be used for a non-agricultural purpose during 2017, (for example, the transfer of a house site, extending the farmyard, etc.), this land has to be excluded from the BPS application. Farmers can apply to have a land parcel or parcels deleted from their application after the closing date for receipt of amendments (31 May 2017) if they become aware that the land parcel or parcels in question are going to be used for non-agricultural activity during 2017. This facility only applies if the farmer has not been notified of any irregularities by the Department of Agriculture, Food and the Marine or they have not been notified or became aware of an on-the-spot inspection or an on-the-spot inspection does not reveal any non-compliances for the parcel(s) concerned
- Land that is declared by a farmer on the basis that it is available to him/her on 31 May only on foot of an agreement with another party will not be eligible for payment.
- In the case of the ANC scheme, the land must be available to the farmer for the entire calendar year. An eleven month conacre agreement will be deemed to also be eligible but the farmer may be deemed responsible for breaches of the cross compliance requirements for the entire calendar year.

- Payments under the Schemes set out above may only be made, where the Department is satisfied that the applicant is a farmer who is engaged in an agricultural activity during the 2017 Basic Payment Scheme year.

### **Land Leases/Letting Agreements**

If, in keeping with your standard farming practice, you enter into leases or letting agreements for any of the lands declared on your 2017 BPS application you must be in a position to provide verifiable evidence that the land is available to you for the required period as set out under the “Land Availability Rule”.

### **Short Term Grazing Agreements**

In the case of short term grazing agreements entered into after 31<sup>st</sup> May 2017 it should be noted that this land will not be eligible for ANC to either party to the agreement.

In order for the land subject to the short term grazing agreement to be considered for the purposes of the Nitrates calculation, the transferee must forward a copy of the agreement to the Department of Agriculture, Food and the Marine, Nitrates Section, Johnstown Castle, Wexford by 31<sup>st</sup> December 2017. Where a farmer declares land on the basis of a subletting from a lessee, then the original lease from the owner of the land must also be available at the time of the inspection. A copy of the agreement (and original agreement from the owner where appropriate) must be retained by both transferor and transferee and must be available for inspection at any time by officials of the Department of Agriculture, Food and the Marine.

For the purposes of the Nitrates Regulations, the land declared by you on your Basic Payment Scheme application will be used to calculate compliance with the Nitrates Regulation. The Explanatory Handbook for Good Agricultural Practices for the Protection of Water Regulations 2014 provides ‘Helpsheets’ to check compliance with this regulation. This handbook is available on the DAFM website -

<http://www.agriculture.gov.ie/media/migration/ruralenvironment/environment/nitrates/NitratesExplanatoryHandbook14Mar2014.pdf>

### **Circumvention**

In accordance with Article 60 of Regulation (EU) 1306/2013, no advantage provided for under the Basic Payment Scheme, the Greening Payment Scheme and other Direct Payment Schemes/Rural Development Programme measures will be granted to farmers where it is established that the conditions required for obtaining such an advantage were created artificially contrary to the objectives of the Regulations governing these Schemes.

### **Entitlement Requirements –Usage/Transfers/National Reserve**

In summary, payment under the Basic Payment Scheme (BPS) is made to farmers who meet the active farmer requirements on payment entitlements they hold which are activated by declaring an eligible hectare on which they are carrying out an agricultural activity. The pre-printed details of the BPS entitlements are those held by a farmer at the date the data was sent for printing. This position may alter if any changes are made to these entitlements after the date of printing

## Convergence

Entitlements held under the BPS do not have static values may be subject to convergence which will either increase or decrease their value over the five years of the Scheme.

- Farmers who hold entitlements with an Initial Value below 90% of the national average entitlement value will have the value of their entitlements increased by one third of the difference between their Initial Value and the 90% national average value. This increase will take place in five equal steps over the five years of the Scheme.
- By 2019 all entitlements will have a minimum value of 60% of the national average entitlement value.
- Farmers who hold entitlements with an Initial Value over 100% of the national average entitlement value will see their value decrease over the period of the scheme. The reduction will be determined by the amount needed to fund the increase for those whose entitlement value is being increased.
- By 2019 no farmer will receive a payment per hectare (Basic Payment plus Greening Payment) greater than €700.00
- Farmers who hold entitlements with an Initial Value between 90% and 100% of the national average entitlement value will see no change in their entitlement value over the five years of the Scheme as a result of convergence.

## Entitlement Usage

All entitlements allocated under BPS and the National Reserve are subject to a two-year usage rule. Any entitlement that remains unused for two consecutive years will revert to the National Reserve.

**The rotation of entitlements that was available under the Single Payment Scheme is not available under the Basic Payment Scheme.** For example, a farmer has 40 entitlements under the 2016 Basic Payment Scheme and declares 35 hectares. Therefore 35 entitlements are used in 2016. If this farmer declares 35 hectares again in 2017, 5 entitlements shall expire and be lost to the National Reserve as the farmer did not use 100% of the entitlements in either 2016 or 2017. To avoid this loss, the farmer should ensure he/she has sufficient land in 2017 to utilise all entitlements. Alternatively, the farmer could transfer the entitlements by lease to a farmer who has naked hectares to support the 5 entitlements. The Department shall notify the farmer where entitlements have expired.

EU regulations provide that any payment entitlements unduly allocated to a farmer may be recovered and allocated to the National Reserve. Where such payment entitlements have been transferred to another farmer the transferee must relinquish the unduly allocated entitlements to the National Reserve.

## Transfer of Entitlements

Basic Payment Scheme entitlements may only be transferred to an active farmer in the same Member State, except in the case of Inheritance and/or Gift. The closing date for the receipt of completed applications to transfer entitlements for the 2017 scheme year is 15 May 2017. The application to transfer entitlements may be submitted using the new Transfer of Entitlement online facility. To do this applicants will need to register first at [www.agfood.ie](http://www.agfood.ie) or contact Agfood Online Services Helpdesk at lo call 0761 064424 or at [agfood@agriculture.ie](mailto:agfood@agriculture.ie). Entitlements may be transferred from one farmer to another using one of the following methods as appropriate;

- Inheritance
- Gift
- Lease
- Sale
- Scission/Division of Partnership
- Merger/Partnership
- Change of Legal Entity
- Change of Registration Details of herd-number

### Completing the Transfer of Entitlements Application Online

A 2017 application that is completed and submitted online to the Department by a farmer or his/her authorised Agent will be accepted as a valid application provided that all other conditions of the Scheme are met. The submission of a paper application is not necessary in these circumstances.

The online application is designed with a view to preventing the typical errors that recur on the paper applications each year. Certain mandatory fields that the online farmer must complete help eliminate processing delays as a result of incomplete details. Advantages of the online system include;

- Built in warnings which will help to avoid certain errors in your application.
- Immediate confirmation of the submission of your application.
- Online videos and helpdesk assistance for completing your application
- Reply online to query letters
- View previous applications/entitlements and correspondence
- View Entitlement position from 2015 to 2019

**Farmers should note that any change to the registration details of a herd-number (e.g. the addition or removal of a family member) requires a parallel change to the registration details of entitlements and a Transfer of Entitlement application should be submitted. Similarly, a Transfer application should be submitted where a partnership has been formed or dissolved. The following forms relevant to the transfer of entitlements for the 2017 Scheme year are available online or on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie)**

- Transfer of Entitlements Application 2017
- Transfer of Entitlements Waiver Form 2017
- Transfer of Entitlements Indemnity Form 2017

- Transfer of Entitlements Partnership Agreement 2017
- Transfer of Entitlements Dissolution of Partnership Agreement 2017

Completed applications for the transfer of entitlements must be submitted online or to the Transfer of Entitlements Section, Department of Agriculture, Food and the Marine, Knockmay Road, Portlaoise, Co. Laois.

### **Some Important points of Information for those transferring Entitlements**

The transferor and transferee must apply to transfer entitlements by completing the 2017 Transfer of Entitlement application form.

The sale of entitlements **without land** will be subject to a “clawback”. In 2017 the clawback has yet to be confirmed. In 2016 50% clawback applied i.e. 50% of the number of entitlements sold i.e. Seller sells 50 entitlements @ €100 each. Buyer receives 25 entitlements @ €100 each. To be considered as a sale of entitlements with land, one hectare of land must be sold per entitlement.

Entitlements may be leased with or without land. In that regard it is not necessary to provide details of the land parcels on the Transfer of Entitlements application, as all lease of entitlement requests shall be processed without land. However, to receive payment and use an entitlement, the transferee must declare one hectare of land to support each entitlement. Leased/Rented entitlements will revert to the transferor at the end of the relevant scheme year. The reversion of entitlements on expiry of a Lease or Rental Agreement is not considered a form of transfer. Where the expiry date of a rental agreement or lease end date as recorded on the 2015 PCC application is on or prior to the 30<sup>th</sup> of May 2017, entitlements shall revert to the owner of the entitlements for the 2016 scheme year.

The onus is on a farmer to ensure that entitlements are used. In that regard it is advisable that farmers who are leasing out their entitlements ensure that the lessee is aware of the importance of usage and safeguards the leased entitlements by supporting each entitlement with the declaration of one hectare of eligible land. This arrangement is between the relevant parties.

The effective date of transfer of entitlements in all cases is the BPS closing date. However, if the entire holding/ownership of a herd number is transferred between the date of application for the Basic Payment Scheme and the 31<sup>st</sup> May 2017, the transferee must agree to succeed to the responsibilities of the transferor regarding compliance with the Terms and Conditions of the 2017 Basic Payment Scheme by completing a Declaration of Undertaking (BPS/UND/2017) available on the Department’s website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie). This form must be completed by both the Transferor and Transferee and must be accompanied by a Transfer of Entitlement form (BPS/TE2018). The transferee must fulfill the conditions for granting the aid and honor the undertakings given by the transferor and if otherwise in order, payment of 2017 Basic payment will issue to the transferee. If the entire holding/ownership of the herd number changes after 31 May 2017, the 2017 Basic payment will issue to the Transferor.

EU regulations provide that any payment entitlements unduly allocated to a farmer may be recovered and allocated to the National Reserve. Where such payment entitlements have been

transferred to another farmer the transferee must relinquish the unduly allocated entitlements to the National Reserve.

Basic Payment Scheme entitlements do not have a static value and are subject to a convergence path from 2015 to 2019. Entitlements that have a value below 90% of the national average value will converge upwards while entitlements that have a value above the national average will converge downwards.

### **National Reserve**

Should a National Reserve Scheme be introduced in 2017, further information including terms and conditions will be issued as appropriate

### **Transfer of an entire holding**

Where an entire holding is transferred from one farmer to another between the date of lodging a BPS application and 31 May 2017, the transferee must agree to succeed to the responsibilities of the transferor by completing a Declaration of Undertaking (BPS/UND). This form must be completed by both the Transferor and Transferee and must be accompanied by a Transfer of Entitlement form (BPS/TE 2017). These forms will be available on the Department's website [www.agriculture.gov.ie](http://www.agriculture.gov.ie). The transferee must fulfill the conditions for granting the aid and honour the undertakings given by the transferor and if otherwise in order, the 2017 BPS /Greening payment will issue to the transferee

### **Controls and Inspections**

In submitting a BPS application, farmers agree to permit officials or agents of the Department to carry out on-farm inspections, with or without prior notice and where notified at any reasonable time(s). When notified of an on-farm inspection, the farmer should arrange to be present for the inspection or have a representative nominated in his/ her place to assist the inspecting officer. If farmers are farming other land to that indicated on the 2017 application form they must bring it to the attention of the inspecting officer on the day of the inspection. Every on-the-spot (ground) inspection will be the subject of a report and the farmer or his/her representative will be given an opportunity to sign the report indicating his/her presence at the inspection, if they are so present at the inspection, and to add his/her observations if he/she so wishes. Signing this document does not imply that the farmer or his/her representative accepts the inspection findings. Farmers are reminded that no payment shall be made in favour of beneficiaries for whom it is established that they artificially created the conditions required for obtaining such payments with a view to obtaining an advantage contrary to the objectives of that support scheme. A farmer has a number of review/appeal options available should he/she wish to avail of them. Please see Review and Appeal Section for further details.

To facilitate checks and on-farm inspections, farmers shall fully co-operate with Department staff, and reply fully to all queries providing any documentary evidence that may be requested in relation to their application. If required, the farmer must ensure that cattle are presented in suitable handling facilities which ensure that ear tags can be read in a safe and efficient manner. Failure to do so may lead to loss of all aid. If an on-farm inspection cannot be carried out through the fault or action of the farmer or his/her representative, the application shall be rejected resulting in no payment, unless the Department determines an instance of force majeure.

## **Eligibility Inspection (Land)**

- 5% of farmers will be selected for inspection under all schemes covered by the BPS application form. All BPS applications will be subject to administrative checks.
- In addition, land declared can be inspected by remote sensing using satellite imagery or aerial photography, and on-farm ground inspections.
- It is a requirement to carry out standard eligibility checks to verify that the actual area claimed under BPS corresponds to the area held and used by the farmer and to ensure there are no overlapping claims, duplicate claims or that ineligible or areas with no agricultural activity are included.
- It will be necessary to verify that land used to draw down entitlements does not contain forestry (planted pre 2009) or other permanent crops in the year of application for BPS.

## **Notification of Inspections (Eligibility & Cross Compliance)**

On applying for payment, a farmer accepts that inspections under the direct payment schemes may be announced or unannounced and without prejudice to public liability. Where inspections are not notified, where appropriate, the inspector will explain to the farmer or his/her agent the inspection procedure adopted and satisfy himself/herself that the farmer or his/her representative fully understands it. If the farmer cannot be present, he/she can be represented by a person of his/her choice

## **Cross Compliance (including Good Agricultural and Environmental Condition)**

All beneficiaries under BPS, Greening, the Young Farmers Scheme, the Coupled Support Scheme, ANC, BDGP, the Sheep Welfare Scheme, the Hemp Production Scheme, AEOS, the Green Low Carbon Agri' Environment Scheme (GLAS), Natura 2000 and the Organic Farming Scheme (OFS) must comply with the Statutory Management Requirements (SMRs) and Good Agricultural and Environmental Condition (GAEC) standards as detailed in Annex II of EU Regulation 1306/2013 in respect of the environment, climate change, good agricultural condition of land, public, animal and plant health and animal welfare. Failure to do so may lead to a loss of aid under all of the above schemes and may also apply to more than one scheme year.

The Department of Agriculture, Food and the Marine, as the EU accredited Paying Agency, will have primary responsibility to ensure that the required level of Cross Compliance inspections are carried out and for fixing any sanctions to be applied. In general, the rate of on-farm inspection required for Cross Compliance is 1% of those farmers applying under the schemes listed in the paragraph above. However, at least 3% of farmers must be inspected under the Animal Identification and Registration requirements for cattle and 3% for sheep/ goats as prescribed under the relevant Regulations.

Where applicable, breaches of Cross Compliance requirements recorded by Department staff will be cross reported to the relevant Control Authority. These bodies may also cross report breaches detected by themselves to the Department of Agriculture, Food and the Marine and such breaches may give rise to a cross compliance sanction which may apply to payments under schemes listed above and may also apply to more than one scheme year.

## **Burning/Overgrazing of Land**

In the case of land designated as Special Area of Conservation (SAC) and/or Special Protection Area (SPA) you must consult with the NPWS in advance of any burning at any time throughout the year. Where burning occurs on land designated as SAC and/or SPA penalties will apply. In addition, the prosecution of such cases will be pursued.

Where land is overgrazed which is likely to lead to soil erosion this practice will be considered a breach of GAEC as part of Cross Compliance and sanctions may apply depending on the extent, severity and permanence of non-compliance.

## **Soil Organic Matter under Cross Compliance**

Under GAEC farmers must “maintain soil organic matter levels through appropriate practices”. The obligation under GAEC for this requirement is limited to a ban on the burning of crop residues such as straw and/or stubble except for plant health reasons. There is no requirement to take soil organic matter samples as part of Cross Compliance.

