



THE DEPARTMENT OF
AGRICULTURE & FOOD
AN ROINN TALMHAÍOCHTA AGUS BIA

**HELPSHEET / TERMS &
CONDITIONS**

FOR THE

2007

**EU SINGLE PAYMENT SCHEME
(SPS),**

AND FOR

**THE 2007 DISADVANTAGED
AREAS SCHEME, AND
OTHER 2007 EU
AREA BASED SCHEMES**

The EU Single Payment Scheme Terms and Conditions

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FOR DETAILED ASSISTANCE IN COMPLETING YOUR 2007 SINGLE PAYMENT SCHEME APPLICATION FORM,
PLEASE SEE CHAPTERS 30 AND 31 OF THIS HELPSHEET.

TELEPHONE CONTACT NUMBERS for the SPS

THE SINGLE PAYMENT UNIT of the DEPARTMENT OF AGRICULTURE AND FOOD, situated at OLD ABBEYLEIX ROAD, PORTLAOISE, CO. LAOIS will process the application forms under the Single Payment Scheme (SPS). Any queries in relation to your application should be made to the Lo-call Telephone Number below that is appropriate to your County.

Section	Counties	Lo-call Telephone Number
1	Cork and Westmeath	<u>1890 252 236</u>
2	Cavan, Clare and Limerick	<u>1890 252 235</u>
3	Donegal, Dublin, Offaly and Wexford	<u>1890 252 244</u>
4	Carlow, Kilkenny, Louth Monaghan and Sligo	<u>1890 252 243</u>
5	Kildare, Laois, Leitrim, Longford, Waterford and Wicklow	<u>1890 252 242</u>
6	Galway, Kerry, Mayo, Meath, Tipperary and Roscommon	<u>1890 200 502</u>

Chapter 2

GO ON-LINE WITH THE DEPARTMENT

VIEW YOUR SINGLE PAYMENT SCHEME (SPS) DETAILS ON-LINE

The web-enabled functionality of the SPS system is available to farmers via the Department's Internet website. Farmers who register with the Department for this service are therefore able to access details of their own SPS applications on-line. These details include land parcel information, maps, the number and value of the SPS entitlements held by the applicant etc. This is a free service to applicants. Application for registration can be made on-line through the Department's website at www.agriculture.gov.ie. When you apply for the service you will be sent a unique number (**PAC**) that will enable you to access all your SPS details on the Department's database.

For further information on how to register for this service, you should contact:
e-Services in the Department's Portlaoise Office, Lo call 1890 252 118.

APPLY FOR THE SPS ONLINE

NEW FOR 2007

In keeping with the ongoing development of its e-services, a pilot project has been launched whereby farmers and farmers' agents who are registered with the Department's e-services can submit an application for the 2007 Single Payment Scheme online. When you become a registered user with the Department, you can select this option from the SPS homepage.

All farmers will be issued with their pre-printed 2007 SPS application form as usual. The details that are pre-printed represent the details held by the Department for that applicant in 2006. In 2007, registered on-line users will have the further advantage of having these same pre-printed details, including maps, details of entitlements etc., available to them on-line. An SPS 2007 application that is completed and submitted online to the Department by a farmer, or an agent authorised for that purpose by a farmer, will be accepted as a valid SPS application for 2007, provided that all other conditions of the SPS are also met. The submission of a paper application is not necessary in these circumstances. The same deadlines that apply to written applications will also apply to online applications. The closing date for the submission of a 2007 SPS application form is **4 May 2007**.

Completing an online SPS application

In the development of the online application system, every effort has been made to make the procedure for the completion and submission of the form user-friendly in that it mirrors, insofar as possible, the printed application. A HELP feature is available as an explanatory aid for the correct completion of significant details on the application form. Extracts from the 2007 Helpsheet/Terms and Conditions can be viewed at the point of input of those details, for example definition of Net Area, Reference Area etc. The online application also allows the applicant to review all the pre-printed details, both personal and land details, and is designed with a view to preventing, insofar as possible, the typical errors that recur on application forms each year. Typical errors include missing land parcel details and over-declaration of area. Penalties may apply in such circumstances. With a view to minimising errors, there are certain mandatory fields that the applicant must complete - for example, all details in relation to parcels, including net area, 10-month start date, parcel use in 2007 etc. The online application also features a warning system that alerts the applicant to a possible over-claim on a parcel - where the applicant declares an area that is actually greater than the eligible area for that parcel. This warning system should help to prevent an error and the possibility of a penalty.

Land parcels that come into the applicant's possession in 2007 can of course be added, as can details of any new plots. Where a new plot is added, a map outlining the boundaries of that plot must be submitted to the Department under separate cover. This also applies where any other supporting documentation, for example, evidence of Commonage rights, is required. Maps and documentation submitted must be marked with your name, address and Herd Number.

As with the traditional SPS application, the completion of the online application can be done in stages. This will particularly benefit those farmers who have a large number of parcels/plots or who have a lot of changes in the use of their land parcels in 2007. Partially completed online applications can be saved at any stage and returned to later at the applicant's convenience. The details already entered can be reviewed at any stage before the application is submitted. A partially completed application will not however count in any way towards a submitted application. The application must be fully completed and submitted online by the closing date.

Online amendment to a 2007 SPS application.

Where an applicant is unsure of all the land details by the closing date for applications, the form should be completed insofar as possible and submitted on time. It will be possible to make amendments to the land details until 31 May 2007. A 2007 Amendment form may also be submitted online. Again, this Amendment Form screen mirrors the paper Amendment Form application and also mirrors the on-line procedures for adding/deleting parcels or making any other amendments. An Amendment form may only be submitted online where a 2007 SPS application has already been submitted. The deadline for the submission of both paper and online applications for Amendments is 31 May 2007.

Documentation available online

Access to comprehensive documentation is available online. This includes a summary screen of the applicant's current entitlements position; a further screen showing details of how the applicant's entitlements were established in the 2000 – 2002 reference period; a history of entitlements transactions that were entered into in 2005 and/or 2006, for example land transfers; correspondence between the applicant and the Department since the introduction of the SPS; and copies of previous SPS applications.

Payment Order of Entitlements

The online application has also taken into account that 2007 is a crucial year for a number of farmers. This is the third year of the 3-year Single Payment Scheme cycle, and, under SPS regulations, farmers could lose some or even all of their entitlements if they are not used during that period. This arises where an applicant holds entitlements of differing values - for example, you may have National Reserve entitlements (as a result of Consolidation or a direct allocation from the National Reserve) and also have Transferred Standard entitlements (as a result of acquiring additional entitlements by way of a lease etc) and, for whatever reason, payment cannot be made on all of those entitlements in 2007.

In these circumstances, where all entitlements are not used in 2007 because you do not have one eligible hectare of land for each entitlement, payment will be made in the following order - Firstly: Set-aside entitlements, where applicable, take priority over all other Single Payment entitlements. Secondly: Entitlements that come in full from the National Reserve. Thereafter, Standard, Transferred Standard entitlements or topped-up National Reserve entitlements commencing with the highest value entitlements. Farmers may change the order of payment online and nominate any so far unused entitlements if they so wish.

As most applicants under the Single Payment Scheme have only Standard entitlements, or Standard and Set-aside entitlements, there will be no need to make changes. In these circumstances, payment will be made based on the number of eligible hectares declared on the 2007 SPS application form.

Expired Herd Number

Where an applicant's Herd Number has expired at the date of application, it will not be possible to apply online. The applicant will be given a message to this effect on the SPS Home Page. In these circumstances, a written 2007 SPS application should be submitted in the envelope that was supplied with the pre-printed form. Application should be made immediately to the Department's local Veterinary Office to have the Herd Number issue resolved so as to ensure a timely SPS payment.

HELPLINE

The following Lo-call helpline is available to deal with queries relating to online applications – 1890 200 502.

YOUR SPS PACK

HELPSHEET / TERMS & CONDITIONS

The Department of Agriculture and Food has prepared this Helpsheet as a guide when completing your 2007 application form for the EU SINGLE PAYMENT SCHEME (SPS) AND OTHER EU AREA - BASED SCHEMES. This document also contains the TERMS AND CONDITIONS for the Schemes concerned in accordance with the relevant EU Regulations. This HELPSHEET/TERMS AND CONDITIONS should not be regarded as a legal interpretation of those EU Regulations. Full details of the relevant EU Regulations are listed in Chapter 22 of this publication. When you submit your 2007 application you are accepting that you are familiar with these Terms and Conditions and will adhere to them.

Other enclosures in your SPS pack

Enclosed with this HELPSHEET / TERMS AND CONDITIONS are the following:

- Your pre-printed 2007 SPS application form;
- A pre-addressed envelope for returning your application and any supporting documents by Swiftpost;
- A brief summary of the main points of the 2007 SPS application;

Pre-printed details

Your form is pre-printed or partially pre-printed with details of the land parcels claimed by you on your 2006 Single Payment Scheme application form. Please note that details are pre-printed as a service to applicants. The onus rests with the applicant to examine the pre-printed details carefully and to ensure that they are correct. Complete any missing details as an incomplete application form may render your application invalid or incur processing delays and/or penalties.

One application only

Only one SPS application may be submitted. This must include details of all the land parcels on your holding in 2007 wherever in the State those parcels are located and irrespective of whether the parcels are associated with more than one Herd Number.

Continuation sheets

Continuation sheets are available from the Single Payment Unit, Local Offices of the Department of Agriculture and Food, TEAGASC and on the Department's website at www.agriculture.gov.ie

MAPS

Where your land parcel boundaries were amended in 2006, or where other mapping issues arise, maps are being issued to you under separate cover. These will show:

the boundaries of all land parcels claimed by you on your 2006 Single Payment Scheme application, the Land Parcel Identification System (LPIS) reference number for each parcel, and the gross area (i.e. before any deductions) in hectares of each land parcel.

Where your holding in 2007 is unchanged from that shown on the map, there is no need to return the map(s) with your application form. Where any parcel boundary is incorrectly drawn on the map, you should amend that boundary in red pen, correct the pre-printed details for that parcel on your form and return the amended map with your 2007 Single Payment Scheme application.

SCHEMES FOR WHICH AN SPS APPLICATION IS REQUIRED

Farmers who have applied or who intend to apply in 2007 for any of the following schemes must submit a Single Payment Scheme application:

SINGLE PAYMENT SCHEME;
DISADVANTAGED AREAS SCHEME;
ENERGY CROPS SCHEME;
PROTEINS PREMIUM SCHEME;
RURAL ENVIRONMENT PROTECTION SCHEME (REPS);
SCHEME OF INVESTMENT AID FOR FARM WASTE MANAGEMENT;

SCHEME OF INVESTMENT AID FOR THE IMPROVEMENT OF DAIRY HYGIENE STANDARDS;
SCHEME OF INVESTMENT AID IN ALTERNATIVE ENTERPRISES;
EARLY RETIREMENT SCHEME;
INSTALLATION AID SCHEME;
DRIED FODDER SCHEME;
AFFORESTATION PREMIUM SCHEME;
BIO – ENERGY (ESTABLISHMENT GRANT) SCHEME.

