



# **HELPSHEET / TERMS & CONDITIONS**

**FOR THE**

**2009**

**EU SINGLE PAYMENT SCHEME (SPS)**

**AND FOR**

**THE 2009 DISADVANTAGED AREAS  
SCHEME,**

**AND OTHER 2009 AREA - BASED  
SCHEMES.**

**DEPARTMENT OF AGRICULTURE, FISHERIES AND FOOD**

The Department has prepared this document to ensure that you are aware of the requirements and conditions attaching to the direct payments concerned and to assist you in completing your 2009 application form under the Single Payment Scheme (SPS), the Disadvantaged Areas Scheme, the Rural Environment Protection Scheme (REPS) and other area based schemes. When you submit your 2009 application you are accepting that you are familiar with the Terms and Conditions outlined in this document and will comply fully with them. If you have any queries in relation to your application or a specific scheme/measure, please telephone the appropriate number in the following contact list.

**IMPORTANT NOTE:** In the event that there are any changes to the Terms and Conditions for these Schemes, they will be advised immediately.

### TELEPHONE CONTACT NUMBERS

Section	Counties	Telephone Number
Single Payment (1)	Cork and Westmeath	1890 252 236
Single Payment (2)	Cavan, Clare, Limerick and Roscommon	1890 252 235
Single Payment (3)	Donegal, Dublin, Offaly and Wexford	1890 252 244
Single Payment (4)	Carlow, Kilkenny, Louth Monaghan and Sligo	1890 252 243
Single Payment (5)	Kildare, Laois, Leitrim, Longford, Waterford and Wicklow	1890 252 242
Single Payment (6)	Galway, Kerry, Mayo and Meath	1890 200 502
Single Payment (7)	Tipperary	1890 252 598
Queries regarding online Registration	All counties	1890 252 118 agfood.ie Helpdesk
Helpline for applicants/Agents who are submitting their application online	All counties	The Lo-call number above for the relevant county.
Energy Crops Scheme	All counties	057 8678701 057 8678709
Disadvantaged Areas Scheme	All counties	1890 200 114
Transfer of Entitlements	All counties	1890 200 560
Consolidation of Entitlements	All counties	1890 252 241 1890 252 240
National Reserve	All counties	1890 252 051
REPS Derogation	All counties	053-9163400

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# SECTION 1 - IMPORTANT

## - BEFORE YOU SUBMIT YOUR APPLICATION

### 1. Changes to the 2009 Scheme.

- With effect from 1 January 2009, land which will be afforested in 2009 and subsequent years will continue to be eligible to draw down an SPS payment in 2009 provided that land meets the following requirements:
  - The land to be afforested was declared on a 2008 SPS application form;
  - The applicant who declared that land on a 2008 SPS application form was paid under the 2008 Single Payment Scheme;
  - The land to be afforested was eligible to draw down an SPS payment in 2008;
  - The afforested land meets all the requirements of the Afforestation Grant and Premium Scheme FEPS or the Native Woodland Establishment Scheme;

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

- Modulation on 2009 payments will be 7%, an increase of 2%. Additional modulation of 4% will be applied to payments that are greater than €300,000. Previously modulation was applied to the entire payment and a refund was later issued to reflect the exemption from modulation on the first €5,000. As from 2009, modulation will no longer be applied to the first €5,000 of the SPS payment so a refund will no longer be required. The rate of Modulation will increase in the coming years as follows: 8% in 2010, 9% in 2011 and 10% in 2012.
- The requirement of compulsory set-aside for tillage farmers is abolished with effect from 1 January 2009. It is no longer a requirement therefore to declare land as set-aside. Accordingly, set-aside entitlements have been converted to standard entitlements, retaining their original value. Arable land may of course be claimed as Green Cover, Fallow or Regeneration if this best suits the applicant's farming practice.
- The 5-year restriction on the transfer of National Reserve entitlements, including Consolidated entitlements, is abolished with effect from 1 January 2009.
- The "80% usage rule" applicable to the sale of SPS entitlements without land is abolished with effect from 1 January 2009.
- From 2009, National Reserve entitlements are treated in the same way as STANDARD entitlements and have been re-named Standard (NR).
- Under Good Agricultural and environmental condition (GAEC) applicants must "maintain soil organic matter levels through appropriate practices". Farmers declaring parcels that are in continuous tillage cropping must monitor soil organic matter levels by soil sampling. Farmers in areas that are vulnerable to low organic matter levels will be written to. See paragraph 16 for further information.
- Where features such as hedgerows, drains or fences are greater than 2 metres in width and are internal to a LPIS parcel or greater than 4 metres in width and forms the boundary between two LPIS parcels, they must be deducted in full.