## **Landscape Features**

### **Definition of hedgerows, trees in a line and drain/ditch**

Hedgerows, trees in a line and drains/ditches are designated as Landscape Features under GAEC and are eligible for payments under the BPS and other area based schemes. Under GAEC 7 beneficiaries are obliged to retain and maintain designated landscape features. A hedge or hedgerow is a line of shrubs and/or tree species, planted and maintained in such a way as to form a barrier of sufficient width to control animals or to mark the boundary of an area of land. Traditionally they may have been planted on a raised earthen bank formed by digging one or two shallow trenches, with the dug material used to form the bank in the middle. Hedgerows can range from neatly trimmed lines of dense shrub and tree species, which generally form a stock proof barrier to a line of individual mature trees with no stock proofing properties and all states in between.

A drain/ditch, for the purpose of Cross Compliance is an open trench, which is dug to improve the drainage of agricultural land. It generally starts within the holding and is linked directly or indirectly through other drains, to a stream or river, which passes through or alongside the holding. It may contain water permanently or only following heavy rain.



### **Hedgerows, trees in a line and drains/ditches requirements**

Hedgerows and drains/ditches have been designated as landscape features under Good Agricultural and Environmental Condition. This means that it is not necessary to make deductions to parcel areas to account for these features but they must be retained. Where, in exceptional circumstances, it is necessary to remove a hedgerow, remove a line of trees or fill in a drain for good reasons such as farmyard expansion, the farmers may do so provided a new hedgerow, new line of trees or drain of equal length and like for like i.e. a hedgerow is replaced with a hedgerow comprising of traditional hedgerow species is planted or dug in advance of the removal of the old hedgerow, line of trees or drain on the farmers holding. Hedgerow species used must be traditional to the area and cannot include amenity species such as laurel or conifers. A hedgerow or line of trees planted in front of another hedgerow or line of trees is not considered fulfilling the replacement requirement. Every effort must be made to protect the newly created landscape feature e.g. fencing from cattle. Failure to abide by these rules will result in a Cross Compliance penalty.

Where it has been detected that a landscape feature has been removed/damaged in previous years, a sanction may be applied in the current year i.e. the year of the finding. In addition to the application of the sanction, a new hedgerow, line of trees or drain/ditch of equal length to the feature removed, must be planted or dug within 12 months. Otherwise a further cross compliance sanction will be applied. Hedgerows cannot be removed between 1 March and 31 August. In the case of land designated as SAC or SPA, hedgerows or drains cannot be removed without the prior approval of the National Parks and Wildlife Service. Hedgerows are field boundaries and as such are protected by the Environmental Impact Assessment (Agriculture) regulation 2011. Where new hedgerows are planted or drains dug to replace hedgerows or drains removed, these become landscape features once the old hedgerow or drain is removed and consequently must be retained. Hedgerows or lines of trees planted under AEOS or GLAS are additional and cannot be accepted as replacement hedgerows for hedgerows removed.

## **Maintenance of Hedgerows and Drains/Ditches**

Hedgerows must be maintained and not allowed to become invasive, thereby reducing the utilisable area of the field and consequently impacting on the Eligible Area of the parcel. The height of a hedgerow is not of concern; however its width at the base must be maintained at a reasonable width. Where hedgerow species such as blackthorn, whitethorn, briars, furze etc. become invasive and spread out onto the land, these must be controlled through normal hedgerow maintenance as otherwise they will lead initially to a GAEC sanction and over time to a reduction of the eligible area. It should also be noted that hedge maintenance cannot be carried out during the closed period from 1 March to 31 August in any year as required under the Wildlife Act of 1976. Failure to abide by these dates will lead to a sanction under GAEC.

With regard to drains/ditches, regular maintenance (cleaning, protecting against repeated damage by livestock) is required in order to prevent them becoming ineffective and to avoid a GAEC sanction.

NOTE: Rivers and streams are not covered by this designation and the area concerned continues to be ineligible for BPS and ANC. Consequently, appropriate deductions must be made to exclude them from the claimed area of a parcel.

Further information in relation to landscape features and Cross Compliance in general, is available under the Farm Advisory System (FAS) and from the Department of Agriculture, Food and the Marine website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie). A list of FAS agencies is also available on the Department's website.

## **Environmental Impact Assessment (Agriculture) Regulations 2011**

These regulations apply to three different types of activities;

- Restructuring of rural land holdings i.e. removal of field boundaries
- Commencing to use uncultivated land or semi natural areas for intensive agriculture
- Land drainage works on land used for agriculture

Should you intend to undertake any of these activities you must refer to the EIA Guidance document at

<http://www.agriculture.gov.ie/media/migration/ruralenvironment/environment/environmentalimpactassessment/EIAGuideforFarmers200212.pdf> to determine whether you are required to make an application for screening to DAFM. Further information is available at [www.agriculture.gov.ie](http://www.agriculture.gov.ie) or from EIA Section, Johnstown Castle 053-9163400.

## **REPS Habitat**

Farmers who maintained a REPS3 or REPS4 New Habitat who wish to continue to maintain an eligible habitat for the Basic Payment Scheme, should delete 'Former REPS3 New Habitat' or 'Former REPS4 New Habitat' from their application, and declare 'Designated Habitat' in its place for 2017. These Designated Habitats will then become landscape features under GAEC. Farmers will be required to maintain that area as a habitat, consequently the fence must remain in place to exclude livestock and no agricultural activity can be conducted on these areas. If the habitats are found to be removed, sanctions will be applied under GAEC and the habitat will have to be re-instated. This provision only applies to newly created habitats under REPS.

## **Newly Designated Landscape Features**

In 2015 all archaeological sites and monuments were designated as Landscape Features and therefore are protected and cannot be removed. Sanctions will be applied under GAEC where a site or monument has been interfered with or removed. The farmer is responsible for determining if there are any sites or monuments on the parcels he/she are applying on before carrying out any reclamation/improvement works on the land. Details of archaeological sites and monuments are available from the National Monuments Service - <http://www.ahrrga.gov.ie/heritage/national-monuments-service/>

## **The Birds and Habitats Directives**

Some farms, or part of farms, have been designated for the conservation of birds, which are classified under EU legislation as Special Protected Areas (SPA's). Other lands have been designated for the conservation of natural habitats and wild flora and fauna, which are classified under EU legislation as Special Areas of Conservation (SAC's). Compliance with the requirements to maintain these listed areas is part of the Cross Compliance controls. It is your responsibility to establish if any of the eligible land on which you are applying for payment is in a SPA or SAC and that you are aware of the particular requirements attaching. Should you need further information on this you can contact the National Parks and Wildlife Service. Their website is [www.npws.ie](http://www.npws.ie)

## **Further Information**

Further information relating to Cross Compliance is available in the following publications:

- Explanatory Handbook for Cross Compliance Requirements.
- Explanatory Handbook for Good Agricultural Practice Regulations.

These publications outline in detail the Cross Compliance requirements set out in EU Parliament, Council and Commission Regulations 1306/2013, 1307/2013, 809/2014, 640/2014, 639/2014, and 641/2014 (as amended) that are applicable under BPS. Farmers should read these publications carefully in conjunction with this booklet. The above publications and further details in relation to Cross Compliance and sanctioning procedures including all checklists are available on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie). A Farm Advisory System (FAS) is available to provide farmers with full details on the Cross Compliance requirements. Teagasc and private agricultural consultants provide this service. Further details of this service are available on the Department's website.

## **Payments, Reductions and Penalties**

### **Payment Dates**

Under EU regulations, payments under the Basic Payment Scheme/Greening may commence on 1 December 2017. An advance payment of up to 50% may be made from 16<sup>th</sup> October 2017.

## **EFT**

In accordance with EU regulations, all EU scheme payments to farmers can only be made to a bank account. Any farmers who have not already done so should submit their bank account details to the Department. A copy of the relevant form is available from Direct Credit Section, Department of Agriculture, Food and the Marine, Farnham Street, Cavan (Ph 049 4368283) or on the Department's website [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

## **Financial Discipline**

The rate of financial discipline on 2017 payments fixed in accordance with Regulation (EU) No. 1306/2013 of the European Parliament and the Council will be applied. The rate of deduction will be fixed by the European commission in November 2017.

## **Cap on payments**

The maximum payment that will be granted to any one farmer under the Basic Payment Scheme (excluding the Greening Payment) in any one scheme year is capped at €150,000.00. This cap on payment relates only to the payment received under the Basic Payment Scheme. Therefore, a farmer's total payment (Basic Payment and Greening) could be over €150,000 provided the payment under the BPS is €150,000 or less.

## **Minimum Payment**

Under the provisions of Article 10 of Regulation (EU) No. 1307/2013 of the European Parliament and the Council, it has been decided that no payment will be made under BPS where the amount claimed is less than €100.

## **Publication of Payment Details**

In accordance with Regulation 1306/2013 of the European Parliament and of the Council data of beneficiaries of funding under the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD), it is a legal obligation on Member States that they inform beneficiaries that their data will be made public and that the data may be processed by auditing and investigating bodies of the European Union and the Member States for the purpose of safeguarding the Union's financial interests. In accordance with this Regulation the Department must, by 31 May each year, publish the following data:

- The name of the beneficiary (unless the amount of payment under CAP funds is less than €1,250, in which case the individual will be identified by a code)
- The municipality where the beneficiary is resident
- The amount of payment corresponding to each measure received by a beneficiary, and
- The nature and description of each measure.

## **Main BPS payment & Greening payment calculation**

The main BPS payment and the greening payment are calculated separately (including any reductions and/or penalties applied) and then added together to form the total direct payment. To work out the value of a farmer's main BPS payment, the department multiplies the number of

entitlements the farmer used correctly to claim for payment, by the farmer's average entitlement value.

Below are two examples of BPS payment calculations, one where the applicant claims all their entitlements based on one set and a second example where less land than entitlements is claimed where the applicants has multiple sets of entitlements with different values and averaging of entitlements is used.

## 2016 BPS Payment Calculations

### Example 1

- No. of Entitlements 15.62
- Average Ent. Value €125.83
- Claimed Area 15.62 ha
- Determined Area 15.62 ha
- Aid Due on 15.62 ha – Determined Area
- BPS Aid Due – 15.62 ha X €125.83 (Gross €1,965.46 before penalties or reductions are applied).

### Example 2

The example below involves an applicant with more than one set of entitlements but where the number of hectares is less than number of entitlements to be allocated.

#### **Two sets of entitlements + less land declared than entitlements held**

- Number of hectares declared in 2016 = 50 ha
- Number of entitlements held = 60 entitlements
- 30 entitlements @ €200 and 30 entitlements @ €250 = 60 entitlements
- Average entitlement = €230 (20 X €200 = €4,000 + 30 X €250 = €7,500 = 11,500 /50 = €230)
- Activated hectares = 50 ha.
- Greening Payment = 50 ha X €230 X % Greening.

## Greening payment

The Greening payment is based on the value of activated entitlements held by the farmer multiplied by a fixed greening percentage calculated each year. The fixed percentage for 2017 is calculated by dividing the total value of activated entitlements in 2017 into the 2017 greening ceiling.

An example of a greening payment calculation is below (using the same figures as Example 1 above).

- The main BPS payment is €1,965.46 (15.62 ha X €125.83) before penalties or reductions are applied
- The Greening rate for 2016 is approx 44%.
- Greening Aid due = €1965.46 X 44% = €864.80 (before penalties or reductions are applied).
- Total BPS/Greening Payment due = €1965.46 + €864.80 = €2,830.26 (before penalties or reductions are applied).

## Entitlement Payment Order

In some cases, a farmer can hold entitlements of different values and may not have sufficient hectares to use all entitlements. Payment will be made in the order set out in Column 7 of the front page of the application form (commencing with the highest value entitlements). If you wish to choose a different order of payment in order to avoid losing particular entitlements to the National Reserve in 2017 you may enter an alternative order of payment in Column 8 of the Entitlements table on the front page of the application form. Please refer to the “Entitlement Requirements Section” on page 19 of these Terms and Conditions for more information in relation to usage of entitlements.

## Reductions (Penalties for Over Declaration)

Where farmers don't meet scheme rules, their payments can be reduced and penalties applied. Where the claimed area is over-declared and the total eligible area determined is not sufficient to support the number of entitlements held, then reductions/penalties will be applied as per Article 19(a) of Commission Delegated Regulation (EU) No 640/2014. The revised penalty arrangements took effect from 2016 for the EU Basic Payment Scheme (BPS), the Young Farmers Scheme, the Areas of Natural Constraints Scheme and the Areas of Specific Constraints (Islands) Scheme only. The existing penalty arrangements as per Article 19 of Regulation No. 640/2014 will continue to apply for all other area-based schemes. Article 54 of Commission Regulation 1306/2013 states “*for any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within 18 months after the approval*”. Article 58 of the same regulation also states that Member States shall “*recover undue payments plus interest*”. Furthermore Article 7 of Commission Implementation Regulation 809/2014 states that “*if undue payment is made, the beneficiary shall repay the amount in question plus, where applicable, interest.*”

The new penalty arrangements simplify the penalty regime and are set out below.

Regarding the Basic Payment Scheme, if there is a difference between the payment entitlements held and the area declared on the application, the calculation will be based on the lower of the two figures. If the difference between the declared area and the determined area is equal to or less than 0.1 hectares, payment is based on the declared (claimed) area in the year of application. If the difference is less than 3% of the area found, payment will be based on the area. However, if the difference is greater than 2 hectares the penalties as outlined below will be applied irrespective of whether the difference is less than 3% or not.

Penalties will NOT be imposed on the Basic Payment in relation to an over-declaration of eligible areas if the total eligible area determined (found) is equal to or greater than the number of payment entitlements held by the farmer. If the declared area is subject to any reduction or exclusion, including a reduction of less than 3%, and the farmer holds more than one set of payment entitlements, the payment is calculated on the average value of the entitlements held. The average is based on the number of hectares declared.

<b>Difference between the number of eligible hectares determined (found) and the number of hectares declared or the number of Basic Payment entitlements held if lower.</b>	<b>Level of Reduction/Exclusion</b>
Where the difference is less than 3% or less than 2 hectares	Payment is based on the determined area i.e. no change from before
If the difference is greater than 3% of the area determined, or if the area not determined is less than 3% of the area determined but greater than 2 hectares:	<p>Payment is based on the number of eligible hectares determined (found) reduced by 1.5 times the difference (in hectares) between the area declared and area determined or the number of entitlements held if lower.</p> <p>The penalty will not exceed 100% of the amount based on the area declared. Where any amount of the penalty is not recouped in the current scheme year, it will be recouped from payments issuing over the following 3 years.</p>

### **Yellow Card**

In addition to the revised penalty regime above the concept of a Yellow Card system also applies where the over-claim area determined is more than 3% and not more than 10%. A farmer can only avail of a Yellow Card once in respect of each individual scheme. Further details on how the Yellow Card provision is implemented are below. Where a farmer had a Yellow Card applied in 2016 under BPS, they cannot avail of a further Yellow Card under BPS in 2017, in the event of a further over-declaration being determined.

- Where a farmer receives a penalty for an over-declaration for the first-time and the over-declaration does not exceed 10% of the area determined, the penalty is reduced by 50%
- Where a farmer benefits from the reduced 50% penalty calculation above in a given year, and again incurs an over-declaration resulting in a penalty in the following year, the full

penalty will be calculated for that year and the amount of the reduced penalty from the previous year will have to be paid also.

