

Farmers' Charter of Rights

2015-2020

The operation of a number of Schemes in this Charter is governed by EU law/ national law while others are governed by national law only. It should be noted that this Charter cannot grant rights which would affect or change the operation of those laws in so far as they apply to the Schemes in question.

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A. **Customer Charter - Main Points**

The Charter aims to enhance the delivery of services and schemes to clients of the Department.

Contact by Telephone

In order to protect your privacy rights and to comply with data protection requirements you may be required to answer a security question when dealing with the Department.

- We will aim to answer your calls within **20 seconds**.
- We will give our full name, Section name (and contact details as appropriate)
- We will try to answer your questions straight away. If we cannot do so, we will take your details and tell you when you can expect to hear from us again.
- Messages left on voicemail facilities will be dealt with promptly and we will aim to have calls returned within **1 working day**.

Contact by Letter or e-mail

- Correspondence will be responded to within a maximum of **20 working days**.
- Where this is not possible an interim response will be issued to you within **10 working days** with the contact details of the person dealing with your correspondence and the date when you can expect a full response.
- The name of the staff member signing the letter will be printed on all correspondence.

Meetings

- Meetings will be arranged, where possible, at a time that suits you and we will not keep you waiting unnecessarily.
- At all times we will make every effort to ensure that business is done in private and, where possible, we will provide a private meeting room to discuss your query.
- We will try to answer your questions fully. If we cannot do this we will arrange to phone you, or write to you if you prefer or arrange a further meeting where appropriate.

Information Sources

- We will continue to appropriately inform clients of significant developments in a proactive way through our website, texting and the use of local and national media and will provide comprehensive information on all our schemes and services in a user-friendly format. In addition, where possible we will write to farmers where there are significant changes to any scheme.
- We will arrange and attend public information meetings on major changes where appropriate.
- We are committed to the continued development and improvement of our online services.

What you should do when contacting the Department

- Quote reference numbers, where available, in all correspondence and communications;
Providing a daytime telephone number or e-mail address in your correspondence if available;
- Provide accurate and clear information and submit all necessary supporting documentation;
- Check that applications are fully completed and signed;
- Submit applications in sufficient time before the closing date and obtain proof of posting;
- Ensure correspondence is sent to the correct address;
- Inform us of any changes in circumstances which may have a bearing on your application;
- Respond quickly to any queries or requests for any additional information in support of applications.

You may provide comments, complaints or suggestions regarding the service you receive to: The Quality Service Unit. See Annex 3 for contact details.

The complete Customer Charter document can be accessed at:

www.agriculture.gov.ie/customerservice

B. Farmers' Charter of Rights

In addition to the general commitments made in our Customer Charter we are making further, specific, commitments to our farmer customers:

- DAFM will ensure that decisions and payments will be made within the deadlines as agreed under the Department's *Farmers' Charter of Rights 2015 – 2020*.
- The Department will fully consult with the Farming Organisations on all scheme details
- Up to date information on schemes will be provided to farmers in a user-friendly format.
- The provision of up to date information on the appeal procedures available if an application is unsuccessful or a penalty is applied.
- Every farmer has a right to appeal all decisions made by the Department of Agriculture and the appeals process will take account of all the circumstances in every case. Only certain decisions will go to the AAO in line with their legislation.
- Department staff will fully co-operate in any appeal process.
- Decisions will be based on what is relevant in the rules and regulations governing entitlements under each scheme. Scheme applications and claims will be dealt with correctly, consistently, fairly and impartially in accordance with EU Regulations and the relevant scheme's terms and conditions.
- With a view to helping to ensure that scheme applications are successful, the Department will provide information on time limits and conditions that it is necessary to comply with.
- The Department will attend, in so far as is practicable, farmer meetings to explain and clarify the details in respect of all schemes.

Farm Safety Awareness

While the Health and Safety Authority is responsible for safety and health in the workplace, including farms, DAFM will endeavour to assist in raising awareness of farm safety. Please see Farm Safety Message on Annex 5 to this document. Further information on Farm Safety is available on the DAFM and HSA websites.

On-Farm Inspections

Number of Inspections

Under the Farmers' Charter and in line with EU Regulations, the following level of on-farm inspections will be undertaken by the Department of Agriculture across the various Farm Schemes:

Rate of Inspections Table

Farm Scheme	Inspection Rate
Basic Payment Scheme and Young Farmers Scheme <ul style="list-style-type: none">• Land eligibility inspection	5% of beneficiaries – circa 6,500 65% - 85% carried out by remote sensing
Areas of Natural Constraint	5% of beneficiaries – circa 4500 to 5000 in 2015
Greening	5% (All Requirements)

	(10% for EFA) of beneficiaries (who require greening practices) - circa 800 – 1000
Cross Compliance	1% of beneficiaries – circa 1,300
Bovine ID and Registration	3% of herds – circa 3,500
Ovine/Caprine ID and Registration	3% of flocks (must meet 5% of total sheep numbers) – circa 1,200
Local Authority Nitrates	Circa 1,650
Beef Genomics and Beef Data Programme	5% of active participants
REPS/AEOS/GLAS	5% of active participants
STAP (BTAP and Dairy Cash plan gone in 2015)	5% of active participants
Organic Farming Scheme	5% of active participants
Burren Scheme	5% of active participants
TAMS II	5% - 20% Pre-approval 5% - 20% - Pre-payment 5% - Post Payment

Note: Some Inspections will be conducted by remote sensing. Inspections may be integrated thereby reducing the overall number of farms visited.

General Principles

In relation to on-farm inspections the following principles will apply:

1. On Farm Inspections are a requirement of the EU Regulations and the terms and conditions of many schemes operated by DAFM.
2. The inspection approach and reporting system used will be standardised across all areas of the country to ensure consistency and fair treatment of all farmers
3. Inspection staff will be provided with ongoing training and information on how to conduct their inspections and the scheme requirements
4. Inspection staff will be provided with the necessary health and safety training and equipment to carry out their work
5. Procedures are simplified with a view to ensuring a clear understanding of the requirements amongst farmer clients;
6. In the case of notice inspections, if an inspector has been unduly delayed the applicant will be contacted, by phone, as soon as possible before the appointed time for the inspection. If the inspection cannot be carried out on the appointed day an alternative arrangement will be made, in agreement with the applicant;
7. Inspections will normally and, where practicable, start at the hub/main holding
8. The inspecting officer will on arrival introduce him/herself to the farmer, or other person present, and produce official identification;
9. If the applicant cannot be present, he/she can be represented by a person of his/her choice.
10. If the inspecting officer cannot locate anyone on the farm when they arrive to complete an unannounced inspection they will leave and return another day. On their second visit, should

nobody be present the inspection officer will ring the applicant and proceed to conduct the inspection

11. The inspecting officer will provide the applicant / agent with inspection notice information, explain the nature of the inspections and, if possible, how selection was made (i.e. risk vs random) ;
12. In the case of a refusal on the part of the applicant to allow the inspection to proceed without good reason (e.g. serious illness, bereavement etc), the inspector will advise the applicant of the possible implications of such a decision, including the possibility of total loss of payment. An appropriate 'cooling off' period will be allowed for both parties to reflect on their position. This 'cooling off' period may also be provided in the event of a disagreement arising during the course of an inspection. The applicant/agent will then be allowed the opportunity to reconsider his/her decision. Should the applicant continue to refuse to allow the inspection to go ahead, the inspecting officer will report the matter and circumstances to his/her supervisor. Should the inspection not proceed on the day without good reason the applicant will be informed that payment may not be possible. Flexibility will be given for the inspection to be rescheduled where there is serious illness, bereavement or other good reason;
13. Inspection staff will be provided on an ongoing basis with guidance on the need to treat the farmer with the utmost respect and fairness;
14. On-farm inspections will be integrated, which may result in multiple inspections on certain farms;
15. Where the purpose of the visit by the inspecting officer is a combined notice/no-notice inspection, this will be clearly explained by the inspecting officer to the farmer;
16. All no notice inspections will be conducted separately from all notice inspections unless the farmers requests otherwise. A written notice will be given to the farmer on arrival;
17. The Inspector will inform and will agree with the farmer when he will return to complete the notice elements of the inspection;
18. The no-notice inspection must be carried out on the day;
19. Breaches noted in respect of deferred inspections cannot be ignored;
20. Inspections will not delay payment where there are no outstanding farmer issues;
21. Where the only outstanding issue is completion of the cross compliance inspection payment will not be delayed;
22. Some errors, while in breach of an SMR, which are minor in nature, may not attract a sanction;
23. Except in unforeseen circumstances, all eligibility inspections will be conducted by the planned date for the commencement of payment and will ensure that all clear and valid applications are paid from that date;
24. On the day of the visit, the farmer / representative of the farmer, if present, will be provided with a preliminary inspection report which will include a preliminary notice of findings. The farmer / representative of the farmer, though not obliged to, will be given the opportunity to sign the report. The farmer / representative of the farmer will also be given the opportunity to comment on the preliminary inspection report. Any comments will be noted in the report. If the farmer chooses to sign this report it doesn't prejudice his position in respect of any penalties that may arise.
25. Land eligibility type inspections may be conducted remotely and where necessary may be followed up by a ground inspection.
26. With inspections involving sheep, the Department will take account of the circumstances and follow agreed protocols with the farming bodies in relation to penning at lambing time
27. In carrying out inspections in hill sheep areas, the Department will take account of the timing of inspections relative to lambing and when sheep move to and from the hills, provide adequate notification and tolerances to take account of the unique circumstances and losses in the hill areas.