Chapter 6

NEW APPLICANTS

Blank forms

Blank non-personalised 2007 SPS application forms are available for new applicants from the Single Payment Unit, Local Offices of the Department of Agriculture and Food, TEAGASC and on the Department's website at www.agriculture.gov.ie

Herd Number

New applicants who apply under the Single Payment Scheme and new applicants under the other schemes which form part of the 2007 SPS application form should ensure that they have a valid Herd Number or, if not, will request a Herd Number as a matter of urgency. Application should be made to the Department's local Veterinary Office for a Herd Number. Details of the new Herd Number should be submitted to the Single Payment Unit as soon as it is available.

Trading of entitlements

A specific application form for the Transfer of Entitlements, along with the detailed rules, has been published and is available from the Single Payment Unit, Department of Agriculture and Food, Government Buildings, Portlaoise, Co. Laois or from local offices of the Department, or on the Department's website at <http://www.agriculture.gov.ie/> or from TEAGASC. These forms are also available from the Transfer of Entitlement Section, Single Payment Unit, Department of Agriculture and Food, Eircom Buildings, Knockmay, Portlaoise, Co Laois at Lo-Call 1890-200-560.

Inspection

New applicants may be subject to an inspection by the Department in order to establish that, among other things, they are operating a farming business that is separate and independent from that of any other SPS applicant and the business was not established to artificially create conditions with a view to obtaining advantages under any of the relevant schemes.

Maps

New applicants are obliged to submit a map (or maps) with their 2007 single payment scheme application, outlining clearly the boundaries of each land parcel / plot. Where the unique Land Parcel Identification System Number (LPIS No.) is not available, enter the plot details on the 2007 SPS application form numbering them Plot 1, Plot 2 etc. Identify any new plot by outlining it carefully on either an Ordnance Survey map or a Land Registry map or a Land Parcel Identification System map, also numbering them Plot 1, Plot 2, etc on the map. Please ensure that the maps you submit are marked with your name, address and Herd Number or reference number. The maps must also be marked with the Ordnance Survey sheet number and the townland in which the parcel is located if the map is part of a Land Registry or Ordnance Survey map.

Supporting documentation

New applicants are required to furnish, if so requested, proof that they are operating a separate business viz:

- documentary evidence of entitlement to farm the land declared;
- receipts in the applicant's own name for purchases, sales or agricultural services related to the business;
- farm accounts/ tax returns in the applicant's own name;
- any other evidence requested.

Chapter 7

CLOSING DATE FOR APPLICATIONS

Applicants must ensure that their completed 2007 SPS application form is received in THE SINGLE PAYMENT UNIT, DEPARTMENT OF AGRICULTURE AND FOOD, OLD ABBEYLEIX ROAD, PORTLAOISE, CO. LAOIS, or in any local office of the Department, or submitted online to the Department, no later than mid-night on Friday, 4 May 2007.

Postal applications

Complete and return the pre-printed application form that you received. Your pre-printed 2007 SPS application form is bar-coded and pre-printed with details relating to you and is therefore for your use or for use by successors only. In the event that the Department does not receive your completed 2007 SPS application, which you sent by post, you will be required to produce the Swiftpost receipt as proof of postage. Keep your Swiftpost receipt safely.

PENALTIES FOR LATE APPLICATIONS

The closing date for lodging Single Payment Scheme application forms for 2007 is 4 May 2007.

There will be a 25-calendar day period after 4 May for the acceptance of late applications and any necessary supporting documentation. However, a penalty of a 1% loss in payments per working day that the application is received late will apply during this period – see table below. Except in cases of force majeure, applications will not be accepted after this 25 calendar day period has ended and there will be a total loss of payments. The same late penalties apply to the Disadvantaged Areas Scheme, the EU Energy Crops Scheme and the EU Protein Crops Premium Scheme.

Day	Date	Month	% Reduction to apply per working day	No of Calendar days
Friday	4	May	CLOSING DATE	
Saturday	5	May	0%	1
Sunday	6	May	0%	2
Monday	7	May (BH)	0%	3
Tuesday	8	May	1%	4
Wednesday	9	May	2%	5
Thursday	10	May	3%	6
Friday	11	May	4%	7
Saturday	12	May	4%	8
Sunday	13	May	4%	9
Monday	14	May	5%	10
Tuesday	15	May	6%	11
Wednesday	16	May	7%	12
Thursday	17	May	8%	13
Friday	18	May	9%	14
Saturday	19	May	9%	15
Sunday	20	May	9%	16
Monday	21	May	10%	17
Tuesday	22	May	11%	18
Wednesday	23	May	12%	19
Thursday	24	May	13%	20
Friday	25	May	14%	21
Saturday	26	May	14%	22
Sunday	27	May	14%	23
Monday	28	May	15%	24
Tuesday	29	May	16%	25
Wednesday	30	May	100%	26

SPS APPEALS COMMITTEE and THE AGRICULTURAL APPEALS OFFICE

A farmer who has had a penalty imposed for a breach of Cross Compliance or for any other breach of the Single Payment Scheme eligibility conditions may appeal to the Agriculture Appeals Office. Appeals should be lodged within three months of the Department's decision. Appeals should be addressed to: Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co Laois
Lo-Call: 1890-671671 Telephone: 057 8667167/ 8667169.

Following notification of the outcome of their applications under the various review measures that were put in place and/or the outcome of the review of their Entitlements, farmers may appeal the Department's decision to the Single Payments Appeals Committee established by the Minister. The appeal should be submitted on the appropriate form within fourteen days of the date of issue of the Department's decision.

Chapter 10

DATA PROTECTION AND FREEDOM OF INFORMATION

As a result of recent decisions made under the Freedom of Information Act, 1997, and confirmed by the Information Commissioner, this Department now has a policy of making details of area based and other direct payments publicly available in certain circumstances, in particular the names of the persons in receipt of the highest payments. It is also a legislative requirement that all the information supplied on your application form and in any supporting documentation shall be made available to any other Department or Agency or Local Authority for the purpose of Cross Compliance Controls and all Rural Development measures.

Chapter 11

The Single Payment Scheme – an overview

In general, the Single Payment Scheme is applicable to farmers who actively farmed during all or any of the three reference years 2000, 2001, and 2002, who were paid Livestock Premia and/or Arable Aid payments in one or more of those years and by whom Single Payment Scheme entitlements were therefore established. They, or their successors, must continue to farm in 2007. New entrants to farming since the reference period are also eligible for the Single Payment Scheme where they have received entitlements by way of a transfer. The Scheme also includes payment to dairy farmers who benefited from the decoupled Dairy Premium in 2005 and includes compensation for growers of Sugar Beet during the 2001, 2002 and 2004 reference period. Payments under the Disadvantaged Areas Scheme, the Rural Environment Protection Scheme (REPS), the Afforestation Premium Scheme and farm support Schemes such as Installation Aid and On-Farm Investment are not included in the Single Payment Scheme.

Chapter 12

TYPES OF SINGLE PAYMENT ENTITLEMENTS

PLEASE NOTE: Payment Order of Entitlements

2007 is a crucial year for a number of farmers. This is the third year of the 3-year Single Payment Scheme cycle, and, under SPS regulations, farmers could lose some or even all of their entitlements if they are not used during that period. This arises where an applicant holds entitlements of differing values - for example, you may have National Reserve entitlements (as a result of Consolidation or a direct allocation from the National Reserve) and also have Transferred Standard entitlements (as a result of acquiring additional entitlements by way of a lease etc) and, for whatever reason, payment cannot be made on all of those entitlements in 2007.

In these circumstances, where all entitlements are not used in 2007 because you do not have one eligible hectare of land for each entitlement, payment will be made in the following order - Firstly: Set-aside entitlements, where applicable, take priority over all other Single Payment entitlements. Secondly: Entitlements that come in full from the National Reserve. Thereafter, Standard, Transferred Standard entitlements or topped-up National Reserve entitlements commencing with the highest value entitlements.

Farmers may change the order of payment and nominate any so far unused entitlements by completing a 2007 ENTITLEMENTS PAYMENT ORDER FORM. A copy of this form will issue to all farmers. The closing date for receipt of completed applications is 4 May 2007.

As most applicants under the Single Payment Scheme have only Standard entitlements, or Standard and Set-aside entitlements, there will be no need to return this form. In these circumstances, payment will be made based on the number of eligible hectares declared on your 2007 SPS application form.

1) STANDARD ENTITLEMENTS

Standard entitlements are the most common entitlements. These have been allocated to farmers who received Arable Aid payments and/or who declared forage area and received livestock premium payments during the reference period.

Dairy farmers with livestock premia or arable aid entitlements who qualified for the decoupled Dairy Premium in 2005 have had the unit value of their Livestock Premia and/or Arable Aid entitlements increased to include the de-coupled Dairy Premium entitlements.

2) SET-ASIDE ENTITLEMENTS

A number of farmers who were subject to the obligation to set aside part of their holding in the 2000 –2002 reference period established set-aside entitlements equal to the average number of obligatory set-aside hectares during the reference period. That farmer or his/her successor continues to be obliged to set aside land under the Single Payment Scheme. For every set-aside entitlement that a farmer holds, an equivalent hectare of arable land must be correctly set-aside from production.

Set-aside entitlements are separate to Standard entitlements and must be used each year before any other payment entitlements. If a farmer has set-aside entitlements, he/she is obliged to set aside the appropriate number of eligible hectares even if he/she is no longer involved in arable crop production. If Set-aside entitlements are not used and have not been sold or leased out, penalties will be applied to payments under the Single Payment Scheme. Where a farmer transfers set-aside entitlements, the set-aside obligation continues to apply to the transferee. For every set-aside entitlement that a farmer holds, an equivalent hectare of eligible land must be correctly set aside.

3) ENTITLEMENTS SUBJECT TO SPECIAL CONDITIONS

These entitlements have been established for farmers who were in receipt of payments under the following Livestock Premia Schemes

- Special Beef Premium and/or Suckler Cow Premium up to 15 Livestock Units;
- Ewe Premium for farmers whose holdings were situated outside of the Disadvantaged Areas;
- Slaughter Premium

during the 2000 to 2002 reference period but who were not obliged to submit an Area Aid application. The farmers concerned had no lands to declare in 2005 and/or 2006 and continue to be active livestock farmers (e.g. maintaining livestock in a shed). Special Conditions entitlements have also been established for farmers who farm a relatively small number of eligible hectares and are entitled to a large Single Payment which results in the unit value of each entitlement exceeding an upper limit per entitlement of € 5,000.

A farmer who holds Special Condition Entitlements must maintain at least 50% of the agricultural activity exercised in the reference period. The agricultural activity will be expressed in Livestock Units (LU) and will be based on the average number of animals in receipt of payments under the Livestock Schemes during the 2000 to 2002 reference period. In the case of milk quota, the milk quota is divided by the national average milk yield or the individual farmer's milk yield if it is higher.

The agricultural activity of those farmers who hold Standard and Special Condition entitlements will be calculated pro rata to the Special Condition Entitlements for which he or she does not have hectares.

The Department will set down a specific period, or specific dates, that will be used to determine the 50% agricultural activity requirement. Detailed rules applying to Special Condition entitlements will issue to each farmer who still holds these entitlements in 2007.

Where a farmer transfers all of his/her Special Conditions entitlements, the transferee may undertake to continue the obligations in relation to the continuity of agricultural production entered into by the seller/lessor in order to receive the Single Payment, or, alternatively, may declare an eligible hectare for each payment entitlement.