### Example of Yellow Card being applied

Scheme Year 2016	Claimed by Farmer	Determined by Dept.
Eligible Area	40ha	37ha
Rate of over-claim penalty		0.75
Size of over-claim penalty		€ equivalent of 2.25ha

Scheme Year 2017	Claimed by Farmer	Determined by Dept.
Eligible Area	40ha	37ha
Rate of over-claim penalty		1.5 for over-claim in 2017 <b>Plus</b> 0.75 for over-claim in 2016
Size of over-claim penalty		€ equivalent of 4.5ha for 2017 <b>Plus</b> € equivalent of 2.25ha for 2016

### Penalties for under – declaration of agricultural parcels under the Basic Payment Scheme

Commission Delegated Regulation (EU) No. 640/2014 provides for the application of penalties in the case of the non-declaration of agricultural parcels. The penalties provided for are as follows:

Difference between land declared and what is actually held (as a % of land declared)	Size of Penalty
Up to 3% of the area declared	No penalty
More than 3% and up to 20%	1%
More than 20% and up to 50%	2%
More than 50%	3%

### Cross Compliance Penalties

If a farmer is found to be in breach of Cross Compliance through negligence, a penalty of 3% will normally apply but this can be reduced to 1% or increased to 5% depending on the extent, severity and permanence of the non-compliance. If 'reoccurrence' applies the penalty will be multiplied by 3 to a limit of 15%. Reoccurrence of breaches after this will be considered as Intent.

Where the non-compliance is determined to be minor in nature, tolerance may be applied with the farmer advised to remedy the problem. Where not remedied within a certain period a penalty of at least 1% will apply.

Where the non-compliance is determined intentional the reduction shall normally be 20% but this may be reduced to 15% or increased up to 100% depending on the reoccurrence extent, severity and permanence of the non-compliance found. The penalty may also be extended outside of the year of the finding.

## **Review/ Appeals Procedures**

### **Internal Review**

Requests for review or appeal can arise for many reasons. Appeals may arise from administrative checks or from the inspection process, be it remote or on the ground. The process provides in the first instance for an internal review within the Department followed by an external review if necessary.

### **Administrative Procedures Review**

Where farmers are unhappy with the outcome of their scheme application or administrative requirements they may, in the first instance, seek in writing, a review of the decision. Reviews can be sought in the first instance from the manager of the particular payment section {scheme} involved. In the case of payments under the Basic Payment Scheme (BPS), initial review requests should be addressed to: Decision maker name (usually HEO/Manager), The Direct Payments Unit.

### **Ground Inspection Cases (Eligibility/Greening/Cross Compliance) Review**

For the BPS and other area-based schemes, if the farmer is dissatisfied with the inspection findings he/she can seek a review of the decision to the relevant District Inspector, as detailed in the inspection findings notification letter (FN letter).

### **Remote Sensing Inspections Review**

If the farmer wishes to seek a review of the results of a remote sensing inspection he/she can submit a review request to Remote Sensing Inspections Sections.

### **Other Inspections Review**

Where the farmer is not happy with any other inspection findings he/she can seek a first stage internal review within the inspection service. Notice of findings letters will provide details on the appeal options available and the contact details.

### **Appeal**

If the internal review does not resolve the position to the satisfaction of the farmer, appeals can be made to the Agriculture Appeals Office (AAO), which is an independent statutory agency, which provides an independent, impartial and free appeals service to farmers who are dissatisfied with decisions of DAFM regarding their entitlements under certain schemes. Appeals must be submitted to the AAO within three months of the date of letter of notification to the farmers of the final decision of the Department. In certain cases, where the director considers it appropriate, this 3 month deadline can be extended on a case-by-case basis. The Agriculture Appeals Act 2001, along with the Agriculture Appeals Regulations 2002 (as amended), set down the functions of the office, the decisions that may be appealed and the procedures to be followed in respect of agriculture appeals. From the date of receipt of all relevant documentation, the Appeals Office will aim to conclude its findings within a 3 month period.

Full details of appeals procedures, including details of the Schemes covered are available on the Agriculture Appeals Office website at [www.agriappeals.gov.ie](http://www.agriappeals.gov.ie) or from the Department's local offices. Appeals should be addressed to the Agriculture Appeals Office.

If at the end of the appeals procedure the farmer feels his/her case has not been dealt with properly they can seek the assistance of the Ombudsman by contacting the Office of the Ombudsman.

## Greening

### Introduction

All farmers eligible for payment under BPS are subject to greening. Certain exemptions apply meaning, in very broad terms, that it is the arable sector that have obligations under greening. Certain exemptions also apply to arable farmers but for those who do not qualify for an exemption, one or all of the following three standard measures will have to be implemented:

- (a) **Crop Diversification** - if a farmer has 10 or more hectares of arable land, he or she will be required to sow a number of different crops (2 or 3) unless they qualify for an exemption.
- (b) **Ecological Focus Area (EFA)** – if a farmer has more than 15 hectares of arable land, he or she will need to declare at least 5% of 'Ecological Focus Areas' on their arable land – unless they qualify for an exemption.
- (c) **Protection of Permanent Grassland** – this measure will be managed at national level and, therefore, no requirements will be placed on individual farmers. However, if the ratio of permanent grassland in Ireland – compared to the area of agricultural land – falls by more than 5%, farmers, who have ploughed permanent grassland will have to re-instate it. It would also mean that there would be restrictions on any further ploughing of permanent grassland. If the percentage does fall, the Department will notify individual farmers as to the requirements. The ploughing and reseedling of permanent grassland is not affected by this requirement.
- (d) **Environmentally Sensitive Permanent Grassland** - under this measure permanent pasture designated as Environmentally Sensitive must not be ploughed or converted. In Ireland these are specific areas within Natura 2000 designated sites.

Farmers completing their application under the BPS/Greening Payment should familiarise themselves with the detailed requirements in relation to greening in the "A Guide to Greening" manual, which was issued to all arable farmers and is also available on [www.agriculture.gov.ie](http://www.agriculture.gov.ie).

The Department has provided help and assistance for farmers with a greening obligation for the completion of their application using the online facility. Such farmers must submit their 2017 Basic Payment Scheme/Greening Payment application online and a paper application will not be accepted. Assistance for completing an online application is also available in the section "*Completing the Greening section online*" on page 42 of this document.

## Crop Diversification Measures

For farmers with more than 10 hectares of arable land the requirements are detailed below. When calculating whether a farmer has 10 hectares or more of arable land in 2017, he or she should bear in mind that the arable land **includes temporary grassland and fallow land**. It is also important to note that this area is based on the total of the maximum eligible areas (MEA) of each parcel declared by farmers. **This area may, therefore, be greater than the total area claimed.**

**Between 10 hectares and 30 hectares arable land** – required to sow at least two crops with the main crop not more than 75% of the arable land. There is no limit on the remaining 25% in terms of the number of arable crops that can be sown once at least one additional crop is sown

**Greater than 30 hectares arable land** – required to sow at least three crops, the main crop cannot be more than 75% and the two main crops not more than 95%. There is no limit on the remaining 5% in terms of the number of arable crops that can be sown once at least one additional crop is sown.

## Crop Diversification Exemptions

In general, farmers who declare 10 hectares or more of arable land in 2017 will be subject to the crop diversification requirements. There are, however, a number of exemptions as outlined in the following paragraphs.

### Exemption 1 - Less than 10 hectares of Arable Land

As already stated, a farmer holding less than 10 hectares of arable land (reference area) is exempt from the Crop Diversification measure.

### Exemption 2 - Organic Farmers

Any certified organic land, including land ‘in conversion’, will automatically qualify for the greening payment without having to meet the greening requirements, as long as it has been certified by an accredited body. Organic land or land in conversion is, therefore, exempt from the Crop Diversification requirement. Any other land held by organic farmers that is not organic will have to meet the greening requirements. In other words, it will be treated as a separate unit for the purposes of Crop Diversification.

Farmers would, therefore, be required to grow two or three crops on the non-organic land if the arable area exceeds the relevant threshold. If an organic farmer has other arable land, which is not part of the organic holding he or she may wish not to avail of the “organic exemption”. If he or she does **not wish** to avail of this exemption you can do so by ticking the appropriate box in the online application screen. All of the land (both organic and non-organic) will be treated as one for the purposes of assessing your compliance with the greening requirements.

### Exemption 3 - 75% Grassland and less than 30 hectares of tillage crops

Where more than 75% of your eligible agricultural land is in permanent grassland or temporary grassland (or herbaceous forage), and the remaining tillage land is less than 30 hectares the farmer will qualify for an exemption from greening.

Temporary Grassland – is counted in calculating the 75% grassland area, it is not counted in the tillage area to determine if a farmer has greater than 30 hectares of tillage. However, if a farmer does not qualify for the grassland/less than 30 hectare exemption, the temporary grassland is

then reckonable but can also be counted as one of the crops for the purpose of meeting the crop diversification requirement.

Grassland Obligation - If the tillage area is greater than 30 hectares irrespective of whether the farmer has more than 75% grassland there is an obligation under greening.

#### **Exemption 4 - 75% of Arable land is Temporary Grassland/lands lying fallow and less than 30 hectares of Tillage**

Where more than 75% of the arable land is temporary grass or land lying fallow, or a combination of both of these, the farmer will qualify for an exemption provided the remaining tillage area is less than 30 hectares.

#### **Exemption 5 - 50% of Arable land declared by another farmer in previous year**

This exemption relates to crop diversification only and is applicable to farmers who have new land and different crops in 2017. There are two parts to this exemption and both must be met for it to apply:

- **more than 50%** of the eligible arable area the farmer declares on the BPS 2017 application must be different to the land that farmer declared on the 2015 BPS application; and
- **all the eligible arable area** declared by the farmer on the BPS 2017 application must be used to grow a different crop from the 2016 scheme year (as declared in the 2016 BPS application form).

**If a farmer qualifies for this exemption, he or she, provided that more than 15 hectares of arable land is declared, will still be required to meet the EFA requirements as this exemption relates to Crop Diversification only.**

#### **Exemption 6 - Equivalence**

Under the provisions of Regulation 1307/2013, Member States can decide that farmers can use equivalence measures under an Agri-Environment Scheme to satisfy the requirements of crop diversification.

Ireland provides for equivalence under GLAS whereby farmers who participate in GLAS and plant catch crops under that scheme will meet the crop diversification requirement and still grow only one or two arable crops. **There is a reduction in the GLAS catch crops payment in this case.**

**Note:** Grass under-sown with a spring tillage crop does not qualify for equivalence but will qualify as an EFA area if it is declared as such. If a farmer applies for equivalence and declares that all of the arable land be sown with catch crop, these catch crops **cannot** also be declared as EFA areas.

If a farmer is using equivalence he or she will have to adhere to the requirements for planting catch crops on all of the arable land (except temporary grassland). These requirements are as follows;

- Catch crops must be sown annually by 15 September;
- Use a mixture of crop seeds from the list of crops fixed under the Rural Development Programme;
- Light cultivation techniques must be use for sowing – ploughing is not permitted;

- Catch crops must remain in place until 1<sup>st</sup> December annually;
- Grazing of catch crops is not permitted before 1<sup>st</sup> December;
- Catch crops sown for the purpose of Equivalence **do not** qualify for EFA.

In summary, a GLAS participant, who applies to use equivalence in any year to meet the Crop Diversification requirements under greening must observe the requirements outlined above in respect of the catch crops sown on all of the arable land (except temporary grassland). The catch crops which must consist of at least two crops taken from those crops listed in the following table.

<b>Catch Crop Species</b>	
Buckwheat	Oats (& Black Oats)
Beans	Peas
Crimson Clover/ Berseem Clover	Phacelia
Forage rape	Rye
Leafy Turnip	Tillage Radish
Mustard	Vetch

**If a farmer qualifies for this exemption, he or she, provided that more than 15 hectares of arable land is declared, will still be required to meet the EFA requirements as this exemption relates to Crop Diversification only.**

#### **Crops which count as a ‘crop’ for the Crop Diversification measure**

For the purposes of crop diversification, a crop is defined in the EU Regulations as any of the following:-

- a culture of any of the different genera defined in the botanical classification of crops;
- a culture of any of the species in the case of Brassicaceae (e.g. oil seed rape), Solanaceae (e.g. potatoes) and Cucurbitaceae (e.g. pumpkins);
- land lying fallow;
- temporary grass - grass or other herbaceous forage (e.g. clovers and lucerne) on arable land.

#### **Different Crop Types**

Under EU Regulations, winter and spring crops and vegetables are classified as two separate crops for the purposes of crop diversification. Such crops are, for example, winter barley and spring barley. A winter crop is a crop that is planted between 1<sup>st</sup> June and 31<sup>st</sup> December. Temporary grassland and land laying fallow are also classed as separate crops for the purpose of this measure. Mixed cropping is counted as one crop.

Each hectare can only be counted once in a scheme year. For example, if you have two crops on one hectare in a scheme year this can only count as one crop i.e. the crop declared for that parcel in your application form. It is anticipated that most crops grown in Ireland will meet the definition of a crop outlined in the EU Regulations. The exceptions to this are permanent grassland and permanent crops which do not count as crops for the purposes of Crop Diversification.

### Mixed crops

If there is an area where a seed mixture is sown, this area must be counted as a single crop – it does not matter what crops are included in the mix. If two different seed mixtures are grown, these can count as separate crops. For example Arable Silage is considered as a single crop. Wild Bird Cover similarly is an individual crop. A farmer having Arable Silage and Wild Bird Cover would be deemed to have two separate crops.

### Cropping Period

The Department of Agriculture, Food and the Marine has decided that the period during which the crops will generally remain on the ground is **16<sup>th</sup> May to 15<sup>th</sup> July**. This is the period when the majority of eligibility checks will be carried out to verify the accuracy the declaration of the crops declared for the purposes of the BPS/Greening Payment. If the crop is harvested prior to the inspection, the presence of stubble or other supporting evidence will be acceptable for verification purposes.

### Area to Be Taken Into Account

For the purposes of calculating the area under each crop it should be noted that the area will include the landscape features present i.e. hedges and drains in the parcel. If a LPIS parcel contains a single crop then the reference area of that parcel will be used for calculating the share of the crop for Crop Diversification requirements.

### Crop List

The table in Annex 2 attached contains details of all crops and their eligibility for BPS and ANC. It also indicates how the crop is considered under the headings “Grassland”, “Tillage” and “Arable” for Greening. The column “Grouping Greening” identifies crops that are grouped together for the purposes of Greening.

The following is a brief explanation of each column in the table.

**Eligible BPS:** A 'Y' in this column indicates that the "crop" can be used to draw down payment under the BPS/Greening scheme in 2017.

**Eligible ANC:** A 'Y' in this column indicates that the "crop" can be used to draw down payment under the ANC scheme in 2017.

**Eligible EFA Area:** A 'Y' in this column indicates that the "crop" can contribute towards a farmer's obligations under Ecological Focus Areas.

**Grassland:** A 'Y' in this column indicates that the "crop" is considered part of a holding's grassland area.

**Tillage:** A 'Y' in this column indicates that the "crop" is considered a tillage crop and can count towards a farmer's crops under Crop Diversification. It includes all Tillage crops that are commonly sown in Ireland.

**Arable:** A 'Y' in this column indicates that the "crop" is considered an arable crop and can count towards a farmer's crops under Crop Diversification. It includes all Tillage crops that are commonly sown in Ireland plus grass based crops that count under Greening such as Fallow and Temporary Grassland (Grass Year 1, 2...etc.)

### Single Genus or Single Species Crops

While the vast majority of crops are classified as separate crops for the purposes of Crop Diversification caution is required in relation to a small number of crops which will be treated as one for the purposes of this requirement as they fall within a single genus or single species. The following table sets out some of the crops involved which may be relevant to arable and vegetable farmers in Ireland.

<b>Crop Name</b>	<b>Genus/Species</b>	<b>Crop Types</b>
Beet	Beta	Fodder beet, sugar beet and mangolds
Cabbage	Brassica oleracea	Cabbage, broccoli, kale and Brussels sprouts.
Potato	Solanum tuberosum	Seed potato, main-crop potato and early potato.
Onions	Alliums	Chives, garlic, leeks, onions, scallions, shallots and spring onions
Rapeseed	Brassica napus	Oilseed rape and Swedes.