Notification of Inspections Table

Farm Scheme	Purpose (Eligibility, area etc)	Announced or Unannounced	Notice Period Given	Notice period in days
Basic Payment Scheme - Eligibility	Eligibility requirements	May be announced where this does not interfere with the purpose or effectiveness.	Notice given may be up to the maximum period allowable	Minimum necessary but up to a max of 14 days
Basic Payment Scheme – Cross Compliance	Cross Compliance requirements (Full Cross Compliance including all SMR's & GAEC)	May be announced with the exception of Food & Feed Hygiene, TSE and Animal Welfare where this does not interfere with the purpose and effectiveness.	Notice given may be up to the Maximum period allowable	Minimum necessary but up to a maximum of 14 days
	Pig/Cattle/Sheep/Goats Identification and Registration	May be announced for Animal Identification and Registration where this does not interfere with the purpose or effectiveness.	Notice given may be up to the maximum period allowable	Minimum necessary but up to a max of 48 hours
Greening	Greening requirements	May be announced where this does not interfere with the purpose or effectiveness	Notice given may be up to the maximum period allowable	Minimum necessary but up to a max of 14 days
Areas Of Natural Constraints (ANC)	Eligibility requirements	May be announced where this does not interfere with the purpose or effectiveness	Notice given may be up to the maximum period allowable	Minimum necessary but up to a max of 14 days
Young farmer	Eligibility requirements	May be announced where this does not interfere with the purpose or effectiveness	Notice given may be up to the maximum period allowable	Minimum necessary but up to a max of 14 days
Beef Data and Genomics	Eligibility requirements	May be announced where this does not interfere with the purpose or effectiveness.	Notice given may be up to the maximum period allowable	Minimum necessary but up to a max of 14 days
Knowledge Transfer	Eligibility requirements	May be announced where this does not interfere with the purpose or effectiveness.	Notice given may be up to the maximum period allowable	Minimum necessary but up to a max of 14 days
TAMS	Eligibility requirements	May be announced where this does not interfere with the purpose or effectiveness	Notice provided	Notice given is normally 24-48 hrs
GLAS, GLAS +	Compliance with GLAS commitments	All inspections unannounced	No notice given	Unannounced
REPS	Compliance with REPS commitments	All inspections unannounced	No notice given	Unannounced
AEOS	Compliance with AEOS commitments	All inspections unannounced	No notice given	Unannounced

Selection of Cases for Inspection

There are two methods by which cases may be selected, i.e. randomly and by risk. The Regulations require that between 20% and 25% of cases are selected randomly from the entire population and the remaining cases are selected by risk. The effectiveness of the risks used must be monitored each year and adjusted as necessary to ensure that the risk factors used are relevant and effective. Common types of non-compliance will be published on the Department's website annually.

Remote sensing is a technique where recent images captured by satellites are used to confirm the area and ground cover of land parcels thereby avoiding the need for a ground inspection.

Public Liability Indemnity

The Department is covered by State Indemnity in respect of its officers carrying out their official duties at any location. See State Claims Agency website for more information at <http://stateclaims.ie/>

Information Technology and Online Services

- We are committed to the continued development and improvement of our online services. This will include a facility to register for the Department's existing and future electronic services and receive updates by email and/or short messaging service (SMS).
- While online services are currently available for Payment schemes, Animal Movement and Traceability, Forestry, Agri- Environment and others, we will continue to expand and improve these services where feasible.
- We are committed to the rollout of the "Financial Self Service" facility where the Department's clients will have the ability to (a) securely view all of their payment details including remittance text (b) view, copy and print the annual payment statement and (c) use debit/credit cards to pay any fees or debts.
- Our website will provide comprehensive information on the Department's activities and all our schemes and services and continue to appropriately advertise significant developments.

Payments Summary Table

Farm Scheme	Payment Dates/Targets
Areas of Natural Constraint (ANC)	Full payment to commence in the third week of September with target of 100% payment in respect of clear cases
Basic Payment Scheme and Greening Payment	Advance Payments: 100% of cleared cases and 90% of all applications to be paid on 16 October Balancing Payments: a target of 100% of all applications on 1 December
Young Farmers Scheme	Target payment date of 1 December for all applications. Paid as a complete payment.
National Reserve	Target payment date of 1 December for all applications. Paid as a complete payment.
AEOS/GLAS/REPS	Payment of up to 75% will commence third week of October. Payment of 25% balance will commence when all inspections completed, normally mid-December.

TAMS II	Payment will issue within 3 weeks of approval for payment when it has been determined that the work has been completed in accordance with the terms and conditions of the scheme
Beef Data & Genomics	Payments will commence in mid-December in the year of application
Knowledge Transfer	100% Payment will issue in the 3 month period after completion of annual contract.
Organic Farming Scheme	Payment of up to 75% will commence third week of October. Payment of 25% balance will commence when all inspections completed, normally mid-December.
Burren Scheme	Payments will commence in February of the following year, with 100% payment made by single instalment. The current scheme is being rolled over into 2015 and during that year the details of the new scheme will be developed (<i>This scheme will be restructured and expanded from 2016 onwards and new targets will be required at that stage</i>)

Area Based Annual Schemes

(Schemes include: BPS, Greening, ANC, Young Farmers Scheme, National Reserve, Burren Scheme)

Information for Applicants

- A set of the most up to date maps available, a covering letter, pre-printed application Forms and Scheme Terms and Conditions, including a synopsis of changes, will issue to all applicants well in advance of the Basic Payment Scheme (BPS) deadline for the receipt of applications. All documentation will issue in the same envelope.
- Dedicated help-lines will operate throughout the year to answer queries on how to complete application forms, options available for submitting applications and all other queries such as payment dates and amounts due.
- Reception desk facilities, at the Portlaoise Offices, will be in place to facilitate applicants with queries relating to the BPS and other schemes.
- Conferences, Information Seminars and attendance at major public farming events will be arranged, e.g. the National Ploughing Championships.
- Regular updates will be provided via farming media outlets on application deadlines and BPS application form requirements.

Application Process

Completed Application Forms and accompanying maps will be accepted on-line, or in hard copy by Post or hand delivery to *The Direct Payments Unit*. See Annex 3 for all contact details.

Agents that submit applications on behalf of farmers must be registered and approved by the Department.

Payment Process

Current EU Regulations provide that payments under the Basic Payment Scheme shall be made within the period from 1 December to 30 June of the following calendar year. Payments shall be made in a maximum of two installments within that period. The regulation further allows Member States, prior to 1 December but not before 16 October, to pay advances for up to 50% for those direct payments.

- 50% advance payments will commence automatically on 16 October each year with a target of paying 100% of cleared cases and 90% of all applicants in the first week.
- Balancing payments will commence on 1 December each year with a target of paying 100% of all applicants on that date.
 - For 2015 both of the above will be based on provision entitlements with any balances due to be paid in March 2016
- ANC payments will commence in the 3rd week of September with a target of 100% of cleared cases in that week.

Resolving Problems and Queries

All queries following application, with the exception of stocking density queries, are notified to Farmers as soon as possible after identification and, at the latest before 1 September on ANC and 15th September on BPS. If the applicant responds within 14 days and provided the response is sufficient to clear all outstanding difficulties, the application will be finalised for payment by the deadline date. The Department will aim to have all problems dealt with by 15 September for applicants in ANC and by 15th October for all other applications.

The Department makes regular payment runs after 16th October to ensure all clear applications are paid promptly.

Other Schemes

(Schemes include: REPS, GLAS, GLAS +, AEOS, Organic Farming Scheme, TAMS II, Knowledge Transfer)

The following documents will be available on the Department's website:

- Terms and Conditions
- Application Form/Online equivalent process
- Reference Costs
- Marking Sheet
- Technical Specifications

Application Process

- Application forms will have to be completed online for most schemes - agent access will be facilitated.
- Ranking of applications will take place on a tranche basis. Unsuccessful eligible applications will be carried over to the following tranche.

Payment Process

Payment will issue when it has been determined that the work has been completed in accordance with the terms and conditions of the scheme concerned. A deadline will be applicable for completion of the relevant investment works.

Nitrates Derogation

On application of controls as set by Nitrates regulations, the overall objective is to ensure credible implementation of the regulation and supporting the continuance of the Derogation secured by Ireland under the Directive.

To assist farmers to remain within the limits, DAFM will continue to:

- Publish interim Nitrogen and Phosphorus statements online for three periods each year (Jan to June, Jan to August and Jan to October)
- Issue webtexts giving Nitrogen per hectare figures for the same interim periods to those farmers projected to be close to or above the 170kg limit at the end of the year and who are registered for this service
- Issue end of year Nitrogen & Phosphorus statements to those farmers who exceed the limits in the calendar year
- Issue end of year webtexts to those farmers close to the 170/250kg limit in the relevant year and who are registered for this service.