### 2. Other points worth noting

- **Closing Date.** The **15 May 2009** closing date is the latest possible closing date under EU Regulations and, therefore, there cannot be any extension to that closing date.
- **Declare all your land.** You are legally required to declare all the land that will form part of your holding on 31 May 2009, excluding any land that you have leased OUT or rented OUT for any period that includes 31 May 2009. The person declaring the land on the Single Payment application will be held responsible for any non-compliance with the statutory management requirements under cross compliance or any failure to maintain the lands declared in good agricultural and environmental condition for the period 1 January to 31 December 2009. Lands declared as agricultural land must be maintained as such until 31 December 2009, unless afforested. Any change in the status of declared agricultural land must be notified to the Department.
- **Reference Area.** A Reference Area is pre-printed in Column 5 for all parcels. The Reference Area is the area of the parcel that is eligible to draw down payment. Payment cannot be made on an area greater than the Reference Area without the submission of mapping or other evidence to verify the increased claim.

This area is fixed for each parcel based on previous claims made on that parcel and on the results of inspections.

- **Review of digitised land parcels.** The Department has continued its work in reviewing digitised parcels with a view to the exclusion of areas that are ineligible to draw down payment. This arose because a number of SPS applicants have in the past claimed a reduced area for a parcel in order to allow for an ineligible area. Where re-digitising was required, applicants will find that maps contain either new parcel numbers or red-lined exclusions within a parcel, or both, giving rise to the following:
  - **New Parcel Numbers:** A land parcel may have been previously digitised without excluding an area that is not eligible for drawing down payment under the Single Payment Scheme. Where a parcel contained a farm building or farmyard for example, the Department has re-digitised that parcel and taken out the ineligible area. The agricultural area of the parcel (eligible area) has been given a new LPIS number. The farm building, farmyard etc has also been digitised separately and has been given its own LPIS number.
  - **Red-lined exclusions within parcels:** In the case of a number of parcels reviewed by the Department, it was necessary to exclude ineligible areas from within that parcel, for example buildings, roadways, lakes etc. In these cases the parcel was not re-digitised but the ineligible areas were excluded from the parcel by drawing a red line around them. The parcel area was recalculated to take account of any such red-lined exclusion but it retained the same parcel number. The revised Reference Area now reflects the deduction of the ineligible area. In this context, therefore, applicants are advised to cease the practice of claiming a reduced area on a parcel to take account of ineligible area within that parcel where adequate deductions have already been made. However, if further deductions are required for other features not covered by the Red-Lined exclusions, or the Department applied deductions are incorrect, then corrections should be made.
- **Submit a map for any parcel that has ineligible area.** Where there is an ineligible area within a parcel and the Reference Area has not been adjusted to take account of it, for example a building, the ineligible area must be outlined in red on a map. The map must be submitted for digitising along with your application. If you require maps of your holding, please contact the relevant telephone Helpline.
- Specify crop uses. In order to meet the requirements of the Nitrates regulations, it is necessary to be specific as regards Parcel Use (Column 10). The following Parcel Uses will not, therefore, be acceptable on a 2009 application form and will give rise to an error in the application: Barley, Wheat, Oats, Beet, Oilseeds and Potatoes. Where any of these crops are being declared, the following types should be specified
  - Winter Barley or Spring Barley
  - Winter Wheat or Spring Wheat
  - Winter Oats or Spring Oats
  - Winter Oilseed Rape or Spring Oilseed Rape
  - Fodder Beet or Sugar Beet
  - Maincrop Potatoes, Early Potatoes or Seed Potatoes.