### **Ecological Focus Area**

If a farmer has more than 15 hectares of eligible arable land, 5% of this area must be in Ecological Focus Areas (EFA). Land lying fallow, nitrogen-fixing crops, catch crops, eligible SPS (now BPS) forestry, short rotation coppice, field copse, hedgerows, drains and buffer strips all count as EFAs. **Farmers are required to separately declare all of their EFA areas and features. If you do not do so you will be deemed non compliant with the EFA greening requirements and have half of the Greening Payment on your arable land deducted.**

EFAs must be located on the arable area with the exception of landscape features (hedges and drains), field copses and buffer strips which may be adjacent to the arable land. Eligible BPS forestry and Short Rotation Coppice must be located on your holding. Ireland will apply a conversion matrix which allocates a fixed area to specific features and a weighting matrix which takes account of the environmental value of such features. The table below outlines the areas considered as EFAs and the conversion and weighting factors applicable to each:

<b>EFA Conversion and Weighting Factors</b>			
<b>Features</b>	<b>Conversion Factor</b>	<b>Weighting Factor (if both factors are applied)</b>	<b>Ecological Focus Area</b>
Hedges / Trees in a Line	5	2	1 linear m = 10 m <sup>2</sup>
Drains	3	2	1 linear m = 6 m <sup>2</sup>
Buffer Strips	6	1.5	1 linear m = 9 m <sup>2</sup>
Land Lying Fallow	Not applicable	1	1ha
Catch crops	Not applicable	0.3	0.3ha
Nitrogen fixing crops	Not applicable	0.7	0.7ha
Short rotation coppice	Not applicable	0.3	0.3ha

Group of Trees/Field copses	Not applicable	1.5	1.0 m <sup>2</sup> = 1.5 m <sup>2</sup>
SPS Eligible Forestry	Not applicable	1	1 ha

For example, for every eligible metre of hedgerow a farmer will get either 5m<sup>2</sup> or 10m<sup>2</sup>, depending on whether the farmer owns one or both sides of the hedge. Where two EFA areas are beside each other, e.g. hedgerow and drain, and they are adjacent to or on arable land, the farmer may get the benefit of both, i.e. 10m<sup>2</sup> and 6m<sup>2</sup> = 16m<sup>2</sup> for a hedge and drain.

### **EFA – Exemptions**

There are also exemptions under the EFA measures:

- Farmers whose arable area is less than or equal to 15 hectares are exempt from this measure.

The requirements for each of the following three exemption categories are similar to those outlined for Crop Diversification.

- Organic Farmers – only organic lands are exempt
- 75% of agricultural area is permanent or temporary grass (max 30 ha of tillage land)
- 75% of the arable land is temporary grassland and lands lying fallow (max 30 ha of tillage land)

#### **Exemption 1 - Less than or equal to 15 hectares of Arable Land**

A farmer whose holding is less than or equal to 15 hectares of arable land (reference area) is exempt from the EFA measure. It is important to note that the arable area is based on the total reference area of each of your arable parcels rather than the claimed area, which may be lower.

#### **Exemption 2 - Organic Farmers**

Any certified organic land, including land ‘in conversion’, will automatically qualify for the greening payment without having to meet the greening requirements, as long as it has been certified by an accredited body. Organic land or land in conversion is, therefore, exempt from the EFA requirement. Any other land held by the farmer that is not organic or in conversion will have to meet the greening requirements.

#### **Exemption 3 - 75% Grassland and less than 30 hectares of Tillage**

A farmer is exempt from the greening requirements where more than 75% of the eligible agricultural land is in permanent grassland or temporary grassland (or herbaceous forage), and the remaining tillage land is less than 30 hectares.

**Temporary Grassland** – is counted in calculating the 75% grassland area, it is not counted in the tillage area to determine if a farmer has greater than 30 hectares of tillage. However, if a farmer does not qualify for the grassland/less than 30 hectares exemption, the temporary grassland is then reckonable but can also be counted as one of the crops for the purpose of meeting the crop diversification requirement.

#### **Exemption 4 - 75% of arable land is Temporary Grassland/lands lying fallow and < 30 hectares of Tillage**

Where more than 75% of the eligible agricultural land is land lying fallow, used to produce grasses (or herbaceous forage), including temporary grass or a combination of any of these, farmers will qualify for an exemption provided the remaining tillage area of their holding is less than 30 hectares.

### **EFA Requirements**

In order to comply with the greening requirements, farmers must declare EFA area and features in their BPS/Greening Payment application. Provision is made on the online facility to make the EFA declaration at the level of each parcel. In the case of landscape features (hedgerows, drains and Buffer Strips), farmers must confirm that they want to declare the features in the parcel as EFA area. While the Department has mapped all of the features these will not always be accurate. The landscape features were mapped in an automated fashion using mapping datasets from other State Agencies.

If farmers are declaring the landscape features as EFA area they should ensure that they are accurate. In some cases, hedges mapped by the Department may have been removed or a drain filled in many years ago. Please use the online application to make the necessary deletions and additions to the maps of land parcels.

### **EFA – Calculation of 5%**

Areas used to establish the 5% include temporary grassland but exclude permanent grassland. Areas of Afforestation (BPS eligible) and of Short Rotation Coppice are also included in calculating the 5% EFA **if you declare them as EFA areas in your application**. If do not include them as EFA areas they will **not** be included in the EFA calculation. Also included in the 5% calculation are the converted areas under buffer strips and landscape features, which are **situated on permanent grassland adjacent to arable land and are declared as EFAs**. The converted area for landscape features is calculated by using the conversion factor as is illustrated in the following table.

<b>Features</b>	<b>Conversion Factor</b>	<b>Ecological Focus Area</b>
Hedges	5	1 linear m = 5 m <sup>2</sup>
Drains	3	1 linear m = 3 m <sup>2</sup>
Buffer Strips	6	1 linear m = 6 m <sup>2</sup>

### **EFA Features**

#### **(a) Hedgerows**

Hedgerows (hedge) and trees in a line have been designated in Ireland as Landscape Features under Cross Compliance. The result of this designation is that these features cannot be removed from a holding without pre-planting the same length of hedge/trees as planned to remove. Due to this designation they are eligible to draw down payments under BPS, Greening etc. They now also qualify as EFA under greening. The Department have mapped the hedgerows / trees in a line that exist on arable parcels and have made them available to you or your advisor via our online system.

#### **What qualifies as a hedge?**

- Most, but not all hedges, that are present on arable land qualify.
- A bare bank with only grass present does not qualify.
- While in many parts of the country hedges were sown on banks, for a hedge to qualify under Cross Compliance and hence greening it does not have to be sown on a bank.

- Hedgerow species present must be traditional to the area. This generally means that a combination of briars and the typical native hedgerow species are required for a hedge to qualify.
- Briars that form the majority species in a hedge are acceptable as long as they are not simply growing around a wire fence.
- Hedges located in gardens that are adjacent to arable parcels generally do not qualify. An exception may be where the hedge itself forms the boundary between the arable parcel and garden and is being managed and controlled by the farmer. In such cases these hedges may qualify at 5m<sup>2</sup> per linear metre.
- Hedges that are not part of the agricultural land farmed by the farmer are not eligible. For example, hedgerows sown on the motorway side of post and rail boundary fences are not eligible for EFA purposes.
- Hedges are measured from one node to another. A node is a point at which a hedge meets another feature i.e. hedge or field boundary. See Examples in the “A Guide to Greening” which is available at [www.agriculture.gov.ie](http://www.agriculture.gov.ie). Each hedge has been assigned an identifier e.g. H1, H2 etc.
  - There is no minimum width or height, but hedge management practices must be such that the hedgerow material is not killed off by repeated and excessive hedge trimming or pesticide use.
  - Typically hedgerows can be broken down into 5 main categories. These categories are based on the amount of hedgerow material present and how dispersed this material is throughout the hedgerow.
    - i. A full hedge can be considered eligible for EFA purposes across its full length.
    - ii. Where there is more than 20% hedgerow material dispersed throughout the hedge it can be considered eligible for EFA purposes across its full length.
    - iii. Where there is less than 20% material dispersed throughout the hedge it **cannot** be considered eligible for EFA purposes across its full length and is, therefore, not a hedge.
    - iv. Where there is more than 20% material not dispersed, but located for example at one end of hedge, **only the length of material qualifies** for EFA purposes.
    - v. Where there is less than 20% material not dispersed, but located at one end of hedge this feature cannot be considered eligible for EFA purposes

The table below summarises the various types of hedges that can exist for EFA purposes.

Category	Length (m)	Hedgerow Material	Type	Status	Length for EFA purposes
1	100	100	Full hedge	OK	100
2	100	30	Dispersed greater than 20%	OK	100
3	100	10	Dispersed less than 20%	Not Hedge	0
4	100	30	Not Dispersed i.e. localised greater	Only hedge section qualifies	30

			than 20%		
<b>5</b>	100	10	Not Dispersed i.e. localised less than 20%	Not Hedge	0

**The converted and weighting factor for each hedge under EFA is applied as follows.**

<b>Hedge Location</b>	<b>Converted and Weighting factor</b>
Hedge situated in the middle of an arable parcel	1 linear m = 10 m <sup>2</sup>
Hedge situated between two parcels declared – one arable and one permanent grassland - by farmer	1 linear m = 10 m <sup>2</sup>
Hedge situated between two arable parcels - declared by <b>two</b> separate farmers	1 linear m = 5 m <sup>2</sup> for each farmer
Hedge situated between arable parcel and roadway	1 linear m = 10 m <sup>2</sup>
Hedge situated between arable parcels and farmyard	1 linear m = 10 m <sup>2</sup>

It should be noted that hedgerows situated on parcels where the area is declared for EFA purposes – i.e. Nitrogen Fixing Crops, Catch Crops, Short Rotation Coppice and BPS eligible forestry cannot be used as EFA landscape features in the same scheme year.

(b) Drains

Drains have also been designated as Landscape Features under Cross Compliance and hence these can be considered as eligible EFA features. Under Cross Compliance, they cannot be removed unless a drain of equal length is created on the holding prior to the infilling of the original land drain. They have also been identified and measured on the Department's online system using datasets from the Environmental Protection Area (EPA) and OSi.

While land drains on arable land are eligible as EFA's, they also form part of the reference area of the parcel and, therefore, can be used to draw down payment under BPS, Greening etc. However, rivers/streams are ineligible for payment under the BPS and Greening.

Having checked this and confirmed that the water carrying body on your holding is not a river/stream it can be considered by the farmer as a land drain and hence eligible for EFA purposes.

There is no obligation to have a buffer strip beside land drains for greening purposes.

**Under the conversion/weighting factor 1 linear meter of a drain is equal to 6<sup>2</sup> meters.**

(c) Fallow land

The land must be arable fallow lands. That means the lands must have been used for arable crop production during one or more of the previous 5 years. In order to meet the EFA the following requirements must be met;

- Lands have to remain fallow for the minimum period of 1<sup>st</sup> January to 31<sup>st</sup> July.
- No crops (other than grass) may be sown during the fallow period.
- A crop cannot be harvested or the land cannot be grazed during this period.
- The land must be maintained in good condition.
- The minimum area is 0.1 hectare while the minimum width is 6 meters. That means that a strip of land with a width of 6 meters must be approximately 167 meters in length to meet the 0.1 hectare minimum requirement.
- An area under Wild Bird Cover/Linnet can be declared as fallow land.
- “Fallow – Greening” should be selected on the 2017 BPS application.

**For the purposes of EFA areas, each hectare of fallow land is equivalent to 1.0 hectare of EFA.**

(d) Nitrogen Fixing Crops

If you wish to plant and declare nitrogen fixing crops as EFA area, the crops that can be sown include peas, beans, lupins, clover and alfalfa/lucerne. Farmers cannot grow a mixture of protein crops and grass or other arable crops. The protein crop must be in the ground during the growing season and must not be harvested before 15<sup>th</sup> July. Protein crops are separate crops for the purposes of Crop Diversification. If, for example, a farmer grows peas and beans as separate crops they will be regarded as two separate crops.

Areas under peas, beans and lupins are also eligible for payment under the Protein Aid Scheme but **clover or alfalfa/lucerne** do not qualify.

As in the case of land declared as fallow, it is not possible to declare, hedges, drains, buffer strips or copses situated on land parcels declared as fallow for EFA purposes as these landscape features cannot be counted twice for EFA purposes. In addition, while you may sow catch crops after harvesting protein crops, it cannot be declared as an EFA area as the same parcel cannot be declared twice in the one year as an EFA area

**Each hectare of protein crops is equivalent to 0.7 hectares of Ecological Focus Area.**

(e) Catch crops

Catch crops can be either (i) under sown grass with main crop or (ii) a mixture of seeds from the following listing.

<b>Catch Crop Species</b>	
Buckwheat	Oats (& Black Oats)
Beans	Peas
Crimson Clover/ Berseem Clover	Phacelia
Forage rape	Rye
Leafy Turnip	Tillage Radish
Mustard	Vetch

- Catch crops must be sown by 15<sup>th</sup> September;
- Light cultivation techniques must be used for sowing – ploughing is not permitted;
- Catch crops must remain in place until 1<sup>st</sup> December.

The same parcel cannot be used for **two EFA measures** in the same scheme year – e.g. protein crops followed by winter cover. In the case of areas under catch crops, it is also not possible to declare, hedges, drains, buffer strips or copses situated on land parcels declared as fallow for EFA purposes as these landscape features cannot be counted twice.

**Each hectare of catch crops/winter cover is equivalent to 0.3 hectare of EFA.**

(f) BPS eligible forestry

BPS Eligible forestry is also reckonable as Ecological Focus Areas, but for forestry to be eligible it must satisfy the eligibility requirements under the Basic Payment Scheme. Following changes to the EU Regulations, land which was afforested since the beginning of 2009 is eligible to draw down BPS payment in 2017 and also to be declared as an EFA area, provided it meets certain criteria, see Afforestation Measures for further details.

**Each hectare of eligible forestry is equal to 1.0 hectare of Ecological Focus Area.**

(g) Short Rotation Coppice

Short Rotation Coppice can include the following species:

<b>Species</b>	
Alder - <i>Alnus</i> spp.	Poplar – <i>Populus</i> spp.
Ash - <i>Fraxinus excelsior</i>	Silver Birch - <i>betula pendula</i>
Hazel - <i>Corylus avellana</i>	Sweet Chestnut – <i>Castanea sativa</i>
Lime - <i>Tilia cordata</i>	Sycamore - <i>Acer pseudoplatanus</i>
Oak - Pendunculate and Sessile	Willow – <i>Silix</i> spp.

The maximum harvest cycle is 5 years. The use of mineral fertilisers is not permitted on Short Rotation Coppice plantations. In addition, the use of plant protection products is also prohibited after two years following the initial planting date of the plants.

Short Rotation Coppice is eligible for payment under the Basic Payment Scheme.

Other matters:

- Short Rotation Coppice is classified as a permanent crop under the EU Regulations. Therefore, while the area is not classified as arable land, the area under Short Rotation Coppice is taken into account, as already stated, when calculating the 5% EFA requirement if the Short Rotation Coppice is declared as an EFA area.
- The hedges, drains and buffer strips on a parcel with Short Rotation Coppice declared as an EFA area cannot be counted separately for EFA purposes.

**Each hectare of Short Rotation Coppice is equivalent to 0.3 hectares of EFA.**

(h) Buffer Strips

For Buffer strips to be reckonable they must be situated on arable lands along rivers/streams. These are identified and measured on the Department’s online system and are based on

Ordnance Survey Ireland (OSi) data. **Care is required when reviewing these on the mapping system as they may not have been successfully identified in all cases.** Under Cross Compliance requirements, farmers are obliged to leave a minimum of 2 meters of uncultivated ground between their crop and the watercourse. The buffer strips are measured from the top of the bank next to watercourses. There must be no production on Buffer Strips but the area can be grazed or topped and crops cannot be harvested.

If farmers are unsure whether there is a river/stream on their holding, they can access and view OSi data via the iNet application and using the O.S. Discovery 1:50,000 series layer. Rivers/Streams appear as a blue line.