Attention is drawn to the requirement that documentation submitted by farmers to reduce nitrates figures, i.e. Records 3 (exports), 4 (temporary movements – sheep only) and 5 (rental/grazing agreements) must be submitted not later than the 31st of December of the relevant year.

In the context of an improved situation the number of nitrates inspections will be reviewed going forward.

Complaints, Review and Appeals Procedures

How to make a complaint

We will work hard to meet our customers' expectations and requirements.

If you are unhappy about any aspect of our services and general service commitments, please contact the manager of the division concerned who will look into the matter for you.

You can also write directly to the Quality Service Unit. We will acknowledge your complaint within **3 working days** and aim to deal with your complaint within **15 working days**. If we need to carry out further research we will let you know and try to have completed this within **30 working days**. Full details can be found in our [Customer Complaints Procedure](#).

Complaints may also be made under Investigations Division's Code of Practice (a copy of which is available on the Department's website). Such complaints can also be sent directly to the Quality Service Unit.

Complaints may also be raised at the Monitoring Committee in relation to the above issues.

Contact details for the Quality Service Unit are in Annex 3.

The Investigations Division will be subject to the same complaints, review and appeals procedures as all other divisions of the Department. The Investigations Division will also be subject to the Charter Monitoring Committee.

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.* See Annex 3 for contact details.

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

For the BPS, 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. See Annex 3 for contact details.

Other Inspections Review

Where the applicant 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 or from the Department's local offices. Appeals should be addressed to the Agriculture Appeals Office. See Annex 3 for contact details.

If at the end of the appeals procedure the applicant 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. See Annex 3 for contact details.

Charter Monitoring

A Committee will be established to monitor the implementation of this Farmers' Charter.

Structure and role of the committee:

- The Committee will be chaired by an independent Chairperson;
- The Chairperson will be appointed by the Minister following consultation with the Farm Bodies;
- The Farm Bodies and the Department will be represented on the Committee;
- The Committee will meet three times a year, or otherwise as agreed;
- Service delivery and payment deadlines/targets in respect of new schemes, or changes to Charter commitments, may be examined by the Committee.

The Committee will monitor;

- Progress towards achievements of payment/decision targets established under this Charter;
- Progress towards achievement and implementation of other targets established under this Charter;
- Standards of service in respect of schemes and services across all Divisions, including Investigations Division, to which this Charter applies.
- Standards of service in respect of any new schemes introduced during the lifetime of this Charter.

The Department will provide the Monitoring Committee with sufficient information to effectively carry out its role.

Simplification

On simplification, the Minister and the Department are pursuing a compressive simplification agenda on inspections, direct payment and cross compliance under the initiative launched in January 2015 by the EU Agricultural Commissioner and the outcomes as appropriate will be adopted as part of the implementation of the Farmers Charter 2015-2020.

C. Specific Commitments under Schemes and Services

CAP PILLAR I

1. BASIC PAYMENT SCHEME (BPS)

Application forms

- The application form will continue to be kept as simple as possible.
- All relevant data available to the Department will be pre-printed on the forms prior to issue.
- The Department will consult with the farming social partners prior to finalisation.
- The Department will continue the expansion of the use of technology in particular in relation to online filing of applications with a view to achieving the shared objective of increasing the number of on-line applications to at least 90,000 in 2015 and 100,000 in 2016.

Application dates

- The farm bodies will be consulted each year regarding a suitable closing date.
- The Department will endeavor to open the application period as early as possible each year.

Penalties for late applications

- Penalties apply for late applications. There is a 25 calendar day period after the closing date for the acceptance of late applications and any necessary supporting documentation. A penalty of 1% loss in payments per working day that the application is received late will apply during this period except in cases where force majeure circumstances are verified. In 2015, as the BPS application is also the application for payment entitlements, EU Regulations provide for a further 3% penalty per working day on the payment under the 2015 Basic Payment Scheme.

Resolving Queries

Queries will be addressed using the following procedure:

Stage	Action by Department	Action by Farmer
1. Problem identified in course of administrative checks	Letter to applicant by 15 th September at the latest, setting out nature of query and likely consequences if not resolved	Respond within 14 days by providing an explanation or clarification of the issue.
2. Applicant does not respond within 14 days	Reminder letter to applicant, seeking an immediate response.	Respond immediately

The Department will aim to have all problems dealt with by 15th September for applications of the BPS.

Any response made by the applicant at Stages 1 or 2 will be taken into consideration before a decision is taken. If no response is received within 14 days of the date of issue of the reminder, a decision on the facts of the case to hand, will be made. This does not prejudice the right of the applicant to have the decision reviewed in the light of the submission of additional information or clarification at a later stage.

Inspections

The Department will optimize the use of remote sensing for these checks.

Eligibility Inspections

Eligibility inspections will be carried out to:

- Verify that the actual area declared in the BPS/Greening application form(s) corresponds with the total area available to the applicant for a period from the start of the year to a date including 31st of May or from a date before the 31st May to the end of the year.
- In the case of ANC claims, the applicant must be in full control for the whole year;
- Ensure there are no overlapping or duplicate claims;
- Verify that lands declared as permanent pasture have not been ploughed and used for the growing of arable crops;
- Verify that appropriate reductions have been made for all ineligible areas such as scrub, farm buildings, roadways etc.;
- Verify that all land farmed has been included in the application and/or that a rental agreement is in place at the time of inspection, for rented/leased land.
- Rental agreements must also be in place at inspection, for short term rental of land after 31st May
- Verify that all lands declared for payment are eligible.
- The Department will endeavour to undertake all eligibility inspections by payment dates.

Greening Inspections

Inspections will be performed in order to ensure compliance with the Greening practices of: Crop Diversification; Ecological Focus Areas; and Protection of Permanent Pasture (from 2017).

- A minimum of 5% of applicants required to follow greening practices will be selected for greening inspections.
- An additional 5% of applicants required to have Ecological Focus Areas (EFA) will be selected for inspection in 2015. (This additional inspection rate will be required until such time as there is an EFA database in place).
- It will be necessary to carry out additional inspections in the autumn where the applicant chooses to opt for green cover or catch crops to meet the crop diversification requirement.

Cross Compliance Inspections

The cross compliance inspections are separate from eligibility inspections and any cross compliance sanctions will be applied, after eligibility has been established. Where the only outstanding issue is cross compliance, payment will not be delayed.

The cross-compliance provisions also apply to applications under the Areas of Natural Constraints Scheme (ANC) and other area based Pillar 2 schemes. Any Cross Compliance penalty will also be applied to payments under these Schemes.

Cross Compliance involves two key elements:

- A requirement for farmers to comply with a number of Statutory Management Requirements (SMRs) ; and
- A requirement to maintain land in Good Agricultural and Environmental Condition (GAEC). In addition there is an obligation on Member States to ensure that there is no significant reduction in the amount of land under permanent pasture (2015 & 2016).

The current SMRs and GAEC standards are available on the Departments website.

Minor breaches of Cross Compliance

Breaches of cross compliance requirements do not automatically result in a sanction for the farmer. Minor breaches of cross compliance may result in a tolerance system being applied which will give the farmer up to three months to rectify the non-compliance. On inspection where the only issue detected is a minor non-compliance the farmer will be made aware of the non-compliance and will be given a Remedial Action Notice (RAN) form which will contain the details of the non-compliance and inform the farmer of the requirement to rectify the breach within three months and return the Part 2 of the RAN to the local office within the specified period. All cases involving minor breaches of the

cross compliance requirements will require follow up verification checks to ensure that the remedial action has been complied with. The Department will ensure that these checks are carried out administratively, where possible. Where it has been verified that the minor non-compliance has been rectified within the specified time the result of that inspection is clear and the farmer will receive formal written notice to confirm that the inspection result is now clear. However in the very limited number of cases where the minor non-compliance is not rectified, within the specified period, the result of the inspection will at least be a 1% sanction. Further details of the sanctioning and examples of minor non-compliances are in Annex 1.

General Issues

Where farmers, with grassland, decide not to keep any animals on their holding they are, nevertheless, obliged to ensure that the land declared for payment is maintained in a state suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries.

Checking approach for Identification and Registration of Animals

- Where possible, ID and registration checks will be carried out on a sample basis.
- Penning, in a secure crush, will only be necessary when problems are identified.
- In the case of sheep, penning will be required for a sample of the flock.
- When checking the registration of animals the inspector will cross reference Department data in relation to the herd/flock with the register/passports and relevant dockets.

Penalties

Details in respect of the determination of scheme penalties are provided in each year's scheme Terms and Conditions and in this regard applicants should familiarise themselves with each relevant scheme Terms and Conditions.

Control Authorities

The Department of Agriculture, Food and the Marine, as the accredited EU Paying Agency, has primary responsibility for ensuring that the required level of cross-compliance inspections are carried out. While the normal implementation and enforcement of the Statutory Regulations that underpin cross-compliance rests with the various Control Authorities, such as Local Authorities or the National Parks and Wildlife Service, compliance checking, in the context of the direct payment schemes will be carried out by the Department of Agriculture, Food and the Marine.