### 3. Schemes for which an SPS application is required

Generally, 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 entitlements were therefore established. They, or their successors, must continue to farm in 2009. Other farmers, including new entrants to farming since the reference period, are also eligible for the Single Payment Scheme where they have received entitlements from the National Reserve or 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 the On-Farm Investment, are not included in the Single Payment.

**Farmers who have applied or who intend to apply in 2009 for any of the following schemes must submit a 2009 Single Payment Scheme application:**

- SINGLE PAYMENT SCHEME;
- DISADVANTAGED AREAS SCHEME;
- UPLANDS SHEEP PAYMENT;
- ENERGY CROPS SCHEME;
- BIO-ENERGY ESTABLISHMENT SCHEME;
- NATIONAL ENERGY PREMIUM SCHEME;
- PROTEINS PREMIUM SCHEME;
- RURAL ENVIRONMENT PROTECTION SCHEME (REPS);
- THE ORGANIC FARMING SCHEME;
- SCHEME OF INVESTMENT AID FOR THE IMPROVEMENT OF DAIRY HYGIENE STANDARDS;
- SCHEME OF INVESTMENT AID IN ALTERNATIVE ENTERPRISES;
- DRIED FODDER SCHEME;
- AFFORESTATION GRANT AND PREMIUM SCHEME;
- FOREST ENVIRONMENT PROTECTION SCHEME (FEPS)
- NATIVE WOODLAND ESTABLISHMENT SCHEME
- ANIMAL WELFARE, RECORDING AND BREEDING SCHEME FOR SUCKLER HERDS.

#### **4. Land that is eligible for SPS payments**

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

In order to draw down payment in respect of your SPS entitlements, you must have an “eligible hectare” to accompany each entitlement. In this context, an “eligible hectare” is land that is used for an agricultural activity and includes land used to grow cereals, oilseeds, short rotation coppice, miscanthus sinensis, protein crops, sugar beet, maize, fodder beet, turnips, mangolds, kale, grass for silage or hay or grazing. A full list of crops can be found in Section 2.12 of this Helpsheet. While there is no obligatory set-aside in 2009, arable land may of course be claimed as Green Cover, Fallow or Regeneration if this best suits the applicant's farming practice.

For land to be eligible a number of further conditions have to be complied with namely:

1. The land must be used and managed by the applicant. The land must be suitable for and compatible with the farming enterprise;
2. There must be independent access for animals and/or machinery. Independent access means access by public or private roadway or by a defined right of way. Access over adjoining landowners land is not acceptable;
3. There must be appropriate fencing for the farming enterprise. Appropriate fencing means stockproof fencing that will control the applicant's animals and also the neighbouring farmer's animals. In mountain/hill areas this generally means sheep fencing;
4. There must be defined external boundaries except in the case of commonage;
5. If at inspection the applicant claims to be farming the land with animals then the type of animals must be appropriate to the land and there must be handling facilities available to meet the animals' welfare requirements.

#### **Land newly eligible in 2009**

With effect from 2009, eligible land that was declared in an SPS application in 2008 but will be afforested in 2009 by farmers can continue to be eligible to draw down an SPS payment in 2009.

#### **Land maintenance**

The land must be maintained in good agricultural and environmental condition (GAEC). As regards maintenance of mountain or hill land, generally the only way of keeping it in GAEC is to graze cattle or sheep on it.

#### **Land not eligible for SPS**

Practically all agricultural land is now eligible for SPS payments with the exception of land under permanent crops, forestry that was planted prior to 2009 with the exception of Forestry Set-aside, forestry planted on eligible land, or any land used for non-agricultural purposes (golf courses, etc.). 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. Map acres as they are generally known and described are not eligible for the Single Payment Scheme, the Disadvantaged Areas Scheme, or the Upland Sheep Payment.