4) NATIONAL RESERVE ENTITLEMENTS

Farmers who receive entitlements from the National Reserve may not sell, lease out or otherwise transfer (except in cases of inheritance or gift), any of their entitlements that they have received from the National Reserve for a period of 5 years starting from the year of allocation. Successful applicants under the National Reserve must continue to engage in an agricultural activity for a minimum period of 5 years if they wish to retain their National Reserve Entitlements. Entitlements allocated from the National Reserve are subject to the modulation deduction in the same way as all other entitlements.

The Department will also make use of the National Reserve to consolidate Entitlements for certain categories of farmers who, for specific reasons, declare less hectares than the Entitlements allocated to them.

5) SUGAR BEET ENTITLEMENTS

In 2006, in the context of the EU reform of the sugar regime, the rates of compensation applicable under the sugar beet element of the Single Payment Scheme were established. This compensation was incorporated as part of the Single Payment Scheme in 2006 and will be applicable as set out under for future years.

Year	Compensation Rate per Contracted Tonne	Rate for additional Amount made available in the Single Payment Scheme National Ceiling for Ireland	Total Amount per Contracted Tonne
2006	€8.32	€1.29	€9.62
2007	€10.42	€1.29	€11.71
2008	€12.51	€1.29	€13.80
2009	€13.63	€1.29	€14.92
2010	€13.63	-	€13.63
2011	€13.63	-	€13.63
2012	€13.63	-	€13.63

Chapter 13

TRANSFER OF PAYMENT ENTITLEMENTS

Payment entitlements are not attached to land but are the property of the farmer who was farming during the reference period and was in receipt of direct payments under one or more of the Livestock Premium and/or Arable Aid schemes, 2000 - 2002. Entitlements may be transferred by way of sale/lease/gift or inheritance. Entitlements may be sold with or without land but can only be sold without land once 80% have been used in one calendar year.

Entitlements cannot be leased without land. They can only be leased out to another farmer if accompanied by an equivalent number of hectares of eligible land. Entitlements may also be transferred, with or without land, by gift or through inheritance.

In the event of inheritance of an estate where the land is bequeathed to one party and the residue of the estate is bequeathed to another party, the entitlements form part of the residue of the estate unless otherwise specified in the Will.

In the event that a herdowner wishes to make any change to his/her Herd Number, such as the addition/removal or change of name, and wishes the entitlements to also be changed to the new name, a Transfer of Entitlement form must be completed.

National Reserve entitlements may only be transferred by way of gift or inheritance.

Entitlements can only be transferred to another farmer who will farm within the same Member State in which the entitlements were established.

A specific application form for the Transfer of Entitlements, along with the detailed rules attaching to the Transfer of Entitlements, has been published and is available from Local Offices of the Department, or the Department's website at <http://www.agriculture.gov.ie/> or from TEAGASC. These forms are also available from the Transfer of Entitlement Section, Single Payment Unit, Department of Agriculture and Food, Eircom Buildings, Knockmay, Portlaoise, Co Laois at Lo-Call 1890-200-560.

If a farmer wishes to apply to transfer Entitlements in respect of the 2007 Single Payment Scheme year the completed application form, along with any supporting documentation, must be submitted by the closing date of 4 May 2007.

Chapter 14

TRANSFER OF ENTIRE HOLDINGS DURING THE 10- MONTH PERIOD.

The "Transfer of a holding" means the sale, lease or any similar type of transaction in respect of the production units concerned. The "Transferor" means the farmer whose holding is transferred to another farmer. The "Transferee" means the farmer to whom the holding is transferred.

Where an entire holding is transferred from one farmer to another, between the date of lodging an application for the Single Payment Scheme and the date of expiry of the 10-Month period (see Chapter 19 on the 10-month rule), no payment can be made to the transferor as conditions for granting the Single Payment concerned have not been fulfilled.

In order for payment to issue to the transferee, the transferee must agree to succeed to the responsibilities of the transferor by completing a Declaration of Undertaking (SPS/UND). This form must be completed by both the Transferor and Transferee and must be accompanied by a Transfer of Entitlement form (SPS/TE). These forms are available on the Departments' website www.agriculture.gov.ie The transferee must fulfil the conditions for granting the aid and honour the undertakings given

by the transferor. The holding transferred will be considered as a separate holding and will not be combined with any existing holding held by the transferee for the year in which the transfer occurs.

Where the entire holding is transferred from the applicant for the Single Payment to another farmer after the 10-month period has elapsed, any payments due for the year in question will be granted to the transferor and the holding and entitlements (where appropriate) will be transferred to the transferee with effect from the following year.

Chapter 15

CONSOLIDATION OF ENTITLEMENTS

In certain defined circumstances, a farmer may apply to consolidate his/her entitlements on fewer hectares than were available to that farmer during the reference period. To avail of this provision, a farmer must declare all the land available to him/her in 2007 on a valid 2007 Single Payment Scheme application form.

The number of hectares declared on the 2007 SPS application form must be less than the number of Standard entitlements allocated in the first year of operation of the Single Payment Scheme (2005) plus any additional entitlements granted to you in respect of the Sugar Beet Compensation.

Farmers are eligible to apply to have their Entitlements consolidated provided the reduction in the number of hectares declared in the application form has arisen because of one or more of the following measures:

- the afforestation of land;
- the sale of land to a public authority for non-agricultural purposes (this will include lands compulsorily purchased for road development etc);
- lands leased in during all or part of the reference period (2000-2002) and the lease agreement has expired, or will expire and the lands in question are not eligible to be declared on your 2007 SPS Application;
- lands rented in during all or part of the reference period and the rental agreement has expired, or will expire and the lands in question are not eligible to be declared on your 2007 SPS Application;

A farmer who declares fewer hectares on his/her 2007 Single Payment Scheme application form than the average he/she farmed during the reference period, solely because he/she voluntarily sold or leased out land, will not be eligible to consolidate his/her entitlements. If a farmer meets one of the criteria for eligibility for consolidation and also has voluntarily sold or leased out land and has not replaced it, the land sold or leased out will be added to the area declared for the purpose of determining the number of consolidated entitlements. In this case, all consolidated entitlements will not therefore be used in the year of consolidation and the unused entitlements will be surrendered to the National Reserve.

For the purposes of Consolidation, the applicant surrenders his/her entitlements to the National Reserve and the consolidated entitlements are then issued under the conditions attaching to Reserve allocations. Set-aside entitlements cannot be consolidated and the obligatory requirements attaching to these entitlements will continue to apply after an applicant consolidates his/her Standard entitlements. Consolidated entitlements come from the National Reserve and cannot therefore be leased out or transferred, except by way of inheritance, for 5 years. The farmer must use them himself/herself each year for a period of 5 years. Any entitlements unused in any year will revert automatically in that year to the National Reserve.

A specific application form for the consolidation of Entitlements, along with the detailed rules attaching to Consolidation, has been published and is available from the Single Payment Unit, Department of Agriculture and Food, Government Buildings, Portlaoise, Co. Laois or from Local Offices of the Department, or the Department's website at www.agriculture.gov.ie or from TEAGASC. These forms are also available from the Consolidation Section, Single Payment Unit, Department of Agriculture and Food, Eircom Buildings, Knockmay, Portlaoise, Co Laois at Lo-Call 1890-252-241.

If a farmer wishes to apply for Consolidation in 2007, please submit the completed application form, along with any supporting documentation directly to the Consolidation Section, Single Payment Unit, Department of Agriculture & Food, Eircom Building, Knockmay, Portlaoise, Co Laois by the closing date of 4 May 2007.

Chapter 16

LAND DEFINITIONS UNDER THE SPS

ONE ELIGIBLE HECTARE OF LAND DECLARED = ONE SPS ENTITLEMENT

Land eligible for SPS

In order to draw down payment in respect of your Standard entitlements, you must have an "eligible hectare" to accompany each

entitlement. An “eligible hectare” in this context includes land used to grow cereals, oilseeds, short rotation coppice, miscanthus sinensis, protein crops, sugar beet, maize, fodder beet, turnips, mangolds, kale, grass for silage or hay or grazing. In the case of each hectare declared, the eligible area excludes any areas under buildings; farmyards; woods; rivers; streams; ponds; paths; farm roads; expanses of bare rock, dense scrub or boglands that are unfit for grazing. Deductions are not required for fences, headlands, hedgerows or drains. All forage areas must be adequately fenced.

Land not eligible for SPS

Land under permanent crops, forestry, fruit, vegetables and potatoes or any land used for non-agricultural purposes (golf courses, etc.) is not eligible land. The Permanent Crops referred to are non-rotational crops (other than permanent pasture) that occupy the land for five years or longer and yield repeated harvests.

Land eligible for Set-aside.

Under the Single Payment Scheme, an eligible hectare for using a Set-aside entitlement is any agricultural area of the farmer’s holding taken up by arable land, except areas which, at the time that the 2003 Area Aid applications were lodged, were under permanent crops, forests or used for non agricultural activities or under permanent pasture. It includes all land ploughed for the purposes of growing arable crops and also land declared as set-aside in the period 1998 to 2002. It also includes land ploughed for growing arable crops and land in set-aside on the holding in May 2003. Land used for growing crops such as sugar beet, potatoes etc. in the period 1998 to 2002, and up to May of 2003, is also eligible for using Set-aside entitlements.

Land that was previously eligible for arable aid but that has since been put into the Afforestation Premium Scheme can be used to activate set-aside entitlements under the Single Payment Scheme but will not be eligible for payment.

Land not eligible for Set-aside.

Land used as permanent pasture that was ploughed for re-seeding purposes only in the period 1998 – 2003 is not eligible for set-aside. Land that was ploughed for crop production or was not under set-aside from 1998 to the date for lodging Area Aid applications in 2003 is not eligible to use Set-aside entitlements.

Arable land

Arable land means land cultivated for crop production and land under set-aside or maintained in good agricultural and environmental condition irrespective of whether or not the land is under greenhouses or under fixed or mobile cover.

Permanent pasture.

Permanent pasture is land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or longer, excluding land under set-aside schemes. Land that was declared as forage/grass on a 2003 Area Aid application form and was also declared as forage/grass in the 5 consecutive years up to and including 2003 is now classified as permanent pasture. Land parcels that meet this definition are pre-printed on your application form as “Permanent pasture”.

Chapter 17

SET-ASIDE MANAGEMENT RULES

General provisions

- The set-aside period is 15 January 2007 to 31 August 2007.
- Set-aside areas shall not be less than 0,1 ha in size and 10 metres wide. For duly justified environmental reasons, Member States may accept areas at least 5 metres wide and 0,05 ha in size.
- During the set-aside period it is forbidden to use land in set-aside for any agricultural production or to put it to any agricultural or lucrative use, except where contracts exist for the production of non-food crops. Failure to comply in this regard may render a producer ineligible for all benefits under the Single Payment Scheme.
- Set-aside land may be used for the provision of materials for the manufacture of products within the European Union not primarily intended for human or animal consumption. These crops may only be grown if destined for a permitted end-use. A list of the permitted annual and perennial crops and the permitted end-uses is available from the Single Payment Unit.

Exemptions from the set-aside requirement

A farmer shall not be subject to the set-aside obligation if:

- (a) His/her entire holding is in organic production of agricultural products and he/she is registered as an organic farmer with the Department of Agriculture and Food, or
- (b) The land set aside is used for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption.

DETAILED PROVISIONS FOR THE MANAGEMENT OF SET-ASIDE LAND

EU regulations require that land in set-aside be managed in such a way as to ensure the protection of the environment. Good agricultural and environmental conditions must be respected.