### **1 linear meter of buffer strip equates to 9<sup>2</sup> meters for EFA requirements.**

#### **(i) Field Copses**

Field copses are an area of trees and/or scrub that, to be eligible as an Ecological Focus Area, must be in or adjacent to an arable parcel and cannot be greater than 0.30 hectares. **A Field Cope greater than 0.30 hectares does not qualify as an EFA area.**

To qualify as a Field Copse an area must meet the following requirements:

- Must be adjacent (touching) to, or within the arable land and be declared by the claimant.
- Must contain trees and/or scrub.
- The area must have a separate parcel number on the Land Parcel Identification System and must be declared as “Copse”. A Copse is not eligible for payment under BPS and/or ANC.
- It cannot be removed by the claimant in the year in which they are being claimed for EFA purposes.
- A copse greater than 0.3 hectares (digitised area) does not qualify as an EFA.

**A field copse of 0.30 hectares is equivalent to 0.45 hectares of EFA.**

### **Adjacency for the purposes of EFA**

#### **Where can EFAs be located?**

- Short Rotation Coppice and BPS Eligible afforested land can both be located on any agricultural land on the holding, i.e. they do not have to be located on arable land.
- Fallow land, catch crops and nitrogen-fixing crops must be located on arable land.
- However, hedges, drains, buffer strips and field copses may be located either on, or adjacent to, arable land.

EFAs are considered to be adjacent to arable land when they are physically touching an agricultural parcel of arable land on the longest edge of the concerned EFA. **Illustrative examples are given in the “A Guide to Greening” which is available at [www.agriculture.gov.ie](http://www.agriculture.gov.ie).** Further to this, for 2017 features can be considered adjacent if they are within 5m of the arable parcel.

### **Environmentally Sensitive Permanent Grassland**

Environmentally Sensitive Permanent Grasslands (ESPG) are grassland habitats within Natura 2000 sites. These are areas where certain restrictions apply as a consequence of the designation. The following practices cannot be carried out on such areas:

1. Arable crops
2. Permanent crops
3. Ploughing. *This does not include non-inversion methods of cultivating*
4. Construction
5. Abandonment

Where such practices are carried out the application may be liable for a reduction in the greening payment and will be required to reconvert the land to its original state.

*ESPG parcels are indicated with a # on the paper application and highlighted on the on-line system.*

## Payments/Reductions/Penalties

### Calculation of Greening Payment

The Greening payment will account for approximately 30% of the farmer's total payment. The payment will be a top-up of the BPS and amounts to approximately 44% of the total value of entitlements activated.

Activated entitlements are those for which you have declared an eligible hectare in your application as illustrated in the table overleaf for the 2017 scheme year.

<b>Example</b>	<b>Number of BPS entitlements held</b>	<b>Number of eligible hectares declared</b>	<b>Number of BPS entitlements activated</b>
<b>1</b>	40	40 ha	40
<b>2</b>	40	60 ha	40
<b>3</b>	40	30 ha	30

Farmers are required to meet the greening obligations **on all of their eligible hectares** regardless of the number of activated entitlements. That means that in the case of example 2 in the table above, the farmer is required to meet the greening requirements on all the 60 hectares even though he or she activated 40 hectares and entitlements. The farmer will, of course, provided he meets the greening requirements, benefit from the full Greening Payment. In the case of example 3 in the table above, the Greening Payment will be established as a percentage of the total value of the 30 entitlements activated and paid rather than the 40 entitlements, which the farmer holds.

### Deductions for non-compliance

There are provisions for the making of deductions in the Greening Payment where a farmer is found to be non-compliant with some or all of the greening requirements. From October 16<sup>th</sup> 2017 Commission Simplification Measures will come into force relating to reductions in the Greening Payment. The deductions will be applied to the Greening Payment on arable land and, if appropriate, on areas designated as environmentally sensitive grassland. The deductions will not, therefore, be applied to the Greening Payment for permanent grassland.

The deductions for non-compliance with the greening requirements are as follows;

<b>Greening Measure</b>	<b>Calculation of deduction – the level of the deduction in the Greening Payment</b>
<b>Crop Diversification</b> – where the area of the main crop declared (or area determined if the area is greater) is more than 75% and the farmer is required to have 2 crops	The reduction is twice the area of the crop in excess of the 75% threshold.
<b>Crop Diversification</b> – where the area of the main crop declared (or area determined if the area is greater) is more than 75% and the farmer is required to have 3 crops	The reduction is the area of the crop in excess of the 75% threshold.
<b>Crop Diversification</b> – where the area of the two main crops declared (or area determined if the area is greater) is more than 95%	The reduction is 5 times the area of the two main crops in excess of the 95% threshold.
<b>Crop Diversification</b> – where the area of the main crop declared (or area determined if the area is greater) is more than 75% of the remaining arable land, in the case of Grassland Obligation farmers	The reduction is twice the area in excess of the 75% threshold.
<b>EFA area</b> – where the EFA areas declared (or determined if the area is lower) by the farmer is less than 5%.	The reduction is 10 times the difference between EFA required and the determined.
<b>Designation of Sensitive Grassland</b> Where designated sensitive grassland was ploughed or converted	The reduction is the area of sensitive grassland that was ploughed or converted.

## **Penalties for non-compliance**

As and from 2017 penalties apply to the greening in the following circumstances

<b>Difference between the number of eligible hectares and the hectares payable under the Greening Payment following any deduction for non-compliance of Crop Diversification and and/or EFA</b>	<b>Level of Penalty</b>
If the difference is greater than 3% of the area eligible for the Greening Payment determined but not more than 20% of the area payable <u>OR</u> if the area not payable is less than 3% of the area payable but greater than 2 hectares:	Greening Payment is based on the number of hectares payable reduced by twice the difference (in hectares) between the eligible area and payable area under the Greening Payment.
If the difference is greater than 20% of the area determined (found):	No payment is made under the Greening Payment for the scheme year in question.

If the difference is greater than 50% of the area determined (found):	No payment is made under the Greening Payment for the scheme year in question and an additional penalty based on the payment that would have been payable on the area corresponding to the difference between the number of eligible hectares and the number of hectares payable under the Greening Payment will be offset against any EU payment due to the farmer during the course of the three calendar years following the year in which the determination refers.
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### Cross Compliance

Penalties for breaches of Cross Compliance will apply to Greening payments in the same way as for the Basic Payment Scheme.

### Completing the Greening Application online

If you are a farmer, who declared 10 hectares or more of arable land in 2016 or will do so in 2017 you are required to use the online facility to submit your 2017 Basic Payment Scheme/Greening Payment application. A paper application will not be acceptable in 2017. Therefore, if you have not already registered as an online user you should do so immediately by logging on to [www.agfood.ie](http://www.agfood.ie).

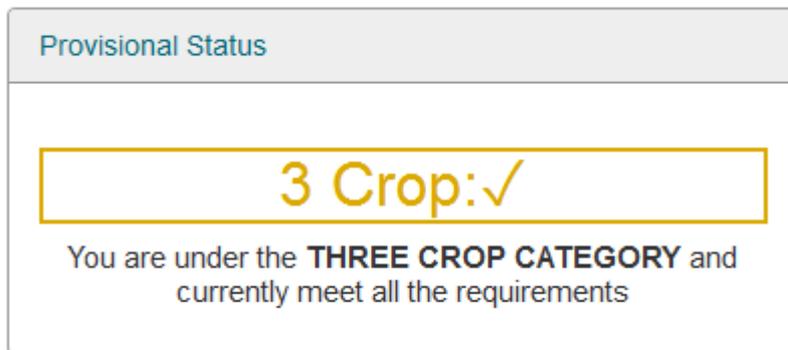
The use of the online facility means that it is possible for farmers to use the assistance and aids inbuilt in the system. The use of that facility should make it easier for farmers to comply with the greening requirements provided that the declarations made in respect of the different crops and EFA areas are accurate. A Guide to Greening is available on the Department’s website – [www.agriculture.gov.ie](http://www.agriculture.gov.ie). When you have completed the submission of your land details in the appropriate section of the online facility you can then proceed to the Greening screens by clicking on the Greening tab or the NEXT button.

You have now navigated to the Crop Diversification page and in that page you will see the Overview table, which looks as follows;

Overview		
	Area [ha]	Area [% of Total Claim]
<b>Total Agricultural Area</b>	113.05	100.00%
<b>Of which</b>		
<b>Tillage</b> ?	99.49	88.00%
<b>Grassland</b> ?	13.56	12.00%
<b>Other Eligible Usage</b> ?	0.00	0.00%

A breakdown of the total land details is provided in this section enabling you to initially establish if your holding is subject to the greening requirements, this table first identifies your total agricultural area. This calculation includes all your eligible land; it then calculates your grassland (permanent and temporary) as a percentage of your total agricultural area. If this percentage is 75% or greater and you have less than 30 hectares of tillage you are Green by Definition, you will be exempt from the greening obligations. If this figure is less than 75% and/or your tillage land is greater than 30 hectares your temporary grass is then classed as arable and you are subject to the requirements under both the Crop Diversification and Ecological Focus Areas measures. The remainder of this page deals with your obligations under Crop Diversification, the next table to the right of the Overview Table is the Provisional Status Table.

### Provisional Status Table;



This area informs you if you are meeting your greening requirements subject to verification. Bear in mind that this determination is provisional and is based on the information you have input on the land details table. This is, particularly, the case where you have inserted a plot in the land details. For the purposes of this determination, the claimed area rather than the reference area is used in the calculation. The Status table will indicate one of the following outcomes.

- Greening by definition
- No Obligation (under 10 arable hectares)
- 3 Crop (you will be notified if you meet the requirements where you have more than 30 arable hectares).
- 2 Crop (you will be notified if you meet the requirements where you have between 10 and 30 arable hectares.)

If the Table is indicating that you require three arable crops this is the requirement you have to meet under Crop Diversification.

### Cropping Requirements Table;

### Cropping requirements

Requirement 1:	You must grow at least three different crops	✓
Requirement 2:	Main crop no greater than 75% of relevant arable area	✓
Requirement 3:	Two main crops no greater than 95% of relevant arable area	✓

This table outlines your requirements based on your crop diversification status. The table above is for a farmer with a requirement for three arable crops. It will differ for farmers with a two-crop requirement.

### Changes needed to meet the requirements;

#### Changes needed to meet the requirements

Number of different crops:	3	You already have at least three different crops
Largest crop area (not grass or forage):	69.75	Your main crop must not exceed 74.62 ha
Largest two crop areas (not grass or forage):	86.88	Your two main crops together must not exceed 94.52 ha

This table details the number of different crops claimed and outlines, based on your land declarations, the maximum area for your main crop and main two crops in order to meet the Crop Diversification requirements. In this page, there are also tables illustrating (i) breakdown of arable crops declared, (ii) details of permanent grassland and (iii) breakdown of all other areas declared in hectares. At the bottom of this page you have an option to apply for an exemption from Crop Diversification by ticking either the GLAS Equivalence or the "50% exemption" box. If you wish to avail of the GLAS exemption you will be required to sow catch crops on all your arable land with the exception of your temporary grassland. On ticking the box a list of all the parcels to be sown will be displayed.

There is also a provision to apply for an exemption from Crop Diversification on the following grounds;

- a) **At least 50% of the arable land declared by you was not declared by you under the 2016 Single Payment Scheme, and**
- b) **All of the arable land declared by you in 2017 is sown with a different crop from 2016.**

Farmers should be cautious about using this exemption. In particular, ensure that all of the arable land that you declare is sown with a different crop in 2017. The Department will not be in a position to verify the validity of the exemption application until your application is fully processed. You can navigate to the next page by clicking on the EFA tab or Next. This page

refers to Ecological Focus Areas (EFAs) and, will again be based on your area declarations. If the arable land you declare is 15 hectares or greater you are obliged to have at least 5% of this land in EFAs unless you benefit from an exemption.

**Overview table;**

Overview	
	Area [ha]
Total EFA	0.00
Total Arable Area 	99.49
% EFA	0.00%

Provisional Status

Obligation: X

You don't currently meet all the requirements

This table gives a breakdown of your current EFAs, your total arable area and your percentage EFA. The Overview table will be set at zero pending the declaration of EFA areas – either area-based or landscape features – in respect of each parcel.

In order to meet the EFA requirements, you must declare them for each eligible parcel. The land parcels details shown in this screen are all parcels potentially eligible for EFA. There are four options available to you as follows;

EFA Contribution	Parcel Number	Townland	Area [ha]
Not C 			3.40
<div style="border: 1px solid #ccc; padding: 2px;"> <p>Not Claimed</p> <p>Landscape Features</p> <p style="background-color: #0070c0; color: white; margin: 0;">Main Crop</p> <p>Second Crop</p> </div>	50		3.50

- **Not Claimed;** this is if you do not wish to declare any EFA on this parcel
- **Landscape Features;** this is if you wish to declare your hedges, drains and buffer strips
- **Area-based Main Crop;** this is if you wish to declare a crop as your EFA (Nitrogen Fixing Crop, Eligible Forestry Etc.)
- **Area-based Second Crop;** this is if you wish to declare a second crop for EFA purposes, you again have two options under the usage box;

**Catch Crops;** if you wish to apply for EFAs under this measure you should select the catch crop option and declare the area you will sow as a catch crop, this must be an approved mix and be in the ground by 15 September until 1 December.

**Undersown Grass;** if you wish to apply for EFAs under this measure you should select the Undersown Grass option and declare the area you will undersow with grass, this should be done at the crop sowing stage.

The following table will display your provisional status under the EFA requirements based on the declarations you have made.

### Provisional Status;

Overview	
	Area [ha]
Total EFA	5.85
Total Arable Area 	99.57
% EFA	5.87%

Provisional Status
<p><b>Obligation: ✓</b></p> <p>You currently meet all the requirements</p>

Please note that if you have declared any new land in 2017 the reference areas for these parcels are subject to verification, in such cases your greening status is provisional and based on your declared area for these plots. When these plots are digitised the reference areas may be different and may change the category you are subject to.

Once you have completed your EFA details your final step is to navigate to the Greening Summary Screen. This screen gives a provisional status of both elements of greening and a breakdown under each.

Crop Diversification Provisional Status	EFA Provisional Status
<p><b>3 Crop: ✓</b></p> <p>You are under the <b>THREE CROP CATEGORY</b> and currently meet all the requirements</p>	<p><b>Obligation: ✓</b></p> <p>You currently meet all the requirements</p>

### Important Note

The onus is on farmers to ensure that that they have complied with all aspects of Greening.

Please note that details are pre-printed as a service to farmers. The onus rests with the farmer to examine the pre-printed details carefully and to ensure that they are correct. If the details are incorrect or incomplete, please make the appropriate amendments/additions before submission.

### Greening – other matters

#### New land in 2017

The Department of Agriculture, Food and the Marine originally mapped the Ecological Focus Areas on all the land parcels claimed as tillage or temporary grassland claimed in 2014. In addition to this the 2016 land use is held on the data base and will be displayed when a previously claimed arable parcel is entered by a different farmer in 2017.

If farmers are claiming new land in 2017, which was not previously claimed as arable or if they do not have access to the existing parcel numbers they should declare this land as a plot. When doing so these farmers will be prompted to enter the county, the townland and the claimed area. Farmers will then also be required to either electronically draw the parcel on the online system or upload a map.

As this is new land for 2017 the provisional greening requirements will be based on the declared areas entered by farmers but in some cases may change following the Department's verification of the relevant reference areas.

**EFA's can only be drawn on digitised parcels. If new arable land is added, and the farmer wishes to claim Linear Landscape Features, these plots should be drawn or sent to the Department in sufficient time to allow the Department to digitise the parcels and allow the farmer to submit an amendment online and draw these Linear Landscape Features through the online portal.**

### Inspections

Applications for payment under the Greening Payment will be subject to administrative checks, controls by remote sensing using satellite imagery or aerial photography, and on-farm inspections to verify eligibility for payment. It is a requirement to carry eligibility checks to verify that the actual area and landscape features declared as EFAs on 10% of farmers are correct. 5% of farmers who are required to observe the other greening practices will also be inspected. In addition, it is necessary to carry out eligibility inspections on 3% of all other beneficiaries of the Greening Payment, who are exempted from the greening practices.