In the case of each hectare declared, the eligible area excludes any areas under roads, paths, buildings, farmyards, woods, scrub, rivers, streams, ponds, lakes, sand, areas of bare rock etc.; boglands unfit for grazing; sand/gravel pits, areas used for quarrying; areas fenced off from grazing use, inaccessible areas, areas used as sports fields, golf courses, pitch and putt courses, etc. Deductions are not required for headlands or any features such as hedgerows, drains or fences where they are less than 2 metres in width and when they are internal to a LPIS parcel. Where these features are up to 4m in width and serve as a boundary between LPIS parcels, then they are deemed to be eligible with 2 metres being assigned to each adjacent agricultural parcel. Any features internal to a LPIS parcel greater than 2 metres in width or where they form the boundary between LPIS parcels and exceed 4m in width are not eligible and must be deducted in full.

## 5. The 31 May rule for land availability

The following does not apply to the Disadvantaged Areas Scheme. To claim the direct payment under the 2009 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 a period that includes 31 May 2009. In this context, farmers who apply for the direct payment under the Single Payment Scheme, the Proteins Premium Scheme, the Energy Crops Scheme and the Dried Fodder Scheme should be aware of certain legal definitions that must be satisfied under Council Regulation (EC) No. 73/2009 as follows:

- **“Direct payment”** shall mean any payment granted directly to farmers under the Single Payment Scheme, the Proteins Premium Scheme, the Energy Crops Scheme and the Dried Fodder Scheme.
- **“Farmer”** shall mean a natural or legal person, or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, whose holding is situated within Community territory, as referred to in Article 299 of the Treaty, and who exercises an agricultural activity.
- **“Agricultural activity”** shall mean 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 as established under Article 6 of Regulation (EC) No 73/2009.

Payments under the Schemes set out in the first paragraph above may only be made, therefore, where the Department is satisfied that the applicant is a farmer who is engaged in an agricultural activity during the 2009 Single Payment Scheme year. Farmers must continue to meet the requirement for “Agricultural activity” as defined above and, accordingly their farming operations, particularly in the context of land transfers (letting arrangements), should continue to reflect the standard good farming practice.

You should also be aware that you, as the person declaring the land on your Single Payment application, will be held responsible for any non-compliance with the statutory management requirements under cross compliance or any failure to maintain the lands declared in good agricultural and environmental condition, also applicable to land newly afforested by farmers in 2009, whether this non-compliance was attributable to you or attributable to the person from whom or to whom the land declared was transferred in the period 1 January 2009 to 31 December 2009, for example where a standard conacre arrangement expires at the end of November 2009.

Lands that you declare as being available to you on 31 May 2009 for the purpose of drawing down payment must be maintained as agricultural land for the calendar year 2009, or planted under the Afforestation Scheme in 2009. If you become aware that the land parcel or parcels in question are going to be used for non-agricultural purposes during 2009, (for example, the transfer of a house site, extending the farmyard, etc.), this land has to be excluded from your Single Payment Scheme application. You can apply to have a land parcel or parcels deleted from your application after the closing date for receipt of amendments (31 May 2009) if you become aware that the land parcel or parcels in question are going to be used for non-agricultural purposes during 2009. This facility only applies if you have not been notified of a problem by the Department of Agriculture, Fisheries and Food or you have not been notified of an on-the-spot inspection. If, in keeping with your standard farming practice, you enter into rental or grazing agreements for any of the lands declared on your 2009 SPS application after 31 May 2009, the transferor and transferee are obliged to enter into a written rental or grazing agreement, which includes the following information:

- Names, addresses and Herd Numbers of both transferor and transferee;

- LPIS Parcel Numbers for the lands subject to the agreement;
- The period of the agreement (start date and end date);
- The agreement must be signed and dated by both parties and the signatures witnessed by an independent person.