CAP PILLAR II

2. AREAS OF NATURAL CONSTRAINT SCHEME (ANC)

Application Process

The application process for the ANC is the same as for the BPS and for information on this please refer to page 15 of this Charter document.

Procedure for dealing with problems

All queries following application, with the exception of stocking density queries are notified to Farmers as soon as possible after identification and at the latest before 1st September.

If the applicant responds within 14 days and provided the response is sufficient to clear all outstanding difficulties, the application will be finalised for payment by the deadline date. The Department will aim to have all problems dealt with by 1st September.

Problems will be addressed using the following procedure:

Stage	Action by Department	Action by Farmer
1. Area Problem identified in course of administrative checks	Letter to applicant setting out nature of problem and likely consequences if not resolved	Respond as soon as possible by providing an explanation or clarification of the problem
2. Applicant does not respond within 14 days	Reminder letter seeking an immediate response.	Respond

Any response made by the applicant at Stages 1 or 2 will be taken into consideration before a decision is taken. If no response is received within 14 days of the date of issue of the reminder, a decision on the facts of the case to hand will be made. This does not prejudice the right of the applicant to have the decision reviewed in the light of the submission of additional information or clarification.

The cross-compliance provisions also apply to applications under the Areas of Natural Constraints Scheme (ANC). Any Cross Compliance penalty will also be applied to payments under this Scheme.

Payment

Payments will commence in the 3rd week of September each year.

Inspection

5% of applicants are subject to inspection under ANC which entails land and stock verification.

Penalties

Details in respect of ANC penalties are provided in each year's scheme Terms and Conditions and applicants should consult this document for current requirements in this regard.

3. BEEF DATA AND GENOMICS PROGRAMME

The Beef Data and Genomics Programme (BDGP) is approved under article 28 of Regulation 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development.

Objectives

- To lower the intensity of GHG emissions by improving the quality and efficiency of the national beef herd.
- To improve the genetic merits of the national beef herd through the collection of data and genotypes of selected animals which will allow for the application of genomic selection in the beef herd.

It is expected that through the use of genotyping and data collection that farmers will be more easily able to identify the best breeding stock from which to source their replacement animals and that the selection of these higher quality animals will ultimately lead to a reduction in emissions from the agricultural sector in Ireland.

Eligibility

The Programme is open to suckler farmers, who are over 18 years of age and have a valid herd number, or have applied for a herd number by the closing date of this Programme. Applicants will not be permitted to participate in the Programme if on the closing date there are any animals, born in 2012, 2013 or 2014, that are persistently infected with BVD. Animals born in 2015, and subsequent years, must be removed to a knackery within 7 weeks of a positive or inconclusive test result. Compliance with BVD requirements will be monitored on annual basis and failure to comply will result in disqualification from the Programme.

Application

Application forms issued to all suckler farmers who had calved cows in 2014. The closing date for receipt of applications in 2015 was 5th June 2015. Participants will be required to apply for payment under the Programme each year. This can be done on the Basic Payment Scheme application.

Requirements

Participants will be required to undertake the following commitments:

- Register all new born calves, provide sire number and complete a calving ease survey;
- Complete an annual ICBF survey regarding details such as calf vitality, docility, milking ability of cows, docility and culling reasons for stock bulls, etc;
- Maintain sufficient breeding stock to be able to genotype annually the equivalent of at least 60% of the reference animals
- Maintain a proportion of high genetic merit animals on a holding. Criteria for stock bull and female replacements are detailed in the Programme's terms and conditions;
- Complete a Bord Bia and Teagasc-produced Carbon Navigator in conjunction with a Department-approved advisor. The cost of the Carbon Navigator will be covered by the Department;
- Attend at a BDGP course. The course, facilitated by a training provider approved by the Department, will serve to give an introduction to BDGP, information on requirements, details on data collection etc.

Payments under the Programme

Payments will be calculated on the basis of the number of calved cows in 2014 and the eligible hectares of forage land declared on the 2014 Single Payment Scheme application. In certain limited circumstances it may be possible to use calved cows and eligible land declared in 2015.

The maximum payable area will be calculated by dividing the number of calved cows by 1.5. Payments will be made on the lower of the maximum payable area or the eligible forage land declared at the rate of €142.50 for the first 6.66 hectares and €120 on the remaining hectares. If the maximum payable area, or eligible forage land declared, whichever is lesser is reduced by 20%, or more, that applicant will not be allowed to continue participation in the Programme. It is envisaged that payments will commence in December 2015 and will continue on a regular basis as participants comply with the requirements.

Inspections

As with all other schemes EU Regulations require that inspections are carried out on at least 5% of beneficiaries of the BDGP. Where possible inspections under BDGP will be carried out in conjunction with inspections for other schemes.

Notice given may be up to the maximum period allowable of 14 days where justified.

Penalties

Details in respect of penalties will be set out in the Terms and Conditions of the Scheme.

Query resolution

Queries can be submitted to the Beef Section – See Annex 3 for contact details.

4. KNOWLEDGE TRANSFER SCHEME

Application Process

- The application process will involve a two stage approach
 - An initial call for Expression of Interest by Facilitators
 - Registration of Groups by approved Facilitators
- In accordance with the Department's policy of expansion in the use of technology the application process will be online
- The Department will consult with the farming social partners prior to finalisation.

Application dates

- The farming social partners will be consulted each year regarding a suitable closing date
- The Department will endeavor to open the application period as early as possible each year.

Payments

100% payment will issue in the 3 month period after completion of annual contracts.

Inspections

Farmers will be inspected with regard to:

- Attendance at meetings as set out in the Terms & Conditions
- completion of an individualized Farm Improvement Plan in accordance with the Terms & Conditions

Selection of Cases for Inspection

As this is the first year of the scheme inspection cases in respect of farmers will be selected on a random basis. Subsequent years selection will be a combination of risk and random.

Penalties

Details in respect of penalties will be set out in each year's scheme Terms and Conditions.

Resolving Queries

Queries will be addressed using the following procedure:

Stage	Action by Department	Action by Farmer
1. Problem identified in course of administrative checks	Letter to applicant outlining nature of query and likely consequences if not resolved	Respond within 14 days by providing an explanation or clarification of the issue.
2. Applicant does not respond within 14 days	Reminder letter to applicant, seeking an immediate response.	Respond immediately

Any response made by the applicant at Stages 1 or 2 will be taken into consideration before a decision is taken. If no response is received within 14 days of the date of issue of the reminder, a decision on the facts of the case to hand, will be made.

5. RURAL ENVIRONMENT PROTECTION SCHEME (REPS 4)

Annual payment application

- Submit a Basic Payment Scheme (BPS) application (which includes a REPS 4 payment claim) to *The Direct Payments Unit* by 15 May.
- If the BPS application is late the same level of penalty as for the BPS application will also apply to the REPS payment. A list of penalties is available in the terms and conditions of the scheme.

Payments

- Payments will relate to the period in each calendar year during which a participant is in REPS 4.
- 75% payment will be processed and paid, only where no follow up action is required, when all administrative checks for REPS and the BPS are completed. The target is to have such administrative checks completed by late November.
- 25% payment will be processed and paid, only where no follow up action is required, when the last of the year's REPS on the spot checks has taken place. The target is to have such inspections completed by mid-December.
- Only areas declared on IACS and included in the BPS declaration can be considered for payment.
- Non-compliance with the scheme terms and conditions will incur penalties.

Penalties

- Penalties are as set out in the Terms and Conditions of the Scheme.

6. AEOS (Agricultural Environment Options Scheme)

Annual payment application

- Submit a Basic Payment Scheme (BPS) application (which includes an AEOS payment claim) to *The Direct Payments Unit* by 15 May.
- If the BPS application is late the same level of penalty as for late BPS application will also apply to the AEOS payment.

Payments

- 75% payment will be processed and paid in October, only where no follow up action is required, when all administrative checks for the AEOS are completed.
- The target is to have such administrative checks completed by early October annually.
- 25% payment will be processed and paid, only where no follow up action is required, when the last of the year's AEOS on the spot checks has taken place. The target is to have such inspections completed by mid-December annually.
- Only areas declared on the IACS and included in the BPs declaration can be considered for payment. Non-compliance within the Scheme Terms and Conditions will incur penalties.

Penalties

- Penalties are as set out in the Terms and Conditions of the Scheme.

7. GLAS and GLAS + (Green, Low Carbon, Agri-Environment Scheme)

Application Process

- Application forms have to be completed online
- Must be submitted by an approved FAS Planner
- Ranking of applications will take place on a tranche basis
- Successful applicants will be notified in writing of acceptance into the scheme and commencement date of GLAS contract
- Applicants not selected will be notified in writing and their applications will be maintained on the GLAS database for inclusion in the subsequent tranche with an option of revising the Plan and resubmitting it for the next tranche.