The Department of Agriculture, Food and the Marine has fixed the period between 17 May and 15 July as the control period for the verification of the different crops declared for the purposes of Crop Diversification. The vast majority of the controls will be undertaken during this period. In some cases, the crops will have been harvested and in these cases, the verification checks will be based on the stubble in the field. Checks will also be undertaken during the period between 15 September and 1 December on the catch crops, which will be sown by farmers and declared in their application form.

## Young Farmers Scheme

A 'young farmer' applying to the Young Farmers Scheme is defined as follows:

- S/he is participating in the Basic Payment Scheme in the year in which s/he submits an application;
- S/he is aged no more than 40 years of age at any time during the calendar year in which s/he first submits an application under the Basic Payment Scheme;
- S/he has successfully completed a recognised course of education in agriculture giving rise to an award at FETAC level 6 or its equivalent.
- S/he is setting up an agricultural holding for the first time or has set up such a holding during the five years preceding the first submission of the Basic Payment Scheme application

Where a young farmer undertakes the farming activity as part of a group e.g. in a joint herd number, a partnership or a company, the group will be considered eligible for the Young Farmers scheme if the following conditions are met;

- At least one person in the group must meet the definition of Young Farmer
- That Young Farmer must exercise effective and long term control either solely or jointly within the group in terms of decisions related to the management, benefits and financial risks of the group. Such control is demonstrated as follows:
  - the young farmer's name is on the herd number;
  - the young farmer's name is on the bank account used for the purposes of the farming activity;
  - Companies Only - the Young Farmer must be a Director and minimum 20% shareholder in the Company;
  - All persons who participate in the group must complete a National Reserve/Young Farmers Scheme Declaration form confirming that the young farmer has effective control, either solely or jointly with the other members of the group. This declaration form is available with the scheme application form available on the Department's website.
  - In the event of a young farmer being selected for inspection under the Young Farmers Scheme additional checks will be carried out to establish if s/he is in control of the farming operation in the case of a single farmer or jointly in control in the case of joint farmers, partnerships or companies.
  - The 'five year' payment/eligibility period will be calculated from the time the young person qualifies as a 'young farmer'. In the case where a young farmer has already been carrying out an agricultural activity either individually or as part of a group/partnership/Company, this period of agricultural activity will be included in the calculation of the five year period.

A successful applicant to the Young Farmers Scheme in 2016, who is eligible to continue participation in this scheme in 2017, should ensure that s/he ticks the appropriate box on the 2017 BPS application form. First time applicants under the Young Farmers Scheme in 2017 must use the separate online application facility on [Agfood.ie](http://Agfood.ie). To do this they will need to register first at [www.agfood.ie](http://www.agfood.ie) or contact [Agfood Online Services Helpdesk](mailto:Agfood Online Services Helpdesk) Lo call **0761 064424**/email [agfood@agriculture.ie](mailto:agfood@agriculture.ie).

The Young Farmers Scheme payment is calculated as 25% of the national average payment per hectare (based on the national ceiling) multiplied by the number of entitlements activated by the successful farmer, subject to the maximum number of 50 activated entitlements whether individual, group or Company.

Details of the Young Farmers Scheme are set out in separate Terms and Conditions which will be made available on the Department's website. Applications under the Young Farmer Scheme must be submitted on or before **15 May 2017**.

5% of applicants under the Young Farmers Scheme will be selected for inspection to ensure compliance with the rules of the scheme. Documentary evidence to verify that the 'young farmer' is solely or jointly in control of the holding will be sought as part of the inspection process.

## **Payments/Reductions/Penalties**

### **Deductions/Exclusions for over-declaration of area under the Basic Payment Scheme's Young Farmers Scheme**

Where the claimed area under the 2017 Basic Payment Scheme is over-declared, resulting in a reduction in the number of entitlements activated by the herd owner, then reductions/penalties will be applied in accordance with the provisions of Articles 19a and 21 of Commission Delegated Regulation (EU) No 640/2014. Where the area determined is greater than 50 hectares, payment under the Young Farmers Scheme will be made on the maximum of 50 activated entitlements irrespective of the level of over-declaration. If the area declared is greater than 50 hectares and the area determined is less than 50 hectares, the area used for the calculation of deductions and exclusions shall be 50 hectares rather than the declared area. If the difference between the declared area and the determined area is equal to or less than 0.1 hectares, the Young Farmers Scheme payment is based on the number of activated entitlements in the year of application

Where the claimed area is over-declared and the total eligible area determined is not sufficient to support the number of entitlements held, then reductions/penalties will be applied as per Article 19a of Commission Delegated Regulation (EU) No. 640/2014.

If there is a difference between the payment entitlements held and the area declared on the application, the calculation will be based on the lower of the two figures. If the difference between the declared area and the determined area is equal to or less than 0.1 hectares, payment is based on the declared (claimed) area in the year of application. If the difference is less than 3% of the area found, payment will be based on the area. However, if the difference is greater than 2 hectares the penalties as outlined below will be applied irrespective of whether the difference is less than 3% or not.

### **PENALTIES FOR OVER DECLARATION**

Penalties for over declaration will apply to payments under Young Farmers Top-up in the same way as for the Basic Payment Scheme.

### **Cross Compliance**

Penalties for breaches of Cross Compliance will apply to payments under Young Farmers Top-up in the same way as for the Basic Payment Scheme.

## **Protein Aid Scheme**

Ireland has decided to use €3 million of the Basic Payment Ceiling to provide for a coupled payment for nitrogen fixing crops, which are also referred to as protein crops.

### **Rate of Aid**

The rate of aid payable will be set once the total eligible area is known.

## Eligible crops

The protein crops eligible for payment under the Scheme are as follows;

<b>Beans</b>
<b>Peas</b>
<b>Lupins</b>

It should be noted that protein crops clover, alfalfa and lucerne are not eligible for aid under the Scheme. The crops are regarded as separate crops for the purposes of Crop Diversification and can be sown as nitrogen fixing crops in an area declared as EFA.

**5% of farmers under the Protein Aid Scheme will be selected for inspection to ensure compliance with the rules of the scheme**

## Deductions and Exclusions

Where the claimed area under the 2017 Protein Aid Scheme is over-declared then reductions/exclusions will be applied as per Article 19 of Commission Delegated Regulation (EU) No 640/2014. If the difference between the declared area and the determined area is equal to or less than 0.1 hectares, payment is based on the declared (claimed) area in the year of application.

## PENALTIES FOR OVER DECLARATION UNDER THE PROTEIN AID SCHEME

<b>Difference between the number of eligible hectares determined (found) and the number of hectares declared</b>	<b>Level of Reduction/Exclusion</b>
If the difference is less than 3% of the area determined. If the difference is greater than 2 hectares the deductions and exclusions set out in the next column will apply.	Payment is based on the number of eligible hectares determined (found).
If the difference is greater than 3% of the area determined but not more than 20% of the area determined (found), <b>or</b> If the difference is greater than 2 ha irrespective of whether the difference is less than 3% or not.	Payment is based on the number of eligible hectares determined (found) reduced by twice the difference (in hectares) between the area determined & the number of hectares declared.
If the difference is greater than 20% of the area determined (found):	No payment is made under the Protein Aid Scheme for the scheme year in question.

<p>If the difference is greater than 50% of the area determined (found):</p>	<p>No payment is made under the Protein Aid Scheme for the scheme year in question and an additional penalty based on the payment that would have been payable on the area corresponding to the difference between the number of hectares determined (found) and the number of hectares declared will be offset against any EU payment due to the farmer during the course of the three calendar years following the year in which the determination refers.</p>
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## Cross Compliance

Penalties for breaches of Cross Compliance will apply to payments under the Protein Aid Scheme in the same way as for the Basic Payment Scheme.

## General

### Afforestation Measures

If you are in receipt of aid under the Afforestation Grant and Premium Scheme, FEPS or the Native Woodland Establishment Scheme you are obliged to declare all the land parcels on your holding on your 2017 BPS application form. All land parcels in receipt of payment under the Afforestation Grant and Premium Scheme, FEPS or the Native Woodland Establishment Scheme are registered on the Department's land parcel identification system (LPIS) with a unique identification number. Failure to declare afforested parcels under these schemes on LPIS could affect future forestry grant/premium payments.

Following changes to the EU Regulations land which was afforested since 2009 and land which will be afforested in 2017 will be eligible to draw down a BPS payment in 2017 provided that the afforested land meets the following requirements:

- The land to be afforested was declared on a 2008 SPS application form;
- The farmer who declared that land on a 2008 SPS application form was paid under the 2008 Single Payment Scheme;
- The land to be afforested was eligible to draw down an SPS payment in 2008;
- Farmers, who afforest part of their holding from 2009 onwards and wish to benefit from the Basic Payment, must retain at least 10% of the eligible hectares declared in 2008 (by the farmer or their predecessor) in an agricultural activity subject to a minimum of 3 hectares.
- If the farmer is a new entrant to farming, the minimum area to be retained in an agricultural activity will be fixed by the Department on a case by case basis.
- Farmers, who wish to benefit from the Basic Payment on afforested land, must be the person or persons in joint management of receipt of afforestation premium. This applies to members of the same family.
- The afforested land meets all the requirements of the Afforestation Grant and Premium Scheme, FEPS or the Native Woodland Establishment Scheme;

- Eligible Forestry parcels that are declared on BPS applications to activate entitlements will also be subject to cross-compliance requirements.

Farmers who plant land parcels under the Afforestation Aid Scheme in 2017 before submitting their application should declare the land as Forestry 2017 in column 9.

## **Inheritance Enquiry Unit**

The Inheritance Enquiry Unit is available to the family members and the legal personal representatives of deceased farmers to:

- Identify those schemes in which the deceased person participated and establish whether there are any outstanding payments due to the estate of the deceased.
- Assist the legal personal representatives in contacting various sections of the Department
- Advise on what legal documents are required
- Make arrangements for the issue of any outstanding payments due to estate of the deceased and for the transfer of payment entitlements (if any)

The Unit will act as a single repository for legal documentation submitted by representatives of the deceased thus removing the necessity for forwarding duplicate copies to several sections within the Department

As soon as possible, the legal personal representative of the estate of a deceased farmer and/or the solicitor acting on behalf of the estate should contact:

Inheritance Enquiry Unit,  
Department of Agriculture Food and the Marine,  
Knockmay Road,  
Portlaoise.

Tel: 0761 064428

Fax: 05786 89990

Email: [inheritance@agriculture.gov.ie](mailto:inheritance@agriculture.gov.ie)

## **Registered Farm Partnerships**

Farm partnerships involve the coming together of two or more farmers (including those persons who have acquired the relevant agriculture qualification) to operate the farm business as a single entity. Among the benefits of creating a farm partnership are improved efficiency, a better work life balance and greater economies of scale at farm level. Within family farms the creation of a farm partnership often allows parents and children to begin the process of intergenerational transfer.

In order to encourage the development and maintenance of such partnerships the Department and the Revenue Commissioners operate a series of incentives. These include the granting of an enhanced 50% stock tax relief to members of registered farm partnerships; the recognition of such arrangements in the calculation of payments under the Pillar I and Pillar II Schemes; and the introduction of a Support for Collaborative Farming Grant Scheme for brand new farm partnerships.

However in order to be eligible for these incentives, farm partnerships must be placed on the Department's Register of Farm Partnerships.

Those wishing to have their farm partnership placed on the Register should submit their application to the Department's Farm Partnership Unit - see Department's website: <http://www.agriculture.gov.ie/farmingsectors/newfarmpartnershipregister/>. Please note that all applications to place farm partnerships on the Department's Register must be received by the Farm Partnership Registration Unit by Friday 31 March 2017.

Once farm partnerships are placed on the Register, they will receive a Farm Partnership Registration Number (FPRN). This FPRN should be used when applying for all Department support schemes.

It is important to note that if any or all of the partners use an Agent to administer their applications, the Nominated Person (Precedent Partner) in the farm partnership should contact the Agent to organise the new login facilities.

Please note that a Registered Farm Partnership can only submit a BPS application through the Department online facility and should only use the Farm Partnership Registration Number when submitting the application. Individual members of the Partnership should not submit an application under their own herd number.

A farm partnership is a legal business arrangement where two or more individuals come together combining their respective resources to achieve mutual benefits. Members of a farm partnership who own individual sets of entitlements receive a combined payment. Where entitlements exist and the partnership formation has involved a change of ownership/name of a herd number, it is necessary for the parties involved to complete a 2017 Transfer of Entitlement form (BPS/TE2017) available online or on the Department website. The closing date for submission of the form is 15<sup>th</sup> May 2017.

## Recognised Share Farming Arrangements

A **share farming agreement may be submitted as one application** under the Basic Payment Scheme with the parties to the agreement **declaring all of the land farmed** by them on the application. Such farmers will be referred to as "share farming arrangement". The requirement means that all of the land farmed by each share farmer must be declared in the application of the share farming arrangement. The application must be submitted on-line and the share farming arrangements will be required to be recognised by the Department of Agriculture, Food and the Marine.

The Department will formally recognise a share farming arrangement on submission of a completed application form, the share farming agreement and whatever supporting documentation is deemed necessary. The agreement must at a minimum specify that all parties to the share farming arrangement are responsible (fully or partially) for both inputs and outputs of the enterprise.

For the purpose of Crop Diversification, the number and percentage of crops will be calculated using details of crops sown by all parties to the agreement. Similarly, the 5% EFA requirement will be calculated on the arable land of all of the parties to the agreement combined. In addition, any issues relating to the eligibility of the land declared by the share farming

arrangement will be dealt with at the level of the arrangement. Non-compliance with the Cross-Compliance requirements can be assessed at the level of each individual member of the share farming arrangement provided the non-compliance can be established at that level.

Where a party to the agreement is selected for inspection, all parties to the agreement will be selected for inspection. Where a penalty under the Greening measures is applicable to one or more of the parties to the share farming agreement, this penalty will be applicable to all parties to the agreement.

## **Statutory Instrument**

The Minister for Agriculture, Food & the Marine has implemented Regulations, which will make it an offence for a farmer to knowingly make a false declaration. It is also an offence for a person to assist a farmer to commit an offence under the Regulations. Farmers should familiarise themselves with the European Communities (Direct Support Schemes) Offences and Control Regulations S.I. No 115 of 2012.

## **Data Protection**

The information requested in the application form is required for the purposes of making an application under the Basic Payment Scheme, and other related area based schemes, and for the purposes of establishing an applicant's eligibility under the terms and conditions of the Basic Payment Scheme, as set out in this document.

In submitting the application form, you accept that all the information supplied on your application form and in any supporting documentation shall be made available to any other Government Department or Agency of a Government Department or Local Authority for the purpose of Audits, evaluation purposes, Cross Compliance controls, controls relating to the legislation underpinning Cross Compliance and all Rural Development measures, as required by Article 65 of Commission Implementing Regulation (EU) 809/2014 and, as appropriate, in accordance with the requirements of the Data Protection Acts 1988 and 2003 and the Freedom of Information Act 2014.

In accordance with EU Regulation 1306/2013, the Department is obliged to ensure annual ex-post publication of all of the beneficiaries of CAP funding, both legal and non-legal persons. In accordance with this Regulation the Department must, by 31 May each year, publish the following data:

- The name of the beneficiary (unless the amount of payment under CAP funds is less than €1,250, in which case the individual will be identified by a code)
- The municipality where the beneficiary is resident
- The amount of payment corresponding to each measure received by a beneficiary, and
- The nature and description of each measure

The rights of data subjects and how they may be exercised, in this respect, are laid down in the Data Protection Acts, 1988 and 2003.

The data contained in this publication may be processed by auditing and investigating bodies of the Communities and the Member States for the purposes of safeguarding the Communities'

financial interests. The data therein cannot be used for direct marketing or other purposes and this will be made clear on the website.

The Department is also obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners and An Garda Síochana, in accordance with Section 8 of the Data Protection Acts 1988 and 2003.