A copy of the rental or grazing agreement must be retained by both transferor and transferee and must be available for inspection at any time by officials of the Department of Agriculture, Fisheries and Food.

For the purposes of the Nitrates Regulations, the land declared by you on your Single Payment Scheme application will be used to calculate compliance with the Nitrates Regulation.

## 6. Maps

Where there were changes to any of your parcels in 2008, maps are being issued under separate cover. These show the boundaries of all land parcels claimed by you on your 2008 SPS application, the Land Parcel Identification System (LPIS) reference number for each parcel, the Digitised Area (i.e. before any deductions for ineligible areas) and the Reference Area in hectares for each land parcel.

Where your holding is unchanged in 2009 from that shown on your map(s), there is no need to return the map(s) with your application form. Where any parcel boundary has changed since 2008 or 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 2009 Single Payment Scheme application, or under separate cover if applying online.

## 7. Data protection and freedom of information

In accordance with the provisions of Council Regulation 1290/2005, the Department of Agriculture, Fisheries and Food is required to publish on a website, details of the names, addresses and amounts received by beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD). The rights of data subjects and how they may be exercised, in this respect, are laid down in the Data Protection Acts, 1988 and 2003. This publication of payment details is a requirement of EU law. The data therein may be processed by auditing and investigating bodies of the Communities and the Member States for the purposes of safeguarding the Communities' financial interests. The data therein cannot be used for direct marketing or other purposes and this will be made clear on the website. You should also be aware 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 Audits, Cross Compliance Controls and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Act.

# SECTION 2 - SUBMITTING YOUR APPLICATION

## 8. Closing date for applications - 15 May 2009

Applicants must ensure that their completed 2009 Single Payment Scheme/Disadvantaged Areas Scheme (SPS) application form is received in the SINGLE PAYMENT UNIT, DEPARTMENT OF AGRICULTURE, FISHERIES 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, 15 MAY 2009. This is the latest date allowed under EU rules and, therefore, can not be extended.

### Postal applications

Complete and return the pre-printed application form that you received. Your pre-printed 2009 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 2009 SPS application which you sent by post, you will be required to produce the Swift post receipt as proof of postage. Keep your Swift post receipt safely. NB Unless you are a first-time applicant, under no circumstance should you submit a non-pre-printed application form. If you mislay the pre-printed form supplied to you, you may obtain a replacement on application to the SPS Unit in Portlaoise.

## Online applications

You may submit your SPS application online, but you need to register first, at: [www.agfood.ie](http://www.agfood.ie) or you can contact: [agfood Online Services Helpdesk](mailto:agfood@agriculture.ie) in the Department's Portlaoise Office, Lo call 1890 252 118 or email [agfood@agriculture.ie](mailto:agfood@agriculture.ie) The on-line facility is designed to help minimise the errors that can be made, thereby eliminating processing delays due to incomplete details. It also has a warning system that alerts the applicant to a possible area over-claim on a parcel, which will help to avoid a possible penalty.

## 9. Penalties for late applications

There will be a 25-calendar day period after the 15 May closing date 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 without penalty after this 25 calendar day period has ended. The same late penalties apply to the Disadvantaged Areas Scheme, Upland Sheep Payment, the REPS Scheme, the EU Energy Crops Scheme and the EU Protein Crops Premium Scheme. Payment under any of these Schemes cannot be made in 2009 unless a valid 2009 SPS application form is submitted.