Annual payment claim

- Submit a Basic Payment Scheme (BPS) application (which includes GLAS payment claim) to *The Direct Payment Unit* by 15 May.
- If the BPS application (which includes the GLAS payment claim) is late the same level of penalty as for late BPS application will also apply to the GLAS payment.

Payment Process

Payment of up to 75% of the annual amount due will issue when the first suite of controls and checks have been carried out; payment of the remaining 25% will issue when all controls and checks required by regulation have been implemented. Note: the detailed process described below applies from when GLAS is fully operational – process may need to be adjusted for the first year of the new scheme.

Payments

- 75% payment will be processed and paid in October, only where no follow up action is required, when all administrative checks for GLAS are completed
- The target is to have such administrative checks completed by early October annually
- 25% payment will be processed and paid, only where no follow up action is required, when the last of the year's GLAS on the spot checks has taken place. The target is to have such inspections completed by mid-December annually.
- Only areas declared on IACS and included in the BPS declaration can be considered for payment. Additional area over the BPS eligible area may be payable on commonage land.

Penalties

- Penalties are as set out in the Terms and Conditions of the Scheme.

8. ORGANIC FARMING SCHEME (OFS)

Application Process

- Application forms have to be completed online;
- In the event that an agent is used, agent access will be facilitated.

Payment Process

Payment of up to 75% of the annual amount due will issue when the first suite of controls and checks have been carried out; payment of the remaining 25% will issue when all controls and checks required by the regulation have been implemented and an end of year declaration of farming activity submitted. Note: the detailed process described below applies from when the OFS is fully operational – process may need to be adjusted for the first year of the new scheme.

- Payments will relate to the period in each calendar year during which a participant is in the scheme
- 75% payment will be processed and paid in October, only where no follow up action is required, when all administrative checks are completed
- The target is to have such administrative checks completed by early October annually.
- 25% payment will be processed and paid, only where no follow up action is required, when the last of the year's on the spot checks has taken place and on receipt of the End of Year declaration. The target is to have such inspections completed by mid-December annually and the deadline for receipt of the EOY declarations is 28 February the following year.
- Only areas declared on IACS and included in the BPS declaration can be considered for payment

Penalties

- Penalties are as set out in the Terms and Conditions of the Scheme.

Further Information

The following documents will be available on the Department's website:

- Terms and Conditions
- Application Form (template only, as application to be made online)

9. TAMS II (Targeted Agricultural Modernisation Scheme)

Application Process

- Application forms will have to be completed online for all TAMS II schemes;
- In the event that agent is used, agent access will be facilitated.

Ranking of applications will take place on a tranche basis. Unsuccessful eligible applications will be carried over to the following tranche. Where applications are deemed to be unsuccessful in the final tranche under the any particular scheme, they will be determined to be ineligible.

Approvals

- Issue of approval following selection of valid application within 3 months
- Grant calculation will be based on the lowest of:
 - a) Reference cost, or
 - b) Applicant's proposed cost, or
 - c) Receipted cost
- Reference costs will be reviewed at the monitoring committee meetings

Payment Process

Payment will issue when it has been determined that the work has been completed in accordance with the terms and conditions of the scheme. A deadline will be applicable for completion of the relevant investment works.

- Approval for payment within 2 months following the receipt of the claim for payment (including valid supporting documents) and the completion of investments in accordance to specifications
- Payment will issue within 3 weeks of approval for payment
- Receipts will be returned immediately following approval of payment.

Penalties

- Penalties are as set out in the Terms and Conditions of the Scheme.

Further Information

The following documents will be available on the Department's website:

- Terms and Conditions
- Application Form (to be completed on line)
- Reference Costs
- Marking Sheet
- Technical Specifications

Exchequer Payments

10. FORESTRY GRANT AND PREMIUM SCHEMES

Applications Dates/Forms

There are no deadlines in respect of receipt of applications for the schemes. The standard application form (Form 1) is used for prior approval in all the schemes. All grant applications must receive the prior written approval of the Department. Any project, which proceeds without such approval, will not be eligible for grant assistance and the owner may be liable to prosecution.

Administrative Checks

- All applications for approval are acknowledged on receipt by the Department;
- The pre-approval application is referred to the relevant Inspector for assessment and recommendation – the assessment includes a detailed screening to determine if an environmental impact assessment (EIA) or appropriate assessment (AA) is required;
- If there are any environmental considerations identified the application will be referred to the appropriate consultation body, e.g. National Parks and Wildlife Service, An Taisce, Local Authority, Environmental Protection Agency or Inland Fisheries Ireland - the time frame for consultation with these bodies is a minimum of 4 weeks but this can be extended normally by a further 4 weeks ;
- Details of all applications are posted on the Departments website and any person who wishes to make a submission may do so within 4 weeks of this notice;
- If the proposed development is greater than 25 hectares the application is referred to the relevant Local Authority for their observations;
- If the site is greater than 50 hectares an Environmental Impact Assessment is required and the application must be accompanied by an Environmental Impact Statement otherwise it will be refused.

The Department is committed to ongoing liaison with all consultation bodies to ensure turnaround times for referrals are kept to a minimum.

Approval

Aside from any necessary referrals to prescribed bodies, all afforestation applications receive pre-approval desk assessment with a proportion selected for field inspection.

If the Department is satisfied that the plantation should proceed a letter of approval will issue indicating the terms and conditions on which the planting may take place.

Payment

Applications for payment (Form 2) must be completed and signed by both the applicant and a registered forester confirming eligibility for payment. The Afforestation and Woodland Improvement Scheme (Thinning and Tending) pay a fixed grant amount (which can include an additional fencing allowance in the case of the Afforestation and do not require documentary evidence of costs on application. However for audit purposes, recipients of grant aid under all schemes will be required to retain invoices relating to work undertaken for a period of 6 years. The other forestry schemes are entirely cost based and documentary evidence of expenditure and receipts for purchases must be provided at the time of grant application.

Applicants may mandate grant payments to a registered forester or forestry company using a mandate document that satisfies the requirements of the Minister. Such mandates are a voluntary arrangement between the applicant and his/her registered forester or company.

Inspections

The Department will notify an applicant of a proposed inspection by an Authorised Officer (Forestry Inspector). The notification will be by way of a text message where a valid mobile number has been supplied by the applicant. Notification will be texted the day before an inspection is due to commence. In limited cases where this is not feasible, a text notification will issue as soon as possible before the proposed inspection. This notification does not constitute an appointment to meet the applicant.

Approximately 40% of grant applications may be subject to site inspection following selection by risk analysis. In addition, 5% of premium applications are selected for inspection each year. When the Department is satisfied that the works have been carried out in compliance with the scheme, the afforestation grant and first premium are paid. A second installment grant is payable and can be claimed after year four, subject to satisfactory establishment of the plantation. Premiums are paid annually based on the duration as outlined in the respective scheme document. An annual premium claim form is sent to forest owners on an annual basis. The owner is asked to declare, among other things, that the plantation is maintained and that he continues to meet the conditions of the scheme. The Department will continue to review inspection rates based on the level of compliance achieved. It is the responsibility of the Applicant and Registered Forester to ensure that applicants and declarations are in compliance with scheme requirements.

Mapping

The Department will continue to promote and enhance online tools and their use by Registered Foresters to facilitate the accurate recording of area by applicants when making claims in support of grant payments. Such tools are now available to Registered Foresters by the Department within the iNET computer system. The accurate recording of eligible areas and the continued use of technologies such as GPS will help reduce the occurrence of over claims in the future. Copies of maps will be made available to applicants on request. The onus is on the applicant and his/her registered forester to ensure that the application submitted is accurate. In this regard, the Department will pay on the lesser of the area claimed by the applicant as eligible for payment or the area determined by the Department to be eligible. Where the claim is accurate and there is no subsequent removal of land from the claim and the farmer maintains the plantation to the required standard, there will be no reduction in premium or recovery of grant and premium payments.

Compliance Issues

An applicant must not claim forest grant or premium payment in respect of any area, which is included in a claim under any other area-linked schemes. Following changes to EU Regulations governing the Basic Payment System, land which was afforested since 2009 is eligible to draw down a BPS payment provided that the afforested land meets certain requirements.

In order to ensure that this is the case, the Department uses computer-mapping technology to measure the area claimed and crosscheck the map supplied against the Department's records.

Appeals

An applicant under any of the Forestry Schemes operated by the Department who is dissatisfied with a decision in his/her case may in the first instance seek a review of that decision by writing to the relevant Forestry Division Section setting out the grounds on which the review is being sought.

- If, following that review the applicant for payment under a Scheme is still dissatisfied with the decision, s/he can appeal the decision to the **Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co Laois**.

It is proposed to establish a Forestry Appeals Committee to deal with appeals against license applications (felling and aerial fertilization) and appeals that do not fall within the remit of the Agriculture Appeals Office.