During the period 15 January 2007 to 15 April 2007:

- (1) Where a green cover has been established it should be retained until at least 15 April 2007.
- (2) The only activity permitted on set-aside land during this period is that associated with non-food crops. A list is available on request from the Single Payment Unit.

During the period 16 April 2007 to 31 August 2007:

- (1) Ploughing of set-aside land is not permitted during this period except for the following purposes:
 - from 16 April to establish a green cover (including land which has been used for late harvested root crops) or
 - from 16 July to prepare land for sowing of crops for harvesting in the following year.
- (2) Green cover must be cut at least once during the period 16 July to 15 August 2007 to leave a covering not exceeding 15cm. The cuttings must be left on the land and turning or baling of the cuttings is not permitted.
- (3) Grass cover established on set-aside land and treated with herbicides to reduce herbage production must have the treated herbage, including any re-growth, topped and managed in accordance with the conditions specified in relation to green cover at (2) above.
- (4) If it is necessary to cut the green cover in the period 16 April to 15 July 2007 in order to control weeds (such as thistle, dock, ragwort or wild oats), or to maintain an acceptable visual appearance, it may be cut to a height leaving 15cm. The cuttings must be left on the land and turning or baling of the cuttings is not permitted.
- (5) Cutting should always be effected in such a way as to allow an escape route for wildlife such as cutting outwards from the centre of the field.
- (6) Where a green cover has been established, the control of weeds is allowed from 16 April 2007, either by shallow cultivation or by use of non-residual or short duration residual herbicides as appropriate, including paraquat / diquat and glyphosate (with label clearance for use on set-aside land).
- (7) Where there is an existing green cover, the application of fertiliser (organic or inorganic) and lime is allowed between 16 April and 31 August 2007 at levels that do not exceed plant requirements.
- (8) Where there is a breach of the management rules no payment will be made in respect of the Set-aside Entitlements concerned and there may also be a reduction in Standard Entitlements payments where the obligatory set-aside requirement is consequently not met.

After the Set-aside period

Between 1 September 2007 and 14 January 2008, farmers may

- Use the lands for their own use – silage production or grazing;
- Cut silage for sale;
- Rent, lease or sell the lands provided the 10-month period under the 2007 Scheme has elapsed.

Set-aside arrangements for registered organic farmers

Organic farmers whose holdings meet the requirements of EU Regulations on organic farming, and who are so registered with the Department of Agriculture and Food, may grow the following leguminous fodder crops on the eligible land that they have set aside under the 2007 Single Payment Scheme:

Galega Spp., Hedysarum Spp., Lathyrus Spp., Lotus Spp., Lupinus Spp., Medicago Spp., Melilotus Spp., Onobrychus Spp., Ornithopus Spp., Trifolium Spp., Trigonella Spp., Vicia Spp., and Vigna Spp.

These fodder crops may be cut for silage to feed the applicant's own animals only or grazed by the applicant's own animals only during the set-aside period.

Chapter 18

REPS AND FORESTRY MEASURES

REPS

If you are participating in REPS, you are obliged to declare all the land parcels in your holding (Owned, Rented and Leased) on your 2007 SPS application form. You should be aware that only the land parcels declared on the 2007 SPS application form and registered with a unique identification number on the Department's land parcel identification system (LPIS) will be eligible for payment under REPS and only the area recorded on LPIS will be reckonable for REPS payment.

Land devoted to newly created Habitats managed under an approved REPS 3 plan (REPS 3 options 4A, 9B, LINNET

Habitats and Riparian Set-aside) or under an Agri-environmental Scheme administered by the National Parks and Wildlife Service (NPWS) will be eligible to use entitlements under the Single Payment Scheme. This land will be subject to a waiver from normal grazing and/or cutting management requirements under Good Agricultural and Environmental Conditions in cases where these habitats adhere to REPS conditions and NPWS Agri-environment Scheme conditions.

REPS Supplementary Measures

If you are participating in REPS Supplementary Measure 4 (Riparian Zones) or REPS Supplementary Measure 5 (LINNET Habitats), these areas must be declared on the Single Payment Scheme application form and maps identifying the areas must accompany the application form. When completing the Single Payment Scheme application form the applicant should;

- Declare Riparian Zones in the forage category of column 9 and write the words “Riparian Zone” in column 10.
- Declare LINNET Habitats in the arable category of column 9 and write the words “LINNET Habitat” in column 10.

REPS 3: New Habitats under Biodiversity Option 4A

If you are participating in REPS 3 Biodiversity Option 4A, these areas must be declared separately as a subdivision of a land parcel on the Single Payment Application Form. Declare the subdivision for the REPS 3 Habitat in the OTHER category of column 9 and write the words “REPS 3 Habitat” in column 10.

Where you are devoting part of a land parcel into a new habitat under REPS 3, and while it is not necessary to define these areas on a map, you should indicate this subdivision of the parcel on the application form as follows:

- Delete that parcel’s pre-printed details.
- Enter the details of each subdivision of that parcel on a new line using the original 9 digit LPIS parcel number along with a specific identifier “A” or “B” after the LPIS No. for each subdivision.

Example of Temporary Subdivision

LPIS No	Gross area	Net area
L12345678	5.2	4.5
L12345678a	5.2	4.0
L12345678b	5.2	0.5

FORESTRY

If you are in receipt of aid under the Afforestation Premium Scheme, you are obliged to declare all the land parcels in your holding (Owned, Rented and Leased) on your 2007 SPS application form. All land parcels in receipt of payment under the Afforestation Premium Scheme must also be registered on the Department’s land parcel identification system (LPIS) with a unique identification number. Failure to register afforested parcels under this scheme on LPIS could affect future forestry premium payments.

Chapter 19

THE 10-MONTH RULE FOR LAND AVAILABILITY

To claim payment under the 2007 Single Payment Scheme, all of the hectares of land declared by you to support your claim (owned, rented-in and leased -in) must be available to you for at least a 10-month continuous period. A 10-month start date must be declared in respect of every parcel/plot on your application. The earliest start date for this 10-month period is 1 September 2006 and the latest start date is 30 April 2007. Column 9 on the back page of your application form will be pre-printed with the end date for the parcel under the 2006 SPS Scheme. Column 10 will be pre-printed with start dates for 2007 based on the detail in Column 9. If you wish to amend a 2007 start date, put a line through the pre-printed date and write in the new date in that column.

In general, only one start date is allowed per holding i.e. the same start date for every parcel. However, a farmer will have a choice of a second start date as necessary for parcels in the following circumstances:

- where he/she is leasing-in or renting-in land;
- where a lease or rental agreement ends and the owner gets the land back;
- where he/she acquires land by purchase, inheritance or gift;
- where he/she is planting both winter and spring crops;
- where he/she is planting both winter/spring crops and is operating a livestock enterprise;
- where he/she is planting winter crops and is operating a livestock enterprise;
- where he/she acquires set-aside land after 15 January 2007;
- where he/she intends to afforest part of his/her holding in 2007;
- Any other situations, which will be determined by the Department from time to time.

In choosing the start date for a parcel, you should be aware of the 10-month period that was declared in respect of that parcel in 2006. Care should be taken that there is no overlapping between the ending of the 10 month period for 2006 and the beginning of the 10-month period for the 2007 Scheme year. In the case of parcels declared as arable in 2006, the 10-month period for the 2007 SPS should not commence until after the date of harvesting of the 2006 crops. In the case of winter crops for example, you may need to choose a Start Date of 1 September 2006 for the parcels concerned. This 10-month period would then finish on 30 June 2007. On the other hand, a January-February 2007 Start Date may be more suitable for parcels planted in the spring and perhaps for Forage parcels. This 10-month period would then finish in November - December 2007.

In the case of Set-aside parcels, the Set-aside conditions apply on a compulsory basis from 15 January 2007 to 31 August 2007. The 10-month period for a set-aside parcel must therefore include this entire period. However, where a set-aside parcel is leased or rented in after 15 January 2007, and where the previous occupier has met the set-aside requirements with effect from 15 January 2007, the 10-month period in this case will begin on the date of lease/rental and will continue for a full 10 months.

Farmers who intend to afforest part of their holding in 2007 should be aware that they will only be free to commence afforestation from 1 July 2007 on parcels declared under the 2007 SPS where they have indicated a valid start date of 1 September 2006.

You should be aware that any change to a Herd Number after the date of application and during the 10-month period may result in a delay in payment. You should contact the appropriate Section of the Single Payment Unit in the event of any change to your Herd Number.

Chapter 20

SPECIFIC TERMS AND CONDITIONS APPLICABLE TO THE 2007 DISADVANTAGED AREAS SCHEME (DAS).

PLEASE NOTE

THE DISADVANTAGED AREAS SCHEME FORMS PART OF THE RURAL DEVELOPMENT PROGRAMME 2007 TO 2013, WHICH AWAITS EU COMMISSION APPROVAL. THE TERMS AND CONDITIONS OF THE SCHEME MAY THEREFORE BE SUBJECT TO POSSIBLE CHANGES.

A. Eligibility

To be eligible for payment under the 2007 Disadvantaged Areas Scheme (DAS) you must in your own right:

- (1) Be a person aged 18 years or over who holds a valid Herd Number issued by the Department of Agriculture and Food.
- (2) Occupy and farm in their own right and at their own risk a minimum of 3 hectares of forage land in an area within the State designated as a Disadvantaged Area by the Minister and classified as Less Severely Handicapped Lowland or as a Coastal Area with Specific Handicaps or as More Severely Handicapped Lowland or as Mountain Type Grazings.
- (3) Undertake to remain in farming in a disadvantaged area for 5 years from the first payment of a Disadvantaged Areas payment.
- (4) Comply with Cross Compliance as set down by the Department of Agriculture and Food in its booklets "The Single Payment Scheme – Guide to Cross Compliance" (March 2005), "The Single Payment Scheme – Guide to Cross Compliance Requirements to be implemented in 2006 and 2007" (August 2006) and the "Explanatory Handbook for Good Agricultural Practice Regulations" (November 2006). See Chapter 25 for full details.
- (5) Have a holding with a minimum stocking level of 0.15 livestock units per forage hectare.
- (6) In relation to any mountain commonage that you farm, be a participant under REPS or any National Scheme that may be in place or be compliant with the relevant Commonage Framework Plan.
- (7) Co-operate with Department staff in relation to any inspection or any request for documentation.

B. Forage area eligible for DAS

For the purpose of calculating payment under the 2007 Disadvantaged Areas Scheme, the forage area of your holding is each hectare of land or part thereof situated in a Disadvantaged Area designated as Less Severely Handicapped Lowland or as a Coastal Area with Specific Handicaps or as More Severely Handicapped Lowland or as Mountain Type Grazings within the State. Forage area can include rough grazings; commonage shares; certain grazing rights; crops other than grass that are used as forage including maize, fodder beet, sugar beet, turnips, mangolds, forage rape, kale; and areas used for producing hay or silage.

C. Areas ineligible for DAS

Areas under roads, paths, buildings, farmyards, woods, scrub, rivers, streams, ponds, lakes, sand, areas of bare rock etc.; areas used for turf-cutting; areas used for quarrying; areas fenced off from grazing use, inaccessible areas and areas not available for the rearing of animals under a REPS plan etc.; areas used for permanent crops or horticultural crops; areas used for the aid

scheme for dried fodder (grassmeal production); areas under non-forage cereals, oilseeds and protein crops; areas in set-aside; areas used as sports fields, golf courses, pitch and putt courses etc.; Commonage areas that are required to be totally destocked under a Commonage Framework Plan.