“If approved into the Programme the applicant must agree, if requested by the Department or relevant agents acting on its behalf, to supply data in relation to his/her participation to the Scheme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes”

## **Collection of Outstanding debts - €100 minimum**

Any outstanding debts due to the Department in respect of the Direct Payment Schemes and payments under Rural Development Schemes will be subject to interest charges in accordance with the provisions of the SI No 13 of 2006, European Communities (Recovery of Amounts) (Amendment) Regulations, 2006. Such debts will be recovered from future payments due if not already refunded in full by the farmer.

In accordance with the Department’s Debt Management Policy and Procedures, joint farmers remain liable for each other’s debts or as provided for in a signed partnership agreement.

## **Other Schemes/Measures**

### **AEOS, OFS, GLAS, Natura 2000, BDGP**

If you are participating in AEOS/GLAS/OFS and benefitting from payment under that Scheme you are reminded when you are completing the 2017 Basic Payment Scheme application that where you reduce the area claimed on an AEOS/GLAS/OFS land parcel or where you fail to declare that parcel altogether, it will be subject to recoupment and/or penalty for each year that the land parcel received payment.

If you are participating in BDGP and reduce your eligible forage area your Maximum Payable Area (MPA) may be affected and if the eligible forage area is reduced to less than 80% of your MPA you may be disqualified from the BDGP with any payments previously made being subject to recoupment.

Furthermore, AEOS/GLAS/OFS/BDGP participants should ensure that the declarations in relation to parcel use and crop category on their 2017 BPS application for AEOS/GLAS/OFS parcels also meet the requirements of AEOS/GLAS/OFS, as failure to abide by the Terms and Conditions of the scheme may lead to parcels becoming ineligible and may also lead to recoupment and penalty.

### **Eligibility**

To be eligible for payment in AEOS, GLAS you must in your own right:

- (1)** Comply with Cross Compliance requirements and GAEC standards set down in EU legislation (Directives and Regulations) on the environment, climate change, good agricultural condition of land, public, animal and plant health and animal welfare, and plant

health and must maintain the farm in good agricultural and environmental condition (GAEC). **See Paragraph (v) below for full details.**

- (2) Co-operate with Department staff, or its Agents, in relation to any inspection or any request for documentation.

No payment shall be made in favour of beneficiaries for whom it is established that they artificially created the conditions required for obtaining such payments with a view to obtaining an advantage contrary to the objectives of that support scheme.

For land to be eligible for GLAS, OFS and AEOS a number of further conditions have to be complied with namely:

- The land must be used and managed by the farmer. If the farmer is not the owner of the land, he/she must have a lease or rental agreement in place with the owner of the land and this agreement must be available at the time of inspection if requested.
- The land must be suitable for and compatible with the farming enterprise being conducted.
- There must be independent and suitable access for animals and/or machinery for the farming enterprise being conducted. Independent access means access by public or private roadway or by a defined right of way. Access over adjoining landowners land, or over land which is subject to a lease or rental agreement to another person, is not acceptable.
- External boundaries must be permanent and they must be appropriate to the farming enterprise being conducted. Appropriate fencing means stock proof fencing that will control the farmer's and neighbouring farmer's animals. In mountain/hill areas this generally means sheep fencing. Electric fencing cannot be regarded as a permanent external boundary.
- There must be defined external boundaries except in the case of commonage.
- If at inspection the farmer claims to be farming the land with animals then the type of animals must be appropriate to the land and there must be appropriate handling facilities available on the lands to meet the animals' welfare requirements.
- The releasing of animals onto a parcel without conducting the normal husbandry and welfare practices throughout the year does not satisfy the requirement of an agricultural activity and will be deemed to be in breach of Article 60 of Regulation (EU) 1306/2013 of the European Parliament and of the Council.
- There must be evidence of a sufficient agricultural activity being conducted throughout the parcel; otherwise the unused part(s) of the parcel may be found to be ineligible. This can arise where the stocking rate is too low.
- **Parcels or parts of parcels which are not being farmed by the farmer will be rejected.**

### **Late applications**

The 2017 BPS application is the application form for AEOS, OFS and GLAS. If this is received after the closing date of 15 May 2017, a 1% reduction in payment will apply for each working day that the application is late up to and including 9 June 2017. No payment can be paid in respect of any application received after 9 June 2017.3

## Inspections

At least 5% of farmers will be subject to inspections. Farmers in applying agree to permit officials or agents of the Department to carry out on-farm inspections without prior notice and without prejudice to public liability. To facilitate checks and on-farm inspections, farmers shall co-operate with Department staff, reply in full to all queries and provide any documentary evidence that may be requested in relation to their AEOS/GLAS/OFS participation. Failure to do so may lead to loss of aid. If an on-farm inspection cannot be carried out through the fault or action of the farmer, the application shall be rejected unless the Department determines an instance of force majeure.

## Cross Compliance

AEOS/GLAS/OFS/BDGP participants must respect the Cross Compliance requirements and GAEC standards. Under Cross Compliance requirements, a farmer receiving payment must respect the various Statutory Management Requirements and GAEC standards set down in EU legislation (Directives and Regulations) on the environment, climate change, good agricultural condition of land, public, animal and plant health and animal welfare.

## Baseline penalties

AEOS/GLAS/OFS measures are based on the participant exceeding basic Cross Compliance requirements and being compensated for reaching a higher standard. Where a participant does not meet the baseline requirement for AEOS/GLAS/OFS this will mean no payment for that measure/option in AEOS/GLAS/OFS in the year of the non-compliance. **Furthermore, it may also lead to a Cross Compliance sanction being applied to your payments.**

## AEOS/OFS, Natura 2000, BDGP

If you are participating in OFS, AEOS or BDGP, you must declare all the land parcels on your holding (Owned, Rented and Leased) on your 2017 BPS application form.

Only the eligible AEOS/OFS land parcels declared on your 2017 BPS application form and registered with a unique number on the Department's land parcel identification system (LPIS) will be eligible for payment under AEOS/OFS and only the area recorded on LPIS will be reckonable for AEOS/OFS payment.

## Area based AEOS features

Where you are devoting part of a land parcel to an AEOS option, you must record this by putting a line through the LPIS number of the parcel containing the area based feature and giving the exact area of the feature and of the remaining portion of the parcel. These can be identified as Plot 1, Plot 2 etc. In this instance you must also identify these new plots by outlining them carefully on either an Ordnance Survey map or a Land Registry map or a LPIS (Department) map, also numbering them Plot 1, Plot 2, etc on the map. Enter the same plot name in this Column as you have it written on the map - Plot 1, Plot 2 etc. The map(s) of any new plot(s) must be submitted with your application. Please ensure that any map submitted by you is marked with your name, address and herd number. If the map is part of a Land Registry or Ordnance Survey map, it must also be marked with the Ordnance Survey sheet number and the townland in which the parcel is located. If you are making your application online, forward the map along with a copy of the specific covering letter that is available online.

## Example

<b>LPIS No</b>	<b>Gross area</b>	<b>Net area</b>
<del>L123456778</del>	<del>5.2</del>	<del>4.5</del>
<b>Plot 1</b>	<b>5.2</b>	<b>4.0</b>
<b>Plot 2</b>	<b>5.2</b>	<b>0.5</b>

If you are participating in GLAS, you must declare all the land parcels on your holding (Owned, Rented and Leased) on your 2017 BPS application form. Only the eligible GLAS land parcels declared on your 2017 BPS application form and registered with a unique number on the Department's land parcel identification system (LPIS) will be eligible for payment under GLAS and only the area recorded on LPIS will be reckonable for GLAS payment.

### **Penalties for over-declaration of area under AEOS/GLAS**

If the area declared in a single application exceeds the area determined for that crop group, the aid shall be calculated on the basis of the area determined for that crop group. If in respect of a crop group the area declared exceeds that determined, the aid shall be calculated on the basis of the area determined reduced by twice the difference found if that difference is more than either 3% or 2 hectares, but not more than 20% of the area determined. If the difference is more than 20% of the area determined, no aid shall be granted for the crop group concerned. If the difference is more than 50%, the farmer shall be excluded once again from receiving aid up to an amount equal to the amount which corresponds to the difference between the area declared and the area determined. That amount shall be off-set against aid payments under any of the EU aid schemes to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.

If the difference in respect of a crop group is less than 3% of the area found, payment will be based on the area found in respect of each crop group. However, if the difference is greater than 2 hectares the penalties as outlined below will be applied irrespective of whether the difference is less than 3% or not. A crop group is an area that benefits from the same rate of aid under the GLAS, OFS, Natura 2000 or AEOS schemes. That means that the area declared as Natura land, basic land, linnets etc. are separate crop groups and will be dealt with separately for the purposes of applying over-declaration penalties. If the difference between the declared area and the determined area in respect of a crop group is equal to or less than 0.1 hectares, payment is based on the declared (claimed) area.

<b>AREA OVER-DECLARATION IN AEOS /GLAS/OFS</b>	<b>CONSEQUENCES OF OVER-DECLARATION*</b>
<b>An over-declaration of greater than 3% but not more than 20% of the area determined (found) or if the area not determined is less than 3% but greater than 2 hectares for the crop group concerned.</b>	<b>The area determined (found) will be reduced for payment purposes by twice the difference between the area determined (found) and the area claimed for the crop group concerned.</b>
<b>An over-declaration of greater than 20% of the area determined for the crop group concerned.</b>	<b>No payment will be made in the year of application for the crop group concerned.</b>
<b>An over-declaration between the total area declared and the total area determined where the difference is</b>	<b>No payment for the crop group concerned will be made in the year of application and an</b>

greater than 50% of the area determined (found) for the crop group concerned	administrative fine equivalent to the difference between the number of hectares determined (found) and the number of hectares declared for the crop group concerned will be offset against any EU payment due to the farmer made during the course of the three calendar years following the year in which the determination was made.
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## Specific Terms and Conditions applicable to Hemp Production

### Licence

Hemp may only be grown where the Minister for Health has granted a licence under the relevant Misuse of Drugs legislation.

### Additional Application

Article 32 & 35 of the Commission Regulation (EC) No 1307/2013 requires that, where a farmer has indicated that he/she intends to produce hemp on the BPS application form, an additional application to Produce Hemp needs to be submitted and should include:

- all information required for the identification of the parcels sown in hemp, indicating the varieties of seed used;
- an indication as to the quantities of the seeds used (kg per hectare);
- the official labels used on the packaging of the seeds.

This form can be obtained from: Co-Ordination Section, Department of Agriculture, Food & the Marine, Old Abbeyleix Road, Portlaoise, Co. Laois. Telephone number 057 8678701 or 057 8674411

### Approved Seed Variety

For the purposes of Article 32(6) of Regulation (EU) No 1307/2013, the eligibility of areas used for the production of hemp shall be subject to the use of seed of the varieties listed in the ‘Common Catalogue of Varieties of Agricultural Plant Species’ in March of the year in respect of which the payment is granted and published in accordance with Article 17 of Council Directive 2002/53/EC (3). The seed shall be certified in accordance with Council Directive 2002/57/EC (4).

## Crop Categories

This section contains details of all crops and their eligibility for BPS and ANC. It also indicates how the crop is considered under the headings “Grassland”, “Tillage” and “Arable” for Greening. The column “Grouping Greening” identifies crops that are grouped together for the purposes of Greening.

**Eligible BPS:** A 'Y' in this column indicates that the "crop" can be used to draw down payment under the BPS/Greening scheme in 2017.

**Eligible ANC:** A 'Y' in this column indicates that the "crop" can be used to draw down payment under the ANC scheme in 2017.

**Eligible EFA Area:** A 'Y' in this column indicates that the "crop" can contribute towards a farmer's obligations under Ecological Focus Areas.

**Grassland:** A 'Y' in this column indicates that the "crop" is considered part of a holding's grassland area.

**Tillage:** A 'Y' in this column indicates that the "crop" is considered a tillage crop and can count towards a farmer's crops under Crop Diversification. It includes all Tillage crops that are commonly sown in Ireland.

**Arable:** A 'Y' in this column indicates that the "crop" is considered an arable crop and can count towards a farmer's crops under Crop Diversification. It includes all Tillage crops that are commonly sown in Ireland plus grass based crops that count under Greening such as Fallow and Temporary Grassland (Grass Year 1, 2...etc.)

\*\*Forestry 2017 is eligible for BPS providing the conditions laid down are satisfied. See Afforestation Measures for more details.

\*\*\*Parcels pre-printed as Grass 1 – 5 are introduced this year to help categorise temporary grassland and set out how many years a parcel has been in temporary grassland. The table below sets out the different scenarios.

Scenario	2009	2010	2011	2012	2013	2014	2015
1	Barley-Spring	Barley-Spring	Barley-Spring	Barley-Spring	Barley-Spring	Grass Year 1	Grass Year 2
2	Barley-Spring	Barley-Spring	Barley-Spring	Barley-Spring	Grass Year 1	Grass Year 2	Grass Year 3
3	Barley-Spring	Barley-Spring	Barley-Spring	Grass Year 1	Grass Year 2	Grass Year 3	Grass Year 4
4	Barley-Spring	Barley-Spring	Grass Year 1	Grass Year 2	Grass Year 3	Grass Year 4	Grass Year 5
5	Barley-Spring	Grass Year 1	Grass Year 2	Grass Year 3	Grass Year 4	Grass Year 5	Permanent Pasture

<b>Crop</b>	<b>Eligible BPS</b>	<b>Eligible ANC</b>	<b>Eligible EFA Area</b>	<b>Grassland</b>	<b>Tillage</b>	<b>Arable</b>	<b>Grouping Greening</b>
100% Destocked Area	Y	Y		Y			
Alfalfa	Y	Y	Y	Y			
Apples	Y	N					
Arable Habitat	Y	N			Y	Y	
Arable Silage	Y	Y		Y		Y	
Artichoke	Y	N					
Asparagus	Y	N					
Aubergines	Y	N			Y	Y	
Baby Leaf Spinach	Y	N			Y	Y	Spinacia
Barley - Spring	Y	N			Y	Y	
Barley - Winter	Y	N			Y	Y	
Basil	Y	N			Y	Y	
Beans - Spring	Y	N	Y		Y	Y	
Beans - Winter	Y	N	Y		Y	Y	
Beetroot	Y	N			Y	Y	Beta
Blackberries	Y	N					
Blackcurrants	Y	N					
Blueberries	Y	N					
Broccoli - Spring	Y	N			Y	Y	Brassica oleracea
Broccoli - Winter	Y	N			Y	Y	Brassica oleracea
Brussel sprouts	Y	N			Y	Y	Brassica oleracea
Cabbage - Spring	Y	N			Y	Y	Brassica oleracea
Cabbage - Winter	Y	N			Y	Y	Brassica oleracea
Calabrese	Y	N			Y	Y	Brassica oleracea
Camelina	Y	N			Y	Y	
Carrots - Spring	Y	N			Y	Y	
Carrots - Winter	Y	N			Y	Y	
Cauliflowers - Spring	Y	N			Y	Y	Brassica oleracea
Cauliflowers - Winter	Y	N			Y	Y	Brassica oleracea
Celeriac	Y	N			Y	Y	Apium
Celery - Spring	Y	N			Y	Y	Apium
Celery - Winter	Y	N			Y	Y	Apium
Cherries	Y	N					
Chives	Y	N			Y	Y	Allium
Clover	Y	Y	Y	Y			