Day	Date	Month	% Reduction to apply per working day	No of Calendar days
Saturday	16	May	0%	1
Sunday	17	May	0%	2
Monday	18	May	1%	3
Tuesday	19	May	2%	4
Wednesday	20	May	3%	5
Thursday	21	May	4%	6
Friday	22	May	5%	7
Saturday	23	May	5%	8
Sunday	24	May	5%	9
Monday	25	May	6%	10
Tuesday	26	May	7%	11
Wednesday	27	May	8%	12
Thursday	28	May	9%	13
Friday	29	May	10%	14
Saturday	30	May	10%	15
Sunday	31	May	10%	16
Monday (Bank Holiday)	1	June	10%	17
Tuesday	2	June	11%	18
Wednesday	3	June	12%	19
Thursday	4	June	13%	20
Friday	5	June	14%	21
Saturday	6	June	14%	22
Sunday	7	June	14%	23
Monday	8	June	15%	24
Tuesday	9	June	16%	25
Wednesday	10	June	100%	26

## 10. Online applications

An enhanced online service is available in 2009 to all SPS applicants. While all applicants will be issued with their pre-printed 2009 SPS application form as usual, registered online users will have the advantage of having these same pre-printed details, including maps, details of entitlements etc., available to them when they log on to the Department's website. A 2009 SPS application that is completed and submitted online to the Department by a farmer or his/her authorised Agent will be accepted as a valid application, provided that all other conditions of the SPS are met. The submission of a paper application is not necessary in these circumstances. The closing date of 15 May 2009 also applies to online applications.

### Completing an online SPS application

The further development of the online application system for 2009 took into account the feedback from farmers and agents who applied online in 2008. It mirrors the printed application insofar as possible. A HELP feature is also available as an explanatory aid for the correct completion of significant details such as Claimed Area, Parcel Use etc. The online application is designed with a view to preventing the typical errors that recur on the paper applications each year. Typical errors include missing land parcel details and over-declaration of area claimed. To this end, there are certain mandatory fields that the online applicant must complete - thereby eliminating processing delays due to incomplete details. The online application also has a warning system that alerts the applicant to a possible area over-claim on a parcel, which will help to avoid a possible penalty.

Records clearly show that the level of SPS errors in online applications is negligible compared to paper applications, primarily due to the built-in system prompts, which guide the applicant in the completion of the form.

The land details presented online and pre-printed on the paper applications reflect the applicant's position following the processing of the 2008 application. A further enhancement to the online application in 2009 is a facility for the applicant to simply declare that there is No Change in 2009 to the details presented.

Land parcels that come into the applicant's possession in 2009 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. For convenience, a printable covering letter for the submission of documents is available online. Parcel details, for example Parcel numbers, Reference Areas, etc, can be requested by telephoning the Lo-call number relevant to the county.

The online application can be done in stages. 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 cannot, however, be accepted as a submitted application. **The application must be fully completed and submitted online by the closing date.**

### 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 2009 SPS application should be submitted. 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.

### Documentation available online

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

### Online amendment to a 2009 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 submit an amendment form online until the 31 May 2009 deadline for amendments, and afterwards a late application with penalty up to 9 June 2009. An online Amendment form may only be submitted where an online 2009 SPS application has already been submitted. Certain amendments can be made after the 9 June 2009 closing date for late Amendments. Parcels/plots cannot be added or claimed areas amended after 9 June. You may, however, withdraw land from your application at any time after 9 June 2009 provided the Department has not notified you about any irregularities concerning your Single Payment Scheme application, or provided you have not been notified of an on-the-spot inspection. If you have been notified of an on-the-spot inspection and should that inspection subsequently reveal an irregularity, an amendment cannot be accepted to that part of your application that is affected by the irregularity found.

### Helpline

The agfood.ie Helpdesk is available to deal with queries relating to online registration - 1890 252 118.

## **11. Completing the front page of the SPS 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.

**Name/address/herdnumber:** The details held by the Department at the date of printing are pre-printed. If any amendment is necessary, perhaps to name/address, strike through and cross out the printed detail and write in the correct details. If for example your Herd Number has changed, strike through and cross out the pre-printed Herd Number and write in your new Herd Number. Should your Herd Number change after the submission of the 2009 SPS application, you should immediately write to the Single Payment Unit with details of your new Herd Number.