Time Frames for Grant Scheme

Scheme	Application	Inspection	Payment
Grant Schemes	All year round. Approvals of valid applications within 10 weeks except where consultation is required under law; 14 to 18 weeks in these cases where practicable. If objections are received within 21 days of the issue of approval, the applicant cannot proceed with planting until the appeal is decided	Form 1 – Approx 40% Inspection Level Form 2 and 3 – Approx 50% Inspection Level Inspection levels reviewed depending on level of compliance	Within 6 weeks for non-inspection cases or 12 weeks where inspection is required in the case of valid/complete applications.
Forestry Premium Scheme	All year round.	No pre-payment Inspection. 5% Annual inspections	Annual bulk payment run in April but payments continue throughout the year.

In order to streamline the processing of forestry pre-approval, grant and premium applications, the Department provides an online computer system, called IFORIS iNet, which also includes the storing of maps of grant-aided forestry already planted. The system provides facilities to forestry companies allowing them to submit and manage their clients' forestry scheme applications online over the internet. It also allows forestry scheme applicants to apply online for their annual forest premium; and to allow these forest owners to view some of their payment history and maps of their forest plantations.

IFORIS iNet is accessed through the Department's website at www.agfood.ie. Forest owners who are not already registered for Online Services can register to do so at www.agfood.ie.

Tree Felling Licences

Application	Issued
All year round	Decisions on applications within 4 months of receipt of applications

11. HORTICULTURE

Scheme of Investment Aid for the Development of the Commercial Horticulture Sector

Applications

The scheme is launched annually by way of a press release and advertisements inviting applications are placed in the national/farming press.

The relevant terms and conditions of the scheme and application form are made available on the Department's website.

Controls/Checks

Administrative Checks: 100% pre-approval and pre-payment checks

On-farm inspections: 100% pre-payment checks

Payments

Payment will issue once administrative and inspectorate checks are satisfactorily completed following receipt of the claim for payment of aid and the required supporting documentation.

All fully completed claims for payment, which are received on or before the deadline for receipt of claims and which are deemed eligible for payment following administrative and inspectorate checks, will be paid by 31st of December.

Appeals

In cases where a disallowance of payment is applied by the Department, the applicant will be given twenty one days from date of formal notification of the disallowance to appeal the decision of the Department.

Appeals should be submitted in writing giving reasons why any penalty imposed should not be applied. All documentation which the applicant considers relevant to the appeal must accompany the appeal, if it has not already been submitted to the Department.

The applicant will be informed of the outcome of the review in writing.

12. ANIMAL HEALTH SCHEMES

Bovine TB and Brucellosis Eradication Schemes

In general, farmers will not pay for more than 1 TB test per year and will not pay for any test while restricted.

Requests from farmers received in the RVO, before the latest date for the test in the DAFM notification letter, for short-term postponement of the test (other than a reactor re-test) due to exceptional circumstances (bereavement, short-term incapacity due to illness, adverse weather conditions) will be considered on a case by case basis particularly having regard to the need to avoid spread in the herd or to neighbouring herds. Where the request is granted no sanction will arise, but the herd will be restricted from the original date until cleared by the postponed test”.

Restricted Herds

- The Department will make every effort to contact the herdowner by phone prior to restriction and, where it is not possible to do so, the RVO will keep a record of such efforts. Where a farmer has his/her mobile phone registered with DAFM a text will also be sent advising of the restriction (Index and contiguous herd, factory lesion).
- Herds disclosing reactors are subject initially to an epidemiological evaluation by the Department.
- Where a farm visit is deemed necessary e.g. in the case of (although not exclusively) a high risk herd, a Department Inspector will visit the herdowner, within 5 working days of receipt of the test report in order to determine the source of the breakdown. A “high risk” herd is a herd that has previously had a bovine TB (bTB) episode with at least 2 TB infected cattle where TB was acquired and spread within the herd. Such herds are at higher risk of recurrence of bTB than herds without such a bTB episode. The risk of a recurrence increases as the severity of the previous restriction increases.
- The Department will communicate the findings and appropriate bio-security measures to the herdowner.

Badgers

- Where badgers are identified as the likely source of the breakdown, capturing of badgers will take place in accordance with guidelines agreed with the Department of the Environment and Local Government and will commence, at the earliest feasible date within a period of 3 months of restriction of a holding, except during the closed period at the beginning of the year, when capturing cannot take place in new areas because of breeding considerations or at other periods where capture attempts are likely to be non-productive for reasons of badger ecology or logistics.
- Re-surveying and re-capturing areas affected will occur as activity is identified and at a minimum of once every 12 months over a period of 5 years from the first removal of badgers.
- Herdowners will be informed of the commencement of the capturing and, on completion of each capturing process, of the number of badgers captured. Herdowners will be advised of measures to minimise transmission from badgers and cattle (e.g. fencing/feeding protocols, etc.).

Compensation

Following the disclosure of reactors for which compensation may be payable, herdowners will be provided with a booklet entitled “Compensation Arrangements for TB and Brucellosis-Important Information for the Farmer”, (Information Booklet), setting out the details of the compensation arrangements and the latest guideline prices document. Information is also available on the Department website under Bovine TB:

<http://www.agriculture.gov.ie/animalhealthwelfare/diseasecontrol/bovinetbbrucellosiseradicationschemes/whatisbovinetb/> or [Please click here](#)

On-Farm Market Valuation Scheme

- Cattle removed as reactors will be valued by suitably qualified valuers at the market value they would attain if offered for sale on the open market at that time.
- Herdowners will be contacted by Department staff following the disclosure of reactors in the herd to select a valuer. Following completion of the valuation process and in consultation with the keeper, the RVO will arrange for the animal(s) to be removed at the earliest feasible date within a period of 10 days, excluding delays occasioned by individual statutory circumstances such as medication of reactor animals, welfare and the availability of slaughtering capacity.
- Herdowners will be provided with the names of up to five suitable valuers who are resident within 80 kilometres of the holding. In cases involving herds deemed “specialist high merit” herds, the radius will be extended beyond this limit.
- Valuers are required to undertake valuations within 3 working days of notification by the Department and to convey valuations in writing to the both parties (Form V13) within 2 working days of completion of the valuation. The cost of the first valuation is paid for by the Department.
- Both the Department and the herdowner have 4 working days after receipt of the first valuation to consider the values attributed and confirm acceptance/rejection. The appropriate form for the herdowner in this regard is **Form V8**. Where the Department rejects the first valuation, the herd owner will be contacted by phone and a confirming letter will issue within the 4-day period.
- Where either party does not accept the first valuation, this can be appealed to another valuer on the panel. The party making the appeal can choose the valuer from the list provided. The Department pays the full costs of appeals initiated by it and the farmers pays for part of the cost of an appeal which he/she initiates, as set out in the Information Booklet. Where both parties reject the first valuation, the herdowner will be given the option of choosing the valuer and the party who chooses the valuer pays the appropriate cost.
- An appeal valuation will negate the original valuation.
- If there is no agreement following an appeal, the matter can be referred to an Arbitration Panel by either party and its decision is binding. A request for an appeal to the Arbitration Panel must be submitted to the Department in writing on the relevant request form not later than 14 days from the date of the valuers report (V13). Failure to return the relevant form within the specified time frame will render the case ineligible for consideration by the Arbitration Panel. In the event of an Arbitration hearing taking place, the Arbitration Panel will decide on who pays the costs of the Arbitration process.
- Pending determination by the Arbitration Panel, an interim payment of between 85% - 90% of the lower valuation will be made by the Department.

Appeals Procedure for Non-Valuation Aspects of Eradication Schemes

- (i) Where a herdowner wishes to request a review of the decision relating to his/her payment, s/he should lodge the appeal with the HEO in the local RVO. The herdowner, if unsuccessful in this review, will be given the option to have the case appealed further to the Regional Assistant Principal Officer (RAP). Appeals must be lodged within 2 months of the relevant decision and appeal decisions will be communicated to the herdowner within 2 months of receipt of all relevant information and documentation.
- (ii) If the herdowner, having received the RAP decision, is still dissatisfied with the decision, s/he can appeal the decision to the **Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co Laois**.

General Criteria Applicable to TB and Brucellosis schemes

Administrative checks

Checks are carried out prior to issue of payment to ensure that all of the relevant documentation is available and that the owner/keeper has not breached any of the provisions of the legislation, or movement, identification and other controls laid down under the Disease Eradication Schemes.

Compliance Issues

Entitlement to the payment of compensation is conditional on the owner/keeper concerned meeting the requirements attaching to the different schemes, including compliance with relevant legislation. The Minister may refuse payment of compensation, in whole or in part, where an owner/keeper does not satisfy the aforementioned provisions or where the Minister is satisfied that the owner/keeper has failed to co-operate with authorised officers or Veterinary Inspectors of the Department in carrying out their duties under the Schemes.

Time Frame for payment of compensation under the TB and Brucellosis Eradication Schemes

Service	Target Delivery Time
Compensation – Bovine TB and Brucellosis Eradication Schemes	TB and Brucellosis compensation will be paid within 3 weeks of the date of receipt of the required documentation. Note: Herdowners identified by the Department as being potentially eligible for the Hardship Scheme will be issued with application forms.

Other Animal Health Schemes

BSE

DAFM currently operates a policy of partial depopulation when BSE is confirmed in a herd. This involves the removal of (i) the BSE positive animal(s), (ii) the birth and feed cohorts (as defined in EU legislation) and (iii) the progeny. Following confirmation of a BSE diagnosis DAFM will arrange to have the animal/s valued in accordance with Statutory Instrument Number 195 of 1990.