D. Livestock Unit Values

The following livestock unit values are used for calculating compliance with the minimum stocking level of 0.15 livestock units per forage hectare under the 2007 Disadvantaged Areas Scheme. You must own, possess, hold and maintain for at least three continuous months of the year the livestock required to maintain the minimum stocking level. You may be exempted from compliance with the minimum stocking level of 0.15 livestock units per forage hectare where a REPS plan for your holding requires a lower stocking level. In such cases the requirement to maintain animals for at least three consecutive months of the year will apply to the number of animals per forage hectare which is the equivalent in livestock unit values to that lower stocking level.

<u>Type of animal</u>	<u>Livestock Unit value</u>	<u>Proof which may be required</u>
Female or male cattle over 2 years old	1.0 livestock unit each	Herd Register kept up to date. CMMS compliant.
Female or male cattle 2 years old or under	0.6 livestock unit each	Herd Register kept up to date. CMMS compliant.
Female or male sheep	0.15 livestock unit each	Flock Register kept up to date. Most recent Sheep Census completed.
Female or male horses or ponies over 6 months old	1.0 livestock unit each	Horse Passport in your name.
Female or male horses or ponies 6 months old or under	0.6 livestock unit each	Horse Passport in your name.
Female or male goats	0.15 livestock unit each	Herd Register kept up to date. Most recent Goat Census completed.
Female or male deer	0.3 livestock unit each	Proof of ownership.

E. Aid levels – subject to approval

The 2007 Disadvantaged Areas Scheme provides for payment as follows, up to an overall payment ceiling of 45 forage hectares.

- Less Severely Handicapped Lowland and Coastal Areas with Specific Handicaps: €82.27 per forage hectare.
- More Severely Handicapped Lowland: €95.99 per forage hectare.
- Mountain Type Grazings: €109.71 on first 10 forage hectares or part thereof; €95.99 per hectare on remaining forage hectares.

Where you farm a combination of the above types of lands you will be paid Disadvantaged Areas payment within the overall payment ceiling of 45 forage hectares on Mountain Type Grazings firstly, on More Severely Handicapped Lowland secondly and on Less Severely Handicapped Lowland and Coastal Areas with Specific Handicaps thirdly so as to maximise the amount which you can be paid. In respect of any commonage you claim within the 45 forage hectares ceiling you will be paid, of course, only on the percentage share of commonage used by you. The entire holding will be treated as one holding for the purposes of payment under the 2007 Disadvantaged Areas Scheme.

The 2007 Disadvantaged Area Scheme, if approved, will be co-funded by the European Union.

F. Penalties for over-declaration of area

FORAGE AREA OVER-DECLARATION IN DISADVANTAGED AREAS	CONSEQUENCES OF OVER-DECLARATION
An over-declaration of area of up to 3% or of a maximum of 2 hectares	The area found will be used for payment
An over-declaration of area between 3% to 20% or of more than 2 hectares	The area found will be reduced for payment purposes by twice the difference between the area found and the area claimed
An over-declaration of area between 20% to 50%	No payment will be made in the year of application
An over-declaration of more than 50% of the eligible forage area found	No Disadvantaged Areas payment will be made in the year of application and an administrative fine, equivalent to the amount of aid payable on the difference between the area declared and the area found, will be deducted from any payments due in the subsequent three years

The above penalties will not apply where payment on the found area would not have been different. Furthermore, where you intentionally make an area over-declaration, the following penalties will apply if that over-declaration would have made a difference to payment.

FORAGE AREA OVER-DECLARATION IN DISADVANTAGED AREAS	CONSEQUENCES OF OVER-DECLARATION
An intentional over-declaration of area up to 50%	No payment will be made in the year of application.
An intentional over-declaration of area over 50%	No payment will be made for the year of application and an administrative fine, equal to the amount of aid payable on the difference between the area declared and the area found, will be deducted from any payments due under SPS, DAS etc. in the subsequent three years.

G. New applicants for DAS.

If you do not remain farming in a disadvantaged area for 5 years from the first payment to you of Disadvantaged Areas payment, you must refund to this Department all Disadvantaged Areas payments received since (and including) that first payment – unless the person to whom the lands were transferred undertakes to honour your 5-year undertaking. Where the lands were transferred by gift or inheritance, an application for DAS by the new applicant will be taken as a transfer of the 5-year undertaking. Leases between family members may meet the undertaking.

H. Inspections

At least 5% of applicants will be subject to inspections. Applicants shall agree to permit officials or agents of the Department to carry out on-farm inspections with or without prior notice at any reasonable time(s) and without prejudice to public liability. When notified of an on-farm inspection the applicant should arrange to be present for the inspection or should nominate a representative in his/her place to assist the inspecting officer.

I. Cross Compliance

Disadvantaged Area Scheme applicants must respect the Cross Compliance requirements. Under Cross Compliance requirements, a farmer receiving Disadvantaged Area Scheme payment must respect the various statutory management requirements set down in EU legislation (Directives and Regulations) on the environment, food safety, animal health and welfare, and plant health and must maintain the farm in good agricultural and environmental condition (GAEC). No payment shall be made in favour of beneficiaries for whom it is established that they artificially created the conditions required for obtaining such payments with a view to obtaining an advantage contrary to the objectives of that support scheme. Booklets entitled “The Single Payment Scheme - Your Guide to the Cross Compliance”, “Guide to Cross Compliance Requirements to be implemented in 2006 and 2007” and “Explanatory Handbook for Good Agricultural Practice Regulations” detailing obligations that should be respected were issued to all farmers in 2005 and 2006. These publications outline in detail the Cross Compliance requirements set out in Commission Regulation (EC) No. 796/2005 as amended. Details of penalties are also set out.

Farmers should read these booklets carefully in conjunction with this Helpsheet. Further details including all checklists are available on the Department's web site. 1% of applicants for the Disadvantaged Area Scheme will be subject to checks under Cross Compliance except for bovines where the inspection rate will be 5%.

J. Late applications

The 2007 Single Payment Scheme application is the application form for the 2007 Disadvantaged Areas Scheme. If this is received after the closing date of 4 May 2007, a 1% reduction in Disadvantaged Areas payment will apply for each working day that the application is late up to and including 29 May 2007. No Disadvantaged Areas payment can be paid in respect of any application received after 29 May 2007.

Chapter 21

SPECIFIC TERMS AND CONDITIONS APPLICABLE TO THE ENERGY CROPS SCHEME DEFINITION

Energy crops are defined under Article 88 of EU Regulation 1782/2003 as crops supplied essentially for the production of the following energy products:

- products considered bio-fuels;
- electric and thermal energy produced from biomass.

AID

An aid of €45 per hectare per year will be paid for areas sown under energy crops used under the conditions laid down in TITLE IV, Chapter 5, of Council Regulation (EC) No 1782/2003 and Chapter 8 of Commission Regulation (EC) No 1973/2004.

ADDITIONAL NATIONAL FUNDING:

An additional top-up of €80 per hectare, funded by the National Exchequer, will also be paid. This additional payment will apply for three years, beginning with the 2007 Scheme. This additional payment is subject to a maximum ceiling per producer over the three years; in 2007, the three-year maximum area per producer is 37.5 hectares.

CONDITIONS FOR ELIGIBILITY

The aid will be granted only in respect of areas whose production is covered by a contract between the farmer and the processing industry, (except in the case of processing undertaken by the farmer himself on the holding - a letter of undertaking is essential in these cases). Areas that are the subject of an application under the Energy Crops Scheme may not be counted as being set-aside for the purposes of using set-aside entitlements. Contracts must be submitted to the Department by the collector/processor no later than the closing date for receipt of applications under the 2007 Single Payment Scheme.

USE OF RAW MATERIAL

1. Any agricultural raw material may be grown on the areas covered by the aid provided that they are intended primarily for use in the production of the above energy products.
2. Hemp may only be grown where the Minister for Health and Children has granted a licence under the Misuse of Drugs Acts, 1977 and 1984 and the Misuse of Drugs Regulations, 1988 and 1993.
3. The raw materials referred to above must be covered by a contract in accordance with the conditions of eligibility outlined above.
4. Applicants must deliver all raw materials harvested to a collector or first processor who will take delivery of them and ensure that an equivalent quantity of these raw materials is used within the European Community for the manufacture of one or more of the energy products defined above.

MAXIMUM GUARANTEED AREA FOR ENERGY CROPS

A Maximum Guaranteed Area (MGA) in the European Union for Energy Crops, for which aid may be granted, has been established at 1.5 million hectares. Where the area for which aid is claimed exceeds this MGA, the rate at which the aid will be paid shall be reduced proportionately for the year in question.

SECURITY REQUIREMENTS SPECIFIC TO THE ENERGY CROPS SCHEME AND THE NON-FOOD USE OF SET-ASIDE LAND

- Energy Crops Scheme: Collectors or first processors must lodge a security of €60 per hectare, which will be released when documentary proof is furnished that the raw materials concerned have been processed into energy products.
- Non-food use of set-aside land: Collectors or first processors shall lodge a full security by the closing date for receipt of 2007 SPS applications, at a rate of €250 per hectare.

CONTACT DETAILS:

Any queries relating to the Energy Crops Scheme or Non-Food set-aside may be addressed to: Energy Crops Section, SPS Unit, Department of Agriculture & Food, Portlaoise, Co. Laois; telephone number 057 8678701/8678709.

BIO-ENERGY ESTABLISHMENT SCHEME:

A Bio-energy Establishment Scheme to grant-aid the planting of willow and miscanthus, funded by the national Exchequer, is being established for a limited period. Details can be obtained from Crops Policy Section, Department of Agriculture & Food, Kea-Lew Business Park, Mountrath Road, Portlaoise, Co. Laois, telephone: 057- 8692231.

Chapter 22

EU LEGISLATION RELEVANT TO YOUR SPS APPLICATION

These TERMS & CONDITIONS implement the following EU Council and Commission Regulations, and any amendments to these Regulations that are applicable to the 2007 Scheme year. Any further EU Council or Commission amendments made during 2007 will be communicated to farmers and will, where appropriate, also apply to 2007 applications. The complete EU legislation is available at <http://europa.eu>

- No. 1782/2003 of 29/9/2003, as corrected by 32003R1782R(01), establishing common rules for direct support schemes – OJ L270 of 21/10/2003.
- No. 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC – OJ L 5 of 9/1/2004.
- No. 795/2004 of 21 April 2004 laying down the detailed rules for the implementation of 1782/2003 – OJ. L141 of 30/4/2004.
- No. 796/2004 of 21 April 2004 laying down the detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in 1782/2003 – OJ. L141 of 30/4/2004.
- No 1257/1999 of 17/5/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) – OJ L160 of 26/6/1999.
- No. 817/2004 of 29 April 2004 laying down detailed rules for the application of 1257/1999 – OJ. L 153 of 30/4/2004.
- No 1255/1999 of 17 May 1999 on the common organization of the market in milk and milk products – OJ. L 160 of 26/6/1999.
- No.1673/2000 of 27 /7/2000 on the common organisation of the markets in flax and hemp grown for fibre - OJ L193 of 29/7/2000.
- No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials – OJ L 345 of 20/11/2004.
- No 178/2002 of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and Laying down procedures in matters of food safety - OJ L 031 of 10/02/2002.
- No 999/2001 of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies - OJ L 147 of 31/05/2001.
- No 183/2005 of 12 January 2005 laying down requirements for feed hygiene - OJ L035 of 08/02/2005.
- No. 852/2004 of 29 April 2004 on the Hygiene of foodstuffs - OJ L226 of 25/6/2004
- No. 853/2004 of 29 April 2004 laying down specific hygiene rules for the hygiene of foodstuffs - OJ L226 of 25/6/2004

Chapter 23

DEFINITIONS RELEVANT TO THE SINGLE PAYMENT SCHEME

The following definitions apply for the purposes of all Schemes covered by the 2007 Single Payment Scheme applications. Any changes which may be required to the Terms and Conditions as a result of an EU or Ministerial decision will be published.