Where the Herd Number held by the applicant in 2008 has since expired, no Herd Number is pre-printed. If a new Herd Number, or a transfer of the Herd Number is now required, submit your application form in any event and follow up your situation with your local District Veterinary Office as a matter of urgency. Where an applicant has more than one Herd Number (for example he/she may also have a dealer Herd Number or a second Herd Number relating to lands in a different county), the application should be submitted under the significant Herd Number that applies to the applicant's main holding. Regardless of having more than one Herd Number, an applicant may submit one application only under his/her significant Herd Number.

**Contact details:** In the event of a follow-up query from the Department, it is very useful to have the applicant's telephone details and e-mail address. Please ensure these are up to date.

**Details of entitlements:** See Section 4 of this Helpsheet for full details relating to entitlements. The pre-printed details of the SPS entitlements are those held by you at the date the data was sent for printing. This position may change if any changes are made to your entitlements after the date of printing. National Reserve entitlements (including consolidated entitlements) have now been re-categorised as Standard (NR), National Reserve Sugar Beet entitlements have been re-categorised as Standard Sugar Beet (NR) and Set-aside entitlements have been re-categorised as Standard.

Column 5 identifies those standard entitlements that were not used in 2007 and 2008. You will lose these entitlements to the National Reserve if you do not use them in 2009. Former National Reserve entitlements (now categorised as Standard NR) have a two-year usage rule. This means that any Standard (NR) entitlements not used in 2009 must be used in 2010 otherwise they will be lost to the National Reserve.

Column 7 allows applicants with more than one set of entitlements to choose an alternative order of payment to that pre-printed in Column 6 (highest value first). As most applicants under the Single Payment Scheme have only Standard entitlements, there will be no need to make any change in Column 7. In these circumstances, payment will be made based on the number of eligible hectares declared on the 2009 SPS application form.

**Application for payment under the Rural Environment Protection Scheme (REPS) and/or the organic farming scheme:** A valid 2009 SPS application is required for payment under the REPS and/or the Organic Farming Scheme.

**Application for the Disadvantaged Areas Scheme:** The Terms and Conditions applicable to this scheme are set down in this Helpsheet.

**Application for the Upland Sheep Payment:** The Terms and Conditions applicable to this payment are set down in this Helpsheet.

**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. A valid completed SPS application form will also be taken as an application for the Disadvantaged Areas Scheme, the Upland Sheep Payment, 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 the Helpsheet/Terms and Conditions for the 2009 Single Payment Scheme and that you are familiar with the Scheme requirements therein and you agree to comply fully with those requirements. You are also confirming that all the eligible land declared on your 2009 application will be at your disposal on 31 May 2009 and you are accepting that you will be responsible for any breach in cross compliance with regard to this land in the 2009 calendar year. You are also confirming that the lands declared as being available on 31 May 2009 will be maintained as agricultural land, or land newly afforested in 2009, until 31 December 2009 and that you will inform the Department of any change in the status of that land.

In submitting the application form, you also accept that all the information supplied on your application form and in any supporting documentation may be made available to any other Department or Agency or Local Authority for the purpose of Audits, Cross Compliance Controls and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Act. You are also notified that the Department of Agriculture, Fisheries and Food is required, in accordance with EU law, to publish on a website, details of the names, addresses and amounts received by beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD). The rights of data subjects and how they may be exercised in this respect, are laid down in the Data Protection Acts, 1988 and 2003. The data therein may be processed by auditing and investigating bodies of the Communities and the Member States for the purposes of safeguarding the Communities' financial interests. The data therein cannot be used for direct marketing or other purposes and this is made clear on the website.

**Signature(s):** Your Single Payment Scheme 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 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 thereby resulting in a processing delay. Where the application is made on behalf of a company or other legal entity, the signatory must be an authorised officer of that company or legal entity and must state his/her official status, for example Company Director, Company Secretary, etc.

## 12. Completing the back page of the SPS form

Please note that details are pre-printed as a service to applicants. It is essential that the applicant thoroughly examines the pre-printed details carefully, to ensure their accuracy, as the onus rests solely with the applicant.