Herd owners/keepers must ensure that any animal(s) presented for valuation are registered in their herd according to AHCS at the time of BSE confirmation. Any discrepancies should be discussed with NBAS staff at the local DVO.

Scrapie

- A comprehensive testing programme for Scrapie is carried out at slaughter houses and knackeries.
- The local DAFM Regional Veterinary Office will inform flock owners of a positive result for scrapie within 1 day following screening, and will give any further information needed by the flock owner.
- Arrangements are put in place for genotyping infected flocks and arranging for the disposal of Scrapie susceptible animals once the results are confirmed.

Since October 2003, flocks in which Classical Scrapie is confirmed are genotyped, and only those animals most susceptible to the disease are depopulated and slaughtered outside the food chain.

Compensation is payable under the On-Farm Market Valuation for breeding animals, and following the disposal of all susceptible breeding animals a hardship payment of €84 per breeding ewe disposed is also payable.

Under present procedures in the event of a Scrapie outbreak a VI from the Department will visit the farm.

Valuation Process

- Flockowners have the opportunity to choose a valuer from a list of five in their vicinity, subject to availability and provided such a selection does not lead to a delay in valuation of more than 14 days from the date of selection. In the event of the first valuer selected not being available, they have the opportunity to select a second valuer.
- An appeal valuation is allowed if either party is dissatisfied with the first valuation. Either party may request a referral to an arbitrator. An appeal valuation will negate the original valuation and the findings of the arbitrator will be binding on both parties.

BSE and Scrapie Payment Schedule Dates	
BSE Compensation	Payments will be paid within 3 weeks of completed documentation being provided.
Scrapie Compensation	Payments will be paid within 3 weeks of completed documentation being provided.

Fallen Animal Disposal System

The Department will endeavour to ensure that an effective and competitive fallen animal/disposal system is available to all farmers.

BVD Compensation Programme

A BVD Compensation Programme was introduced in 2012. The objective of the Programme is to minimise the incidence of BVD in the National Herd through the testing of new born calves for BVD, and where these calves are considered to be persistently infected (PI), to incentivise their culling. The rates of payment for 2015 are broken into two categories:

Beef Herds:

For animals born **between 1 January 2015 and 30 April 2015 inclusive** a payment will be made for each eligible beef breed calf removed to a knackery, abattoir or meat plant and have a date of death recorded on the Animal Identification Movement (AIM) system as follows:

- €140 if the calf is removed on or before **11 June 2015, or**
- €90 if the calf is removed between 12 June 2015 and 25 June 2015 inclusive

For animals born between **1 May 2015 and 31 December 2015** a payment will be made for each eligible dairy breed calf removed to a knackery, abattoir or meat plant and have a date of death recorded on the Animal Identification Movement (AIM) system as follows:

- €140 if the calf is removed **within 5 weeks** of a positive or inconclusive test, or

- €90 if removed **within 7 weeks** of a positive or inconclusive test

Dairy Herds:

For animals born **between 1 January 2015 and 30 April 2015 inclusive** a payment will be made for each eligible dairy breed calf removed to a knackery, abattoir or meat plant and have a date of death recorded on the Animal Identification Movement (AIM) System as follows:

- €100 if the calf is removed on or before **11 June 2015**, or
- €50 if the calf is removed between 12 June 2015 and 25 June 2015 inclusive

For animals born between **1 May 2015 and 31 December 2015** a payment will be made for each eligible dairy breed calf removed as follows:

- €100 if calf is removed within 5 weeks of a positive or inconclusive test, or
- €50 if calf is removed within 7 weeks of a positive or inconclusive test

No payment will be made unless all PI animals, both eligible and non-eligible, born in 2015 are removed by the later of the two dates in each instance above. In addition PI animals born prior to 1st January 2015 must be removed by the later of the following two dates, 11 June 2015 or within 7 weeks of the date of the first positive or inconclusive test, and have a date of death recorded on the Animal Identification Movement (AIM)

The Department will issue an application form to farmer's that may potentially qualify for compensation based on test results submitted to the Department. Only one application form is required to join the Programme, regardless of the number of PI animals in the year.

Application forms must be signed and returned to BVD Compensation Section. See Annex 3 for contact details.

Payment under the programme will issue in the second quarter of the following year following completion of all relevant compliance checks.

AHI Schemes

The Farmers Charter monitoring committee will examine deadlines for AHI schemes.

Annex 1. Tolerances

Cross Compliance

From 1 January 2015 Cross Compliance consists of three Areas.

Area 1 covers the Environment, Climate Change and the Good Agricultural Condition of land and includes:

- Nitrates Regulations (SMR 1),
- Conservation of Wild Birds (SMR 2),
- Conservation of Natural Habitats and of Wild Flora and Fauna (SMR 3) and
- 7 GAEC standards
 - GAEC 1 – Establishment of buffer strips,
 - GAEC 2 – Authorisation for use of water for Irrigation,
 - GAEC 3 – Protection of Groundwater from Pollution,
 - GAEC 4 – Minimum Soil Cover,
 - GAEC 5 – Soil Erosion,
 - GAEC 6 – Maintaining Soil Organic Matter,
 - GAEC 7 – Retention of Landscape Features/Avoiding encroachment of invasive plant species.

Area 2 covers Public, Animal and Plant Health and consists of:

- Food & Feed Hygiene (SMR 4),
- Identification & Registration of Pigs (SMR 6),
- Identification & Registration of Cattle (SMR 7),
- Identification & registration of Sheep/Goats (SMR 8),
- Animal Diseases (TSE- SMR 9) and
- Plant Protection Products (SMR 10).

Finally Area 3 covers Animal Welfare and consists of

- Welfare of Calves (SMR 11),
- Welfare of Pigs (SMR 12) and
- Welfare of Animals (SMR 13).

Where at inspection, breaches of several SMRs/GAEC are detected, Cross Compliance sanctions for *Negligence and Intent* are calculated within an Area and are then added to *Reoccurrence (repetition)* sanctions, which may occur across all three Areas, to result in the overall sanction.

However, sanctions are capped as follows:

- The maximum *Negligence* sanction within Areas and when added across Areas cannot exceed 5%
- The maximum *Reoccurrence (Repetition)* sanction across Areas cannot exceed 15%
- The maximum *Negligence* and *Reoccurrence* sanction added together cannot exceed 15%

There is no capping of sanctions for *Intent* across the 3 Areas but any *Intent* sanction is capped within an Area when considered with a *Negligence* sanction or another *Intent* sanction. This results in lower overall sanctions for Cross Compliance where an applicant is in breach of several SMRs/GAECs within an Area and also across Areas.

Examples

- If a farmer receives a 5% sanction for Nitrates and a 5% sanction for cattle IDR breaches, which are in two separate areas, the farmer receives a single 5% sanction (as *Negligence* overall is capped at 5%) and not a 10% sanction, if you added the two sanctions together.
- If a farmer receives a 3% sanction for cattle IDR and a 3% sanction for Sheep IDR breaches

(these two sanctions are within the same Area) and a 3% for Nitrates breaches (different Area) the overall sanction is 5% and not 9% as the maximum sanction for Negligence is 5% either within an Area and when added across Areas.

- If a farmer gets a 20% Intent sanction for Nitrates and a 20% for GAEC 7 for removal of a Landscape Feature the farmer receives a single 20% sanction (as they are both within the same Area of Cross Compliance).
- If a farmer gets a 20% sanction for Nitrates and a 20% sanction for Welfare of Calves (two separate areas) and a 9% Reoccurrence sanction for Cattle IDR the overall sanction to be applied is 49% (two intent sanctions from two different Areas added together and then Reoccurrence added to that sanction).

Tolerance for minor cases of non-compliance

A tolerance system exists for minor cases of non-compliance provided remedial action is taken within 3 months. Where such action is taken it automatically results in a clear inspection.

A weighting is applied where a non-compliance is found at inspection. For weightings of up to and including 6 points no penalty is applied but the non-compliance must be remedied within 3 months.

Weighting	Penalty
<=6 points	None
> 6 and <=26	1%
>26 and <=46	3%
>46 points	5%

Where a non-compliance is deemed as 'Intent' as a general rule a 20% sanction is applied. This can depending on the Extent, Severity, Permanence and reoccurrence of the non-compliance be reduced to 15% or increased to 100%. In the cases of extreme Extent, Severity, Permanence or where repeated intentional non-compliances have been determined, the applicant will be excluded from the aid scheme in the following year

The following scenarios, on their own, under Bovine Identification and Registration will not generally give rise to an immediate sanction

1. Up to 30% of the animals in a herd with one tag where the 2nd tag has fallen out and the farmer has a history of ordering replacement eartags
2. Herd Register discrepancies (as distinct from failure to maintain a register)
3. Herd register incomplete for up to 6 months but relevant dockets available with the register
4. Missing entries in the herd register for up to 2 months where the relevant supporting documentation are available or 1 month where no document is available (as distinct from failure to maintain a register)
5. Passport discrepancies and/or surplus passports for animals not on the AIM database at time of the inspection
6. Mislaidd passports
7. Up to 2 animals missing both tags in herds up to 150 animals where the animals are identifiable and the farmer has ordered replacement eartags prior to the inspection
8. Up to 3 animals missing both tags in herds from 151 to 300 animals where the animals are identifiable and the farmer has ordered replacement eartags prior to the inspection
9. Up to 4 animals missing both tags in herds over 300 animals where the animals are identifiable and the farmer has ordered replacement eartags prior to the inspection
10. Clerical error or discrepancy in AIM notification process provided the farmer responds in a timely fashion to any query letter.