- (1) the “EU” means the European Union.
- (2) the “Minister” means the Minister for Agriculture and Food.
- (3) The “Department” means the Department of Agriculture and Food.
- (4) “Single Application” means the application for direct payments in respect of the Single Payment Scheme and other area-related aid schemes.
- (5) “Area-related aid schemes” means the Single Payment Scheme, the Protein Premium Scheme, the Energy Crops Scheme, the Disadvantaged Areas Scheme and the Dried Fodder Scheme.

- (6) "Applicant" means a farmer who submits a 2007 "Single Application". An applicant may submit only one "Single Application" for 2007. This application should cover his/her entire holding and include all the land farmed by him/her in 2007 wherever in the State that land may be located and irrespective of whether the lands are associated with one or more Herd Numbers.
- (7) "Direct payment" means any payment granted directly to farmers under the Single Payment Scheme, the Proteins Premium Scheme, the Energy Crops Scheme and the Dried Fodder Scheme.
- (8) "farmer" means a natural or legal person, or group of natural or legal persons, recognised by Irish law, whose holding is situated in the State and who exercises an agricultural activity.
- (9) "Collector" means any person signing a contract, as defined, who purchases on his own account, any raw materials, the primary end-use of which is intended for energy or non-food purposes.
- (10) "First processor" means any user of agricultural raw materials who undertakes the first processing thereof, the primary end-use of which is intended for energy or non-food purposes.
- (11) "Holding" means all the production units within the territory of the State managed by a farmer.
- (12) "Agricultural activity" means the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition.
- (13) "Agricultural area" means the total area taken up by arable land, permanent pasture and permanent crops.
- (14) "Arable land" means land cultivated for crop production and land under set-aside, or land maintained in good agricultural and environmental condition irrespective of whether or not the land was under greenhouses or under fixed or mobile cover.
- (15) "Permanent pasture" means land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or longer, excluding land declared as set-aside under the EU Arable Aid Scheme in any of the years 1998 – 2003.
- (16) "Grasses or other herbaceous forage" means all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows (whether or not used for grazing animals).
- (17) "Permanent crops" means non-rotational crops other than permanent pasture that occupy the land for five years or longer and yield repeated harvests, including nurseries and short rotation coppice, with the exception of multi-annual crops and the nurseries of multi-annual crops. Set-aside land planted with permanent crops
 - (a) used for the provision of materials for the manufacture within the EU of products not primarily intended for human or animal consumption (Non-food) and
 - (b) land planted with permanent crops and which are also subject to an application for the aid for energy crops, shall be considered as eligible hectares for the use of, respectively, set-aside entitlements and payment entitlements.
- (18) "Multiannual crops" means crops of Artichokes, Asparagus, Rhubarb, Raspberries, Blackberries, Mulberries, Loganberries, Black, White or Redcurrants, Gooseberries, Cranberries, Bilberries and other fruits of the genus Vaccinium.
- (19) "Use" means the use of the area in terms of the type of crop or ground cover or the absence of a crop.
- (20) "Crop" means any type of crop or ground cover including grass but excluding set-aside.
- (21) "Land use" means a crop, a ground cover or the absence of a crop in respect of each land parcel in a holding.
- (22) "Land parcel" means an area of land uniquely within a townland which has a unique identifier number on the Department's Land Parcel Identification System (LPIS) and is generally defined by a permanent boundary.
- (23) "Reference area" means an area above which a farmer would not be expected to claim without proof of change to the parcel.
- (24) "Found area" or "Determined area" means the area for which all the conditions attaching to the payment of aid have been met.
- (25) "Reference parcel" means a geographically delimited area with a unique identification number as registered on the Department's Land Parcel Identification System.
- (26) "Area determined" means the area for which all the conditions attaching to the payment of aid have been met. In the case of the Single Payment Scheme, the area declared may be deemed as determined only if it is accompanied by a corresponding number of payment entitlements.

- (27) “Cross-compliance” means respect for the statutory management requirements and good agricultural and environmental condition as set down in the Department’s 2005 and 2006 publications entitled “The Single Payment Scheme - Your Guide to the Cross Compliance”, “Guide to Cross Compliance Requirements to be implemented in 2006 and 2007” and “Explanatory Handbook for Good Agricultural Practice Regulations”.
- (28) “Areas of cross-compliance” means different areas of statutory management requirements relating to public, animal and plant health, the environment and animal welfare, and the good agricultural and environmental conditions pertaining to soil erosion, soil organic matter, soil structure and the minimum level of maintenance required.
- (29) “Non-compliance” means any non-compliance with the requirements and standards laid down under the statutory management requirements and good agricultural and environmental condition as set down in the Department’s 2005 and 2006 publications entitled “The Single Payment Scheme - Your Guide to the Cross Compliance”, “Guide to Cross Compliance Requirements to be implemented in 2006 and 2007” and “Explanatory Handbook for Good Agricultural Practice Regulations”.
- (30) “Force majeure” means circumstances which could not have been foreseen by a prudent producer and which could not be circumvented or prevented by him/her, or, if so, could only be done at unreasonably excessive cost. A claim of force majeure must be lodged in writing with the Department, along with the relevant supporting documentation, within 10 working days of the applicant being in a position to notify the facts of the situation which he/she feels should be considered as force majeure. The Department will decide in each such case, having regard to EU law, whether the circumstances set down amount to force majeure.

Chapter 24

CONTROLS AND INSPECTIONS

Single Farm Payment applications will be subject to administrative checks, controls by remote sensing using satellite imagery or aerial photography, and on-farm inspections. Applicants shall agree to permit officials or agents of the Department to carry out on-farm inspections with or without prior notice at any reasonable time(s) and without prejudice to public liability. When notified of an on-farm inspection the applicant should arrange to be present for the inspection or should nominate a representative in his/her place to assist the inspecting officer. Every inspection will be the subject of a report and the applicant or his/her representative will be given an opportunity to sign the report indicating his/her presence at the inspection and to add his/her observations if he/she so wishes. Signing this document does not imply that the applicant or his/her agent accepts the inspection findings. The applicant has a number of appeal options available should he/she wish to avail of them. In general the rate of on-farm inspection required for cross-compliance is 1% of those farmers applying under the Single Payment Scheme. However at least 5% of applicants must be inspected under the Animal Identification and Registration requirements of Cross - Compliance for cattle and 3% for sheep as these levels are prescribed under the relevant Regulations.

In addition to cross compliance checks it is a requirement to carry out standard eligibility checks to verify that the actual area claimed in the Single Payment Scheme application form corresponds to the area held by the farmer and to ensure there are no overlapping claims, or duplicate claims. Checks will also be required to confirm that the lands declared for set-aside purposes are maintained in accordance with the provisions of the EU Regulations and that the set-aside obligations are observed.

It will also be necessary to verify that the land used to draw down entitlements does not contain land used for fruit and vegetable production, land used for potatoes or land in forestry or other permanent crops in the year of application for the Single Payment.

The Department of Agriculture and Food, as the EU accredited Paying Agency, will have primary responsibility to ensure that the required level of cross compliance inspections is carried out and for fixing any sanctions to be applied. To facilitate checks and on-farm inspections, applicants shall co-operate with Department staff, reply to all queries and provide any documentary evidence that may be requested in relation to their SPS application. Failure to do so may lead to loss of aid. If an on-farm inspection cannot be carried out through the fault or action of the applicant, the application shall be rejected unless an instance of force majeure is determined by the Department.

Chapter 25

CROSS COMPLIANCE

Under Cross Compliance requirements, a farmer receiving direct payments, including SPS, DAS etc., must respect the various statutory management requirements set down in EU legislation (Directives and Regulations) on the environment, food safety, animal health and welfare, and plant health and must maintain the farm in good agricultural and environmental condition (GAEC).

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

Booklets entitled “The Single Payment Scheme - Your Guide to the Cross Compliance, “Guide to Cross Compliance Requirements to be implemented in 2006 and 2007” and “Explanatory Handbook for Good Agricultural Practice Regulations” detailing obligations that should be respected by farmers who apply for the Single Payment Scheme” were issued to all farmers in 2005 and 2006. These publications outline in detail the cross compliance requirements set out in Commission Regulation (EC) No. 796/2005 as amended and that are applicable under the Single Payment Scheme. Farmers should read these booklets carefully in conjunction with this Helpsheets. Further details including all checklists are available on the Department’s web site at www.agriculture.gov.ie

Chapter 26

PENALTIES FOR OVER-DECLARATION OF AREA UNDER THE SINGLE PAYMENT SCHEME

If, in respect of an application under the Single Payment Scheme, the area declared exceeds the area found, the following penalties shall apply. It is important to note that no penalty will apply where the determined or found area is greater than the number of entitlements (excluding set-aside entitlements) held by the applicant in the 2007 SPS year.

Percentage difference between numbers of eligible hectares determined (found) and the number of Single Payment entitlements held – excluding set-aside entitlements	Level of Penalty
Less than 3% or under 2 hectares	No penalty but payment is based on the number of entitlements held equivalent to the number of eligible hectares determined (found area).
3% up to 20% (or greater than 2 hectares)	Payment is based on the number of entitlements equivalent to the number of eligible hectares determined reduced by twice the difference (in hectares) between the number of hectares declared and the number of entitlements held.
Greater than 20%	No payment is made under the Single Payment Scheme for the Scheme Year in question.
Greater than 50%	No payment is made under the Single Payment Scheme for the Scheme Year in question and an administrative fine amounting to the value of the Single Payment on the number of hectares over-declared (difference between number of hectares determined and number of entitlements held) will be offset against payments due to the applicant during the course of the three calendar years following the year in which the determination was made.

Furthermore, where an intentional area over-declaration is made, the following penalties will apply if that over-declaration would have made a difference to payment.

- Where there is an intentional over-declaration of area up to 50%, no payment will be made in the year of application.
- Where there is an intentional over-declaration of area over 50%, no payment will be made for the year of application and an administrative fine, equal to the amount of aid payable on the difference between the area declared and the area found, will be deducted from any payments due under SPS, DAS etc. in the subsequent three years.

In the application of penalties those entitlements with the highest values shall be attributed to the area determined i.e. where penalties are applied the farmer shall have the benefit of the highest value entitlements for payment purposes.

This penalty regime will also apply to area over-declarations under the Energy Crops Scheme and the Protein Crops Premium Scheme.