<b>Crop</b>	<b>Eligible BPS</b>	<b>Eligible ANC</b>	<b>Eligible EFA Area</b>	<b>Grassland</b>	<b>Tillage</b>	<b>Arable</b>	<b>Grouping Greening</b>
Copse	N	N	Y				
Coriander	Y	N			Y	Y	
Courgettes	Y	N			Y	Y	Cucurbita pepo
Cranberries	Y	N					
Cucumbers	Y	N			Y	Y	
Daffodils	Y	N			Y	Y	
Damsons	Y	N					
Designated Habitat	Y	N					
Dill	Y	N			Y	Y	
Early Potatoes	Y	N			Y	Y	Solanum
Endives	Y	N			Y	Y	
Environmental Mgt of Fallow Land	Y	N				Y	Fallow
Fallow	Y	N		Y		Y	Fallow
Fallow - Greening	Y	N	Y	Y		Y	Fallow
Fennel	Y	N			Y	Y	
Flax	Y	N			Y	Y	Linum
Fodder Beet	Y	Y			Y	Y	Beta
Foliage	Y	N					
Forage Rape	Y	Y			Y	Y	
Forestry Eligible	Y	N	Y				
Forestry Setaside	Y	N					
Garlic	Y	N			Y	Y	Allium
Glasshouse	Y	N					
Gooseberries	Y	N					
Grapes	Y	N					
Grass Seed	Y	N		Y		Y	
Grass Silage	Y	Y		Y			
Grass Year 1	Y	Y		Y		Y	
Grass Year 2	Y	Y		Y		Y	
Grass Year 3	Y	Y		Y		Y	
Grass Year 4	Y	Y		Y		Y	
Grass Year 5	Y	Y		Y		Y	
Grassmeal	Y	N		Y		Y	
Hemp	Y	N			Y	Y	
Hops	Y	N					
Horseradish	Y	N			Y	Y	
Kale	Y	Y			Y	Y	Brassica oleracea
Kohl-rabi	Y	N			Y	Y	Brassica

Crop	Eligible BPS	Eligible ANC	Eligible EFA Area	Grassland	Tillage	Arable	Grouping Greening
							oleracea
Low Input Permanent Pasture	Y	Y					
Leeks - Spring	Y	N			Y	Y	Allium
Leeks - Winter	Y	N			Y	Y	Allium
Lettuce	Y	N			Y	Y	
Lilies	Y	N			Y	Y	
Linnet Habitat	Y	N	Y		Y	Y	Fallow
Linseed	Y	N			Y	Y	Linum
Loganberries	Y	N					
Lucerne	Y	Y	Y	Y			
Lupins	Y	N	Y		Y	Y	
Maincrop Potatoes	Y	N			Y	Y	Solanum
Maize	Y	Y			Y	Y	Zea
Mange Tout Peas	Y	N			Y	Y	Pisum
Mangolds	Y	Y			Y	Y	Beta
Marrows	Y	N			Y	Y	Cucurbita pepo
Millet	Y	N			Y	Y	
Mint	Y	N					
Miscanthus Sinensis	Y	Y					
Mixed Cropping	Y	N			Y	Y	
Mixed Grazing	Y	Y		Y			
Mushrooms	Y	N			Y	Y	
Mustard	Y	N			Y	Y	
Nursery	Y	N					
Oats - Oats	Y	N			Y	Y	
Oats - Winter	Y	N			Y	Y	
Oilseed Rape - Spring	Y	N			Y	Y	Brassica napus
Oilseed Rape - Winter	Y	N			Y	Y	Brassica napus
Onions	Y	N			Y	Y	Allium
Orchard	Y	N					
Other cut flower / bulb crops	Y	N			Y	Y	
Pak Choi	Y	N			Y	Y	Brassica rapa
Parsley	Y	N			Y	Y	
Parsnips	Y	N			Y	Y	
Pears	Y	N					
Peas	Y	N	Y		Y	Y	Pisum
Peppers	Y	N			Y	Y	

Crop	Eligible BPS	Eligible ANC	Eligible EFA Area	Grassland	Tillage	Arable	Grouping Greening
Permanent Pasture	Y	Y		Y			
Perpetual Spinach	Y	N			Y	Y	Spinacia
Plums	Y	N					
Pumpkins	Y	N			Y	Y	Cucurbita pepo
Radish	Y	N			Y	Y	
Raspberries	Y	N					
Red Clover	Y	Y	Y	Y			
Redcurrants	Y	N					
Reed Canary Grass	Y	Y					
REPS 4 New Habitat	Y	N					
REPS 4 New Woodland	Y	N					
REPS 4 Orchard	Y	N					
REPS 4 Planted Buffer Zone	Y	N					
Rhubarb	Y	N					
Riparian Zone	Y	N					
Rocket	Y	N			Y	Y	
Rosemary	Y	N					
Rough Grazing	Y	Y		Y			
Rye	Y	N			Y	Y	
Sage	Y	N			Y	Y	
Salsify	Y	N			Y	Y	
Scallions	Y	N			Y	Y	Allium
Seed Potatoes	Y	N			Y	Y	Solanum
Shallot	Y	N			Y	Y	Allium
Short Rotation Coppice	Y	Y	Y				
Soya Bean	Y	N			Y	Y	
Species Rich Grassland	Y	Y		Y			
Squash	Y	N			Y	Y	Cucurbita pepo
Strawberries	Y	N			Y	Y	
Sugar Beet	Y	Y			Y	Y	Beta
Sunflower	Y	N			Y	Y	
Swede	Y	Y			Y	Y	Brassica napus
Sweetcorn	Y	N			Y	Y	Zea
Switchgrass	Y	N					
Thyme	Y	N			Y	Y	
Tobacco	Y	N			Y	Y	
Tomatoes	Y	N			Y	Y	
Trad. Sustainable	Y	Y		Y			

<b>Crop</b>	<b>Eligible BPS</b>	<b>Eligible ANC</b>	<b>Eligible EFA Area</b>	<b>Grassland</b>	<b>Tillage</b>	<b>Arable</b>	<b>Grouping Greening</b>
Grazing							
Traditional Hay Meadow	Y	Y		Y			
Triticale	Y	Y			Y	Y	
Tulips	Y	N			Y	Y	
Turnips	Y	Y			Y	Y	Brassica rapa
Wheat - Spring	Y	N			Y	Y	
Wheat - Winter	Y	N			Y	Y	
Whitecurrants	Y	N					
Wild Bird Cover	Y	Y	Y		Y	Y	Fallow
Willow	Y	Y	Y				

## Relevant legislation and definitions - EU Legislation relevant to your application and definitions relevant to your Application

It should be noted that, while this Terms and Conditions booklet has been prepared as a guidance to farmers, it should be recognised that the governing EU Regulations form the definitive basis for the administration of the Schemes in question, particularly with regard to eligibility and, when necessary, any penalties that may require to be applied. The reference numbers of the relevant EU regulations are outlined below. Any EU Council or Commission amendments made during 2017 will be communicated to farmers and will, where appropriate, also apply to 2017 applications. The complete EU legislation is available at <http://www.europa.eu>

- **REGULATION (EU) No 1305/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)-OJ L347 of 20/12/2013**
- **COMMISSION DELEGATED REGULATION (EU) No 807/2014 of 11 March 2014 supplementing Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development and introducing Transitional measures. OJ L227 of 31/7/2014.**
- **COMMISSION IMPLEMENTING REGULATION (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) OJ L227 of 31/7/2014.**
- **REGULATION (EU) No 1306/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 December 2013 on the financing, management and monitoring of the common agricultural policy. OJ L347 of 20/12/2013**
- **Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance. OJ L181 of 20/6/2014.**
- **COMMISSION IMPLEMENTING REGULATION (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance. OJ L227 of 31/7/2014**
- **Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy. OJ L 347 of 20/12/2013.**

- **COMMISSION DELEGATED REGULATION (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation. OJ L181 of 20/6/2014.**
- **COMMISSION IMPLEMENTING REGULATION (EU) No 641/2014 of 16 June 2014 laying down rules for the application of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy. OJ L181 of 20/6/2014**
- **No. 73/2009 of 19 January 2009, establishing common rules for direct support schemes – OJ L35 of 4/2/2010.**
- **No. 1782/2003 of 29/9/2003, as amended, establishing common rules for direct support schemes – OJ L270 of 21/10/2003.**
- **No. 1760/2000 of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 - OJ L204 of 11/8/2000**
- **No. 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC – OJ L 5 of 9/1/2004.**
- **No 1120/2009 of 29 October 2009 laying down the detailed rules for the implementation of the Basic Payment Scheme provided for in Title III of Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers – OJ. L316 of 02/12/2009.**
- **No. 1122/2009 of 30 November 2009 laying down the detailed rules for the implementation Council Regulation (EC) No 73/2009 as regards Cross-Compliance, modulation and the integrated administration and control system provided for in that Regulation as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross compliance under the support scheme provided in the wine sector. – OJ. L316 of 02/12/2009.**
- **No. 1257/1999 of 17/5/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) – OJ L160 of 26/6/1999.**
- **No. 817/2004 of 29 April 2004 laying down detailed rules for the application of 1257/1999 – OJ. L 153 of 30/4/2004.**
- **No. 1255/1999 of 17 May 1999 on the common organization of the market in milk and milk products – OJ. L 160 of 26/6/1999.**
- **No.1673/2000 of 27 /7/2000 on the common organisation of the markets in flax and hemp grown for fibre - OJ L193 of 29/7/2000.**

- **No. 1121/2009 of 29 October 2009 laying down detailed rules for the application of Council Regulation (EC) No 73/2009 as regards the support schemes provided for in Titles IV and V thereof- OJ L316 of 02/12/2009.**
- **No. 178/2002 of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and Laying down procedures in matters of food safety - OJ L 031 of 10/02/2002.**
- **No. 999/2001 of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies - OJ L 147 of 31/05/2001.**
- **No. 183/2005 of 12 January 2005 laying down requirements for feed hygiene - OJ L035 of 08/02/2005.**
- **No. 852/2004 of 29 April 2004 on the Hygiene of foodstuffs - OJ L226 of 25/6/2004.**
- **No. 853/2004 of 29 April 2004 laying down specific hygiene rules for the hygiene of foodstuffs - OJ L226 of 25/6/2004**
- **No. 767/2009 of 13 July 2009 on the placing on the market and use of feed – OJ L229 of 1/9/2009.**
- **No.1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development – OJ L277 of 21/10/2005.**
- **No.1974/2006 of 15 December 2006 laying down detailed rules for the application of No.1698/2005 – OJ L368 of 23/12/2006.**
- **No.1975/2006 of 7 December 2006 laying down detailed rules for the application of No1698/2005 as regards control procedures and Cross Compliance – OJ L368 of 23/12/2006.**
- **No 484/2009 of 9 June 2009 amending Regulation (EC) No 1975/2006 laying down detailed rules for the application of No1698/2005 as regards control procedures and Cross Compliance – OJ. L145 of 10/06/2009**
- **No 65/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as Cross-Compliance in respect of rural development support measures**
- **No.1290/2005 of 21 June 2005 on the financing of the common agricultural policy – OJ L209 of 11/8/2005.**
- **No. 885/2006 of 21 June 2006 laying down detailed rules for the application of No1290/2005 – OJ L171 of 23/6/2006.**
- **No. 1310/13 of 17/12/13, laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), amending Regulation (EU) No 1305/2013 of the European Parliament and**

**of the Council as regards resources and their distribution in respect of the year 2015 and amending Council Regulation (EC) No 73/2009 and Regulations (EU) No 1307/2013, (EU) No 1306/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards their application in the year 2015**

- **Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources**
- **Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds**
- **Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna**
- **Council Directive 2000/60/EC of 23 October 2000 establishing a framework for community action in the field of water policy.**
- **Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and beta-agonists, and repealing Directives 81/602/EEC, 881/146/EEC and 88/299/EEC**
- **Council Directive 2008/71/EC of 15 July 2008 on identification and registration of pigs**
- **Regulation (EC) 1107/2009 of the European Parliament and the Council of 22 May 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC**
- **Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves**
- **Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs**
- **Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes**

**CONTACT DETAILS**

<b>Section</b>	<b>Counties</b>	<b>Telephone No/Email Address</b>
<b>Inheritance Enquiry Unit</b>	<b>All Counties</b>	<b>0761 064428</b> <a href="mailto:inheritance@agriculture.gov.ie">inheritance@agriculture.gov.ie</a>
<b>Direct Payments Call Centre (Basic Payment Scheme/Areas of Natural Constraints Scheme/Transfer of Entitlements/ National Reserve/Young Farmers Scheme)</b>	<b>All Counties</b>	<b>0761 064420</b>
<b>Queries regarding online Registration</b>	<b>All Counties</b>	<b>076 1064424</b> <a href="mailto:agfood@agriculture.gov.ie">agfood@agriculture.gov.ie</a>
<b>Online Transfer of Entitlement helpdesk</b>	<b>All Counties</b>	<a href="mailto:onlinetransferofentitlements@agriculture.gov.ie">onlinetransferofentitlements@agriculture.gov.ie</a>
<b>Agricultural Appeals Office</b>		<b>0761 064418</b> <a href="mailto:appeals.office@agriculture.gov.ie">appeals.office@agriculture.gov.ie</a>
<b>Farm Partnership Unit</b>	<b>All Counties</b>	<b>01 6072857</b> <a href="mailto:farmpartnerships@agriculture.gov.ie">farmpartnerships@agriculture.gov.ie</a>

## BURNING OF GROWING VEGETATION

Under Section 40 of the Wildlife Act, 1976, as amended by the Wildlife (Amendment) Act, 2000 growing vegetation cannot be burnt between 1 March and 31 August of any given year, on any land not yet cultivated.

You must be aware of further legal constraints when planning a controlled burning operation:

- Under Section 39 of the Wildlife Act, 1976 (as amended), it is prohibited to burn any vegetation within one mile of a wood, without prior notification to the Gardai and the owner of the wood.
- Under Section 74 of the Wildlife Act, 1976, (as amended), a person guilty of an offence shall be liable to a fine not exceeding £50,000 (€63,490) or a prison term not exceeding 2 years, or both a fine and a prison term.

### **DIAL BEFORE YOU BEGIN BURNING**

**REMEMBER – YOU MUST ALWAYS TELEPHONE THE REGIONAL FIRE CONTROL CENTRE BEFORE YOU BURN, STATING CLEARLY YOUR INTENTION TO CARRY OUT A CONTROLLED BURNING OPERATION, GIVING YOUR NAME, CONTACT TELEPHONE NUMBER, THE EXACT LOCATION AND EXPECTED DURATION OF THE PLANNED OPERATION FOR THE DAY IN QUESTION.**

The Regional Fire Control Centres can be contacted via the normal Emergency Services telephone numbers:

**999/112**

### **DIAL WHEN YOU ARE FINISHED BURNING**

**TELEPHONE AGAIN WHEN OPERATIONS ARE COMPLETED AND ALL FIRES ARE FULLY EXTINGUISHED.**

### **IF IN DOUBT, DO NOT BURN**

**The Department has produced a Prescribed Burning Code of Practice in order to provide guidance to landowners who use controlled burning as a land management tool and a shorter version issued to farmers in high fire risk areas throughout the country in 2013. Both publications are available on the Department's website at [www.agriculture.gov.ie/forests/landandforestfires](http://www.agriculture.gov.ie/forests/landandforestfires) or from the Forest Service, Johnstown Castle, Co. Wexford.**

There will be a greater focus on identifying those suspected of engaging in uncontrolled burning, through the use of farm inspections under Cross Compliance rules, which could result in penalties being imposed under the 2017 Scheme.

## BEFORE BURNING YOUR LAND

**STOP!**  **THINK!**

### **1. ARE YOU BREAKING THE LAW?**

THE BURNING OF GROWING VEGETATION ON UNCULTIVATED LAND BETWEEN 1 MARCH AND 31 AUGUST IS ILLEGAL!

### **2. CAN YOU CONTROL THE FIRE?**

HAVE YOU TAKEN ALL THE NECESSARY PRECAUTIONS TO ENSURE THE FIRE WILL NOT SPREAD OUT OF CONTROL?

### **3. ARE YOU WITHIN ONE MILE OF WOODS?**

YOU MUST NOTIFY YOUR LOCAL GARDA STATION AT LEAST 7 DAYS PRIOR TO BURNING.

### **4. ARE YOU PREPARED FOR THE CONSEQUENCES?**

UNCONTROLLED LAND BURNING PUTS LIVES AT RISK AND DAMAGES PROPERTY.

For more information log on to  
[www.agriculture.gov.ie/forests-service/land-and-forest-fires](http://www.agriculture.gov.ie/forests-service/land-and-forest-fires)

**REMAIN VIGILANT, AND IF IN DOUBT  
DO NOT BURN**