The following combinations of the above will also not give rise to sanction:

1. Discrepancies in the register and depending on herd size animals missing both tags where the animals are identifiable and the farmer has ordered replacement eartags prior to receiving notice of the inspection

2. Discrepancies in the register and clerical error in notification
3. Passport discrepancies and depending on herd size animals missing both tags where the animals are identifiable and the farmer has ordered replacement eartags prior to receiving notice of the inspection
4. Passport discrepancies and clerical errors in the notification
5. Passport mislaid and register discrepancies
6. Animals missing both tags (depending on herd size) and clerical errors in notification
7. Animals missing both tags (depending on herd size) and where the animals are identifiable and the farmer has ordered replacement eartags prior to the inspection and surplus passports for animals not on the AIM database at time of inspection.

The following scenarios, on their own, under Ovine Identification and Registration will not give rise to a sanction

1. Flock Register discrepancies (as distinct from failure to maintain a register)
2. Flock register incomplete for up to 6 months but relevant supporting documentation available with the register
3. Missing entries in the flock register for up to 2 months where the relevant supporting documentation are available or 1 month where no documentation is available (as distinct from failure to maintain a register)
4. Census discrepancies where the discrepancies are less than 3% (5% in hill flocks)
5. Census not recorded in flock register for the previous three years
6. Sheep incorrectly tagged.

The following tolerances apply for missing tags where the sheep has been tagged but lost eartags:

1. Up to 4 animals missing tags in flocks up to 50 animals
2. Up to 5 animals missing tags in flocks from 51 to 100 animals
3. Up to 8 animals missing tags in flocks from 101 to 150 animals 10 animals missing tags in flocks from 151 to 200 animals
4. Up to 13 animals missing tags in flocks 201 to 250 animals
5. Up to 16 animals missing tags in flocks from 251 to 300 animals
6. Up to 19 animals missing tags in flocks over 301 to 400 animals
7. Up to 24 animals missing tags in flocks over 401 to 600 animals
8. Up to 30 animals missing tags in flocks over 601 to 1,000 animals
9. Up to 36 animals missing tags in flocks over 1,000 animals
10. Clerical error/discrepancy in a dispatch docket
11. 1 Dispatch docket missing

The following combinations of the above will also not give rise to sanction:

1. Discrepancies in the register and depending on flock size animals missing tags
2. Census discrepancies and depending on flock size animals missing tags
3. Animals missing tags (depending on flock size) and clerical errors in a dispatch docket.

Annex 2: Types of Inspections Table

Scheme	Type of Inspection (e.g. On Farm, Greening, Cross Compliance, ANC)	Level of Checking	See page in Charter
Basic Payment Scheme	Eligibility Cross Compliance	5% for eligibility 3% for IDR & 1% for full Cross Compliance	15
Greening payment	EFA Crop Diversification Permanent Pasture	10%	16
Young Farmer	Eligibility	5%	10
Areas of Natural Constraint	Eligibility	5%	18
Beef Data and Genomics Scheme	Eligibility Cross Compliance	5% 1%	19
Knowledge Transfer	Eligibility	5%	21
REPS	Eligibility	5%	22
AEOS	Eligibility	5%	23
GLAS	Eligibility	5%	24
Organic Farming Scheme	Checks that grant aided project completed according to Terms & Conditions	100%	25
TAMS	Eligibility	Up to 100%	26

Annex 3: Contact Details

The Quality Service Unit
Department of Agriculture, Food and the Marine
Grattan Business Centre
Dublin Road
Portlaoise
Co Laois Tel: 057 8694331 Email: qualityserviceunit@agriculture.gov.ie

The Direct Payments Unit
Department of Agriculture, Food and the Marine
Government Offices
Old Abbeyleix Road
Portlaoise
Co Laois Tel: 0761 064438

Remote Sensing Inspections Sections
Department of Agriculture, Food and the Marine
Government Offices
Old Abbeyleix Road
Portlaoise
Co Laois Tel 057 8674400 or 1890 200 506

Beef Schemes Section
Department of Agriculture, Food and the Marine
Government Offices
Old Abbeyleix Road
Portlaoise
Co Laois Tel: lo-call 0761-064423 Email: beefschemas@agriculture.gov.ie

Agriculture Appeals Office
Kilminchy Court
Portlaoise
Co Laois Tel: Lo-call 0761-064418 or
057-8631900 Website: www.agriappeals.gov.ie.

Office of the Ombudsman
18 Lower Leeson Street
Dublin 2. Tel 01-6395600
or Lo-call 1890 223030 Email ombudsman@ombudsman.irlgov.ie

BVD Compensation Scheme Section
Department of Agriculture, Food and the Marine
Government Buildings
Old Abbeyleix Road
Portlaoise
Co Laois Tel: 057 8674400 or 1890 200 506

Annex 4: Glossary of Abbreviations and Terms

AA	Appropriate Assessment		
AAO	Agriculture Appeals Office	GLAS	Green, Lo-Carbon Agri-Environment Scheme
AEOS	Agri-Environment Options Scheme	HEO	Higher Executive Officer
AES	Agricultural, Environmental and Structures	IACS	Integrated Administration and Control System
AHCS	Animal Health Computer System	IAS	Installation Aid Scheme
AIM	Animal Identification and Movement	LPIS	Land Parcel Identification Scheme
ANC	Area of Natural Constraint	NBAS	National Beef Assurance Scheme
BPS	Basic Payments Scheme	OFMV	On-Farm Market Valuation Scheme
BSE	Bovine Spongiform Encephalopathy	OIE	World Organisation for Animal Health
DAFM	Department of Agriculture, Food and the Marine	QSU	Quality Service Unit
DAS	Disadvantaged Areas Scheme	RAP	Regional Assistant Principal Officer
DHS	Dairy Hygiene Standards	REPS	Rural Environment Protection Scheme
DVO	District Veterinary Office	SIU	Special Investigation Unit
EC	European Commission	SMR	Statutory Management Requirements
EIA	Environmental Impact Assessment	SPS	Single Payment Scheme
EU	European Union	TAMS	Targeted Agricultural Modernisation Scheme
FEPS	Forest Environmental Protection Scheme	TB	Tuberculosis
FWM	Farm Waste Management	YFIS	Young Farmers Installation Scheme
GAEC	Good Agricultural and Environmental Condition		

Annex 5:

Farm Safety Message



Farm Safety is important to everyone involved with farming.

Information is available on the Health and Safety Website on the following areas of Farm Safety:

- Precautions and Risk Assessment
- Vehicles and Machinery
- Livestock
- Young and Elderly on Farms
- Other hazards
- Forestry
- General information

Visit the Farm Safety area of the HSA Website at:

http://www.hsa.ie/eng/Your_Industry/Agriculture_Forestry/

And visit the Farm Safety area of the Department website at :

<http://www.agriculture.gov.ie/customerservice/farmsafety/#d.en.19229>

Annex 6.

DEPARTMENT OF AGRICULTURE, FOOD & THE MARINE

IAN (Inspection Advisory Notice)

Applicants Name: _____

Herd No: _____ Date: ___/___/___ Time: _____

You have been selected for an on-farm inspection.

A Cross Compliance inspection is being carried out on your farm today. As required under EU Regulations, this is an unannounced inspection where no notice can be given.

However elements of this inspection provide for notice to be given. This part of the inspection will be carried out at a later stage unless you request those parts to be done today.

Later date of _____

Today

In order to minimize the time on the farm it would be helpful if you would have all records pertaining to your cross compliance requirements available at announced inspection.

Inspecting Officer's mobile number is: _____

Signature of Inspecting Officer: _____ Signature of Farmer _____

Announced/Unannounced Inspections	
<u>No-notice</u>	<ul style="list-style-type: none"> - Food & Feed Hygiene (SMR 4), TSE (SMR 9) and Welfare of Calves, Pigs and Other Animals (SMR 11 - 13) - All above carried out as part of full Cross Compliance inspections
<u>Notice</u> (may be provided once it does not interfere with the purpose or effectiveness of the inspection)	<ul style="list-style-type: none"> - Identification and Registration of Cattle (SMR7), Sheep/Goats (SMR8) and Pigs (SMR 6) - Ground Eligibility inspections - Nitrates Directive (SMR 1) - Conservation of Wild Birds (SMR2) - Conservation of Natural Habitats & of Wild Flora and Fauna (SMR 3) - Plant Protection Products (Pesticides) (SMR 10) - 7 GAEC Standards