**PENALTIES FOR UNDER – DECLARATION OF ENTIRE LAND PARCELS UNDER
THE SINGLE PAYMENT SCHEME**

Commission Regulation (EC) No. 796/2004 (as amended) provides for the application of penalties in the case of the under-declaration of entire land parcels. The penalties provided for are as follows:

- (i) Where the under-declaration of land parcel(s) amounts to between 3% and 20% of the area declared in the application, a penalty of 1% will apply;
- (ii) Where the under-declaration of land parcel(s) amounts to between 20% and 50% of the area declared in the application, a penalty of 2% will apply;
- (iii) Where the under-declaration of land parcel(s) amounts to over 50% of the area declared in the application, a penalty of 3% will apply.

PENALTIES AND EXCLUSIONS FOR UNDER- DECLARATION OF SET-ASIDE LANDS

Under the Single Payment Scheme, set-aside entitlements must be utilised before any other entitlements.

However, where a farmer does not declare sufficient hectares for all the Set-aside entitlements, that farmer must be considered as not having fulfilled his/her set-aside obligation and is liable to penalties. In this case the area corresponding to the unused set-aside entitlements will be deemed as not having been found and a penalty corresponding to cases in which an over-declaration of area is made will be imposed.

Where Set-aside is not managed in accordance with the management rules set out earlier, no payment will be made on the Set-aside entitlements but the Set-aside entitlements will be deemed to be used. However, where the breach of the Set-aside management rules is such that the land is not in fact in Set-aside, the case may be regarded as a case of a deliberate false declaration.

**PENALTIES SPECIFIC TO THE ENERGY CROPS SCHEME AND
THE NON-FOOD USE OF SET-ASIDE LAND**

Where a farmer applying for aid for Energy Crops or declaring parcels as Non-Food Set-aside fails to deliver the requisite quantity of any given raw material, he/she shall be deemed to have failed to fulfil the obligation as regards parcels intended for energy purposes or non-food set-aside, respectively, in respect of an area calculated by multiplying the area of land cultivated and used by the applicant for the production of the raw materials by the percentage shortfall in deliveries of that raw material.

A STEP-BY-STEP GUIDE TO COMPLETING THE FRONT PAGE OF THE SPS FORM

- NAME AND ADDRESS is pre-printed. If any amendment is necessary, strike through the printed detail and write in the correct details.
- HERD NUMBER is also pre-printed. This is the valid Herd Number at the date of printing. If your Herd Number has since changed, please strike through the pre-printed Herd Number and write in your new Herd Number. Should your Herd Number change after the submission of the 2007 SPS application, you should immediately write to the Single Payment Unit with details of your new Herd Number.
- TELEPHONE NUMBER: Enter your home Telephone No. and/or Mobile Telephone No. in the spaces provided. A Telephone no. is useful as it will allow the Single Payment Unit to contact you directly in order to resolve any queries that may arise with your application. There is a tick box if you wish to receive text messages on your mobile phone from the Department from time to time.
- PPSN and DATE OF BIRTH: You are obliged to enter your Personal Public Service Number (PPSN) and your Date of Birth. Failure to do so will result in delays in processing your Application. The PPSN was formerly known as the Revenue and Social Insurance (RSI) Number. Your PPSN is available on application from your local office of the Department of Social and Family Affairs. Your PPSN and Date of Birth are pre-printed on your 2007 SPS application form if you have already supplied these details. Please check these details carefully and make any amendments necessary.
- REPS AND FORESTRY DETAILS: If you are participating in REPS, enter your REPS Reference No. in the space

provided on the front of the form. If you are in receipt of aid under the Afforestation Premium Scheme, enter your Forestry Contract No. in the space provided on the front of the form.

- **EARLY RETIREMENT SCHEME:** If you are participating in the Early Retirement Scheme, enter your ERS Reference No. in the space provided on the front of the form.

FORMAL APPLICATION / DECLARATION

In this section of the front page you are making your application for payment in the first instance in respect of your entitlements under the Single Payment Scheme.

- **ENTITLEMENTS DETAILS:** Details of the SPS entitlements held by you at the date of printing of your form are pre-printed. This is the third year of the 3-year Single Payment Scheme cycle, and, under SPS regulations, farmers could lose some or even all of their entitlements if they are not used during that period. This arises where an applicant holds entitlements of differing values, and, for whatever reason, payment cannot be made on all of those entitlements in 2007. In these circumstances, payment in respect of the entitlements deemed to be used will be made in the order set out on the pre-printed 2007 SPS application form. Where, at the date of submission of the 2007 application form there are outstanding transactions that, following processing, will further affect an applicant's entitlements, the pre-printed payment order can be amended by completing a "Request to change Payment Order" application form. A copy of this form will issue to all applicants.
- **OTHER AREA-BASED SCHEMES:** In 2007, the SPS application form has been further simplified. Application for the Disadvantaged Areas Scheme is automatic on submission of a valid 2007 SPS application form provided you meet the requirements of that Scheme (see Chapter 20). A valid completed SPS application form will also be taken as an application for the Energy Crops Scheme and the Protein Crops Premium Scheme as appropriate.

You are also formally declaring that the information contained in your form is true and accurate for the purposes of the Schemes covered by your application. Furthermore, you are confirming that you have read this HELPSHEET / TERMS AND CONDITIONS and that you are fully familiar with the requirements therein.

- **SIGNATURE AND DATE: DON'T FORGET TO SIGN AND DATE THE FORM.**
Your SPS application cannot be accepted if you do not sign it. Where the application is made on behalf of more than one person, for example John and Mary Murphy, both parties, that is John Murphy and Mary Murphy, must sign the form. Where all the parties to whom the application refers do not sign the form, the application will be regarded as incomplete. Where the application is made on behalf of a company or other legal entity, the signatory is required to enter his/her official status, for example Company Secretary etc.

Chapter 31

A STEP-BY-STEP GUIDE TO COMPLETING THE BACK PAGE OF THE SPS FORM

GENERAL GUIDELINES

Before completing the back page of your application please read the following step by step guide so that you will be fully aware of any new requirements and also understand the details required in the various columns. Where possible, land parcel details in respect of parcels declared by you on your 2006 Single Payment Scheme application form have been pre-printed on your 2007 SPS application form. Please examine the pre-printed details on your application form carefully and make any amendments necessary - for example, you may no longer have the lands that you had rented-in in 2006. If any of the parcels for which pre-printed details have been supplied are not being farmed by you in 2007, delete that parcel by drawing a line through all its pre-printed details (i.e. across the entire row). The responsibility rests with you to check these details carefully and to make any changes that you deem necessary. If the pre-printed details are incorrect and have not been amended by you, penalties may be incurred.

Insert the necessary details in any Column that has not been pre-printed. Where essential details are missing, the application will be regarded as incomplete.

If Continuation Sheets are required these can be obtained from the Single Payment Unit in Portlaoise or from Local Offices of the Department or from TEAGASC. If you are using CONTINUATION SHEETS, make sure that you enter your Herd Number and name on each additional sheet and also number any additional sheets.

COLUMN 1: TOWNLAND

COLUMN 1 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE SPS APPLICATION FORM. Where this Column is not completed in respect of every parcel/plot declared by you, your application will be regarded as incomplete. The Townland name is pre-printed on your 2007 SPS form for any parcel you declared in 2006. If you are including any new parcels in your holding for 2007, write the official Townland name on a new line in this Column i.e. the Townland name shown on an Ordnance Survey or LPIS map.

COLUMN 2: LAND PARCEL NUMBER

COLUMN 2 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE APPLICATION FORM. Where this Column is not completed in respect of every parcel/plot declared by you, your application will be regarded as incomplete. The land parcel number (LPIS No.) is pre-printed on your 2007 SPS application form for any parcel you declared in 2006. Where the LPIS No. is followed by an asterisk (*), this indicates that all or part of the parcel is located within an NPWS (Duchas) designated area. If you are adding any new parcel to your holding in 2007, you must obtain the unique land parcel number (LPIS No.) from the previous occupier and enter that number in this Column. Where the LPIS No. is not available, identify the new plot/s in this Column by calling them Plot 1, Plot 2 etc. In this instance you must also identify these new plots by outlining them carefully on either an Ordnance Survey map or a Land Registry map or a Land Parcel Identification System map, also numbering them Plot 1, Plot 2, etc on the map. Enter the same plot name in this Column as you have it written on the map - Plot 1, Plot 2 etc. The map(s) of any new plot(s) must be submitted with your application. Please ensure that any map submitted by you is marked with your name, address and Herd Number. If the map is part of a Land Registry or Ordnance Survey map, it must also be marked with the Ordnance Survey sheet number and the Townland in which the parcel is located.

TEMPORARY SUBDIVISIONS

If you are temporarily dividing a land parcel in 2007 into two or more smaller parcels, and will be declaring those smaller parcels for different uses or under different crop categories, delete that parcel's pre-printed details. Then, enter the details of each subdivision of that parcel on a new line using the original 9 digit LPIS parcel number along with a specific identifier ("A", "B", "C" etc.) after the LPIS No. for each subdivision. You must also outline these temporary boundaries on a map marking each division "A", "B", "C" and so on. Enclose the map, marked with your name, address and Herd Number, with your application.

COLUMN 3: PARCELS ELIGIBLE TO USE SET-ASIDE ENTITLEMENTS

LAND ELIGIBLE FOR SET-ASIDE

As land eligible for set-aside is based on historical declarations of land use under the Single Payment Scheme, its status is, in the case of most parcels, available on the Department's historical database of land-use between 1998 and 2003. Accordingly, the parcels that are eligible for using Set-aside entitlements are indicated in this Column with a "Y". This indicator is pre-printed in respect of all parcels identified as being eligible for set-aside, irrespective of whether the farmer has Set-aside entitlements or not. While every effort has been made to ensure that all parcels that are eligible for using Set-aside entitlements have been correctly identified and marked with a Y in this Column, you may request the Single Payment Unit for a review in the event that an eligible parcel in your holding has been omitted.

COLUMN 4: GROSS AREA OF PARCEL IN HECTARES

COLUMN 4 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE APPLICATION FORM. Where this Column is not completed in respect of every parcel/plot declared by you, your application will be regarded as incomplete. The gross area of each land parcel is pre-printed in hectares in this Column. The gross area of a parcel is the digitised area (computerised measurement) of the parcel in hectares. In the case of commonages, the gross area is the area of the entire commonage and not the area represented by the share you claim. Where you are declaring any new parcel as part of your holding in 2007, the gross area may be available from the previous occupier. Enter that area in this Column. Where the digitised Gross Area is not available, enter the gross area, in hectares, as on your Ordnance Survey or other map.

COLUMN 5: REFERENCE AREA

Reference Area means an area above which a farmer would not be expected to claim without proof of change to the parcel.

COLUMN 6: COMMONAGE FRACTION

In this Column you are entering the share of the Commonage that you are entitled to declare – you will therefore be entering an appropriate fraction of the total commonage. Where a fraction is not entered in this Column in respect of every Commonage parcel/plot declared by you, your application will be regarded as incomplete. In all cases where commonage shares/grazing rights are declared for the purposes of using entitlements, one of the conditions of eligibility is the existence of documentary evidence of your right to the shares/rights declared. In general terms, this condition is met by the production of legal documentation detailing the commonage share/grazing rights held. The following documentation is acceptable to satisfy eligibility on title:

COMMONAGE SHARES:

Copy Land Registry Folio showing registered commonage shares;

GRAZING RIGHTS:

Copy Land Registry Folio showing Grazing Rights held; Land Commission Vesting Order; Certified copy of relevant estate papers from Land Commission records; Grant by the freehold legal owner; Grazing Trust Deed; Grant of deed by the original estate landlord. If you are again declaring the same Commonage shares in 2007 as you did in 2006, there is no need to submit a further copy of the proof that has already been submitted by you and was accepted for the purposes of the Single Payment Scheme. The appropriate fraction representing your share of the Commonage is pre-printed in this Column. Where any new land parcel in your holding in 2007 is Commonage, you must state the share (fraction, for example 1/5, 1/10 etc) of that Commonage which you are entitled to claim. The onus is on you to ensure that the documentation submitted as proof of your right is adequate to support the share that you are declaring.

In circumstances where no documentary evidence as listed above exists, the Department may accept such other documentary evidence, as it deems appropriate, for the purposes of establishing entitlement. Accordingly, where all other conditions of the relevant Schemes are met and the only issue to be determined is the entitlement to the Commonage shares/grazing rights declared, the following documentary evidence may be acceptable in the absence of the documentary evidence listed above:

A joint affidavit signed by all shareholders/grazing rights' holders, setting out:

1. The total number of commonage shares/grazing rights;
2. Each shareholder's share entitlement in the commonage;
3. Each grazing rights' holder's allocation of rights and the extent to which such rights may be exercised;
4. An undertaking that if at any future date a person, other than the deponents or their successors, establishes a valid claim to a share in the commonage/grazing rights, such person would be accommodated by a proportionate reduction in the existing shares/grazing rights as set out in the affidavit;
5. The affidavit shall include a recital stating that the affidavit will not be used for purposes other than those for which it was prepared;
6. Any such affidavit shall be accompanied by exhibits consisting of:
 - A map of the Commonage showing the total area with the external boundaries clearly marked in red, or, in the case of grazing rights the entire area over which rights are exercised;
 - Documentation showing that the deponents have made every reasonable effort to establish a definitive list of shareholders/grazing rights holders relative to the entire area to which the affidavit refers.

COLUMN 7: NET AREA OF EACH PARCEL IN HECTARES

COLUMN 7 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE APPLICATION FORM. Where this Column is not completed in respect of every parcel/plot declared by you, your application will be regarded as incomplete. The net area of a parcel is the area of the parcel that you are declaring as available and suitable for agricultural activity/use in 2007. The net area is calculated by deducting any ineligible or non-usable part of that parcel (for farming purposes) from the gross area indicated in Column 4. If this net area is not already pre-printed in respect of any of the parcels on your form, you must enter the net area, as otherwise the form will be regarded as incomplete. If an amendment to a pre-printed net area is necessary to reflect the accurate position, please ensure that you delete the pre-printed net area on your form and clearly enter the amended net area.

In the case of each parcel declared, the net area must exclude any areas under buildings; farmyards; woods; rivers; streams; ponds; paths; farm roads; expanses of bare rock, dense scrub or boglands that are unfit for grazing. You need not make deductions for fences, headlands, hedgerows or drains. Please note that all forage areas should be adequately fenced.

In the case of Commonage, any necessary deduction should be made from the gross area of the Commonage (Column 4) so that individual net areas declared by the shareholders are accurate. The net area should represent only that part of your Commonage share that is suitable and available to you for agricultural use. Do not overclaim the net area of any parcel. Under EU Regulations, penalties may apply for over-declaration of areas and may involve loss of all aid.

READY RECKONER FOR CONVERSION OF AREA

All areas included on your form must be given in HECTARES (to two decimal places). Use the following table as a reference for converting from acres to hectares.

Acres	Hectares	Acres	Hectares	Acres	Hectares	Acres	Hectares	Acres	Hectares
0.01	0.0040	0.1	0.0405	1	0.4047	10	4.047	100	40.47
0.02	0.0081	0.2	0.0809	2	0.8094	20	8.094	200	80.94
0.03	0.0121	0.3	0.1214	3	1.2141	30	12.141	300	121.41
0.04	0.0162	0.4	0.1619	4	1.6188	40	16.188	400	161.88
0.05	0.0202	0.5	0.2023	5	2.0235	50	20.235	500	202.35
0.06	0.0243	0.6	0.2428	6	2.4282	60	24.282	600	242.82
0.07	0.0283	0.7	0.2833	7	2.8329	70	28.329	700	283.29
0.08	0.0324	0.8	0.3238	8	3.2376	80	32.376	800	323.76
0.09	0.0364	0.9	0.3642	9	3.6423	90	36.423	900	364.23
								1,000	404.70

COLUMN 8: OWNED, RENTED OR LEASED

COLUMN 8 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE APPLICATION FORM. Where this Column is not completed in respect of every parcel/plot declared by you, your application will be regarded as incomplete. The detail required in this Column has been pre-printed insofar as possible. Where this Column is blank in respect of any parcel, or if you are declaring a plot, you are required to indicate whether the parcel/plot is Owned, Rented or Leased. Accordingly, please indicate in respect of each land parcel/plot whether you own it, (O) ; whether you are renting it in by rental arrangement during 2007 (R) ; or whether you have the land in 2007 on the basis of a formal land lease (L). If an amendment to the pre-printed data is necessary to reflect the accurate position, please ensure that you delete the pre-printed data on your form and clearly enter the amended information in line with the instruction above.

COLUMN 9: 10- MONTH END DATE IN RESPECT OF EACH PARCEL DECLARED ON YOUR 2006 SPS APPLICATION

This Column has been added for your information and guidance. It is pre-printed with the end date of the 10-month period for each parcel declared in 2006. The pre-printed end date is 10 months on from the start date declared for that parcel in 2006. Your start date for parcels to be declared under the 2007 SPS Scheme must be after this end date.

COLUMN 10: THE 10- MONTH START DATE IN RESPECT OF EACH PARCEL/PLOT

COLUMN 10 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE APPLICATION FORM. Where this Column is not completed in respect of every parcel/plot declared by you, your application will be regarded as incomplete. The conditions relating to the 10-Month rule have been set out in Chapter 19 of this publication. In this Column you are required to insert a Start Date for each parcel/plot in your holding in 2007. The start date must begin after the end date for the 2006 Scheme (this is pre-printed in Column 9 where that parcel was declared in 2006). Generally the same start date will apply to all parcels on your holding. Insert the date from which each parcel in your holding is available to you for at least 10 months, for example 01/09/06, 01/02/07 etc.

COLUMN 11: CROP CATEGORY

COLUMN 11 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE APPLICATION FORM. Where this Column is not completed in respect of every parcel/plot declared by you, your application will be regarded as incomplete. If not already pre-printed on your form, please indicate for each parcel whether it is Forage or Arable or Set-aside or Other by marking the appropriate box in Column 11 with an "x". EVERY PARCEL/PLOT THAT MAKES UP YOUR HOLDING IN 2007 MUST BE IDENTIFIED UNDER ONE OF THESE CATEGORIES. Where aid is being claimed under the AFFORESTATION PREMIUM SCHEME (with the exception of Forestry Set-aside), or the DRIED FODDER SCHEME, the land parcels concerned should be identified as OTHER in this Column. REPS 3 Habitats should also be declared as OTHER, as should buildings, scrub, potatoes etc. Sugar beet and arable land that is left fallow for 2007 should be regarded as Arable.

COLUMN 12: PARCEL USE IN 2007

COLUMN 12 MUST BE COMPLETED IN RESPECT OF EACH PARCEL/PLOT ON THE APPLICATION FORM. Where this Column is not completed in respect of every parcel/plot declared by you, your application will be regarded as incomplete. Land parcels for which aid is obtained under any of the Schemes for which an SPS application is required (see Chapter 5 of this Helpsheet) will be crosschecked against the declared land use in this Column. You should ensure therefore that this Column is completed clearly and accurately in respect of every parcel /plot and that the land use entered by you reflects the actual use of that parcel/plot in 2007. Where parcel information is pre-printed please ensure that the pre-printed use is correct for 2007 and amend if necessary.

Note:

If a main crop such as wheat is sown prior to 1/1/2007 it should be classified as a winter crop and should be entered as such in Column 12.

Some examples of parcel uses that may be entered in Column 12

FORAGE uses; Permanent Pasture; Grass; Riparian area; Fodder beet; Turnips; Maize; etc.

ARABLE uses; Barley; Winter Barley; Wheat; Winter Wheat; Oilseeds; Spring Oats; Winter Oats; Linnet Habitat; Sugar Beet; Peas; Beans; etc.

SET-ASIDE uses; Set-aside; Green cover; Non-Food use; etc.

OTHER uses; REPS 3 Habitats; Bog; Potatoes; Fruit; Vegetables; Farmyard; Seed (Grass-seed); Dried fodder (Grassmeal).

COLUMN 13: ENERGY CROPS SCHEME

Where you are claiming aid under the Energy Crops Scheme, mark an "x" in this Column against each parcel that is being used to produce the energy crops. Please do not mark this column if you are applying for the Non-Food use of Set-aside Land only.

COLUMN 14: AFFORESTATION PREMIUM

Where a Forestry parcel is in receipt of aid under the Afforestation Premium Scheme, applicants are required to indicate this on the SPS application. An "x" must therefore be marked in this Column against those parcels where the use is specified as FORESTRY or FORESTRY SET-ASIDE in Column 12 and in respect of which the Afforestation Premium is being received. This "x" indicates that the parcel is in receipt of a forestry premium.

MAKING AMENDMENTS TO YOUR 2007 SPS APPLICATION

Amendments to 2007 SPS applications may be made up to 31 MAY 2007. The Department will not accept amendment forms after that date. A specific form – SPS 2007 AMENDMENT FORM - is available for this purpose. This form, which sets down full details of the circumstances under which amendments will be accepted, is available from the Single Payment Unit, Local Offices of the Department, from TEAGASC and on the Department's website at [www. agriculture.gov.ie](http://www.agriculture.gov.ie)

An Amendment Form should only be used where the 2007 SPS Application form has already been lodged with the Department.

Completion of Amendment Forms

Amendment forms should be completed fully and accurately, as they will become part of your 2007 SPS Application. Applicants should also note that, as the 2007 SPS Application is already lodged with the Department, any Amendment may only be made on this Amendment Form – do not submit a second 2007 SPS Application form for the purpose of making an Amendment.

PAYMENTS

The following Schemes, with the exception of the Disadvantaged Areas Scheme and the Energy Crops Scheme, which are co-funded, are fully financed by the EU.

SINGLE PAYMENT SCHEME

Payments under the Single Payment Scheme will commence on 1 December 2007 (subject to revision) and must be made in full by 30 June 2008.

PROTEIN CROPS PREMIUM PAYMENT

The supplementary premium payment shall be made at the rate of € 55.57 per hectare. The rate indicated may be subject to change if the EU maximum guaranteed area for energy crops is exceeded. Payments will be made as from 1 December 2007.

ENERGY CROPS PAYMENT

The rate of aid for Energy crops claimed under the Energy Crops Scheme has been set at €45 per hectare. The rate indicated may be subject to change if the EU maximum guaranteed area for energy crops is exceeded. An additional top-up of €80 per hectare, funded by the National Exchequer, will also be paid (see Chapter 21). Payments will be made as from 1 December 2007.

DISADVANTAGED AREAS SCHEME PAYMENT

Payment under this Scheme, subject to EU approval, will commence in September 2007.

NOTES