**Column 1: Townland:** The Townland name is pre-printed in this column for the parcels you declared in 2008. If you are declaring any new parcels in 2009 write the official Townland name, as shown on an Ordnance Survey or LPIS map, on a new line. A map must be submitted for any new plot of land.

**Column 2: Land Parcel Number** The land parcel number (LPIS No.) is pre-printed in this column for the parcels you declared in 2008. Where there is an asterisk (\*) beside the LPIS No., this indicates that all or part of the parcel is located within a National Parks and Wildlife Service designated area. If you are adding a new parcel, you should obtain the unique land parcel number (LPIS No.) from the previous occupier and enter that number in this column. Every effort should be made to get the LPIS number, as parcel details, for example Digitised area, Reference area, etc. can then be requested by telephoning the Lo-call number relevant to your county. 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 LPIS (Department) map, also numbering them Plot 1, Plot 2, etc on the map. Enter the same plot name in this Column as you have it written on the map - Plot 1, Plot 2 etc. The map(s) of any new plot(s) must be submitted with your application. Please ensure that any map submitted by you is marked with your name, address and herd number. If the map is part of a Land Registry or Ordnance Survey map, it must also be marked with the Ordnance Survey sheet number and the Townland in which the parcel is located. If you are making your application online, forward the map along with a copy of the specific covering letter that is available online.

**Temporary subdivisions:** If you are temporarily dividing a land parcel in 2009 into two or more divisions in order to declare those divisions for different uses, delete all of 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", "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. This requirement for a map showing the sub-division also applies to sub-divisions for REPS habitats. Enclose the map, marked with your name, address and herd number, with your application. If you are making your application online, forward the map along with a copy of the specific covering letter that is available online.

**Column 3: Commonage Fraction:** The fraction representing your share/grazing rights on Commonage is pre-printed in this column. Where any new land parcel on your holding in 2009 is Commonage, you must state the share/grazing rights that you are entitled to claim as a fraction of that Commonage. In all cases where commonage shares/grazing rights are declared for the purposes of drawing down payment, documentary evidence of your right to the shares/rights must be submitted - you may already have done this. Generally the proof required is legal documentation. The onus

is on you to ensure that the documentation submitted as evidence is adequate to support your declaration. The following documentation is acceptable to satisfy eligibility on title:

- COMMONAGE SHARES - Copy Land Registry Folio showing 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.

In circumstances where no documentary evidence as listed above exists, the Department may accept such other documentary evidence as it deems appropriate. Accordingly, a joint affidavit signed by all shareholders/grazing rights' holders would be considered. This should set 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 / grazing rights in the commonage, 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:
  - 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 4: Digitised Area:** The digitised area of each land parcel is pre-printed in hectares in this column. The digitised area is the entire area of the parcel within the perimeter boundary measured on the Department's computerised system (LPIS) before the deduction of ineligible areas such as roadways, rivers, dense scrub etc. In the case of commonages, the digitised area is the area of the entire commonage, not just the share claimed. Where you are declaring any new parcel in 2009, the digitised area and reference area may be available from the previous occupier. Where the digitised area is not available because the plot was not previously claimed, enter the gross area in hectares based on your Ordnance Survey or other map and submit the map.

**Column 5: Reference Area:** A Reference Area is pre-printed in Column 5 for all parcels. The Reference area is the area of the parcel that is eligible to claim payment and payment cannot be made on a greater area without the submission of a map or other evidence to verify a claim greater than the Reference Area. This area is fixed for each parcel based on the digitisation of the parcels, previous claims and on the results of inspections. An applicant would not therefore be expected to claim an area greater than the Reference Area in the Column 7.

**Column 6: Change to Reference Area:** If you do wish to amend the Reference area of a parcel you must place an X in this column against that parcel. As proof of the increase of the eligible area of the parcel, you must submit a map or other evidence to verify the claim.

**Column 7: Claimed area:** The claimed area is the area of the parcel being claimed for payment that is available and it is the area of the parcel that is suitable for agricultural activity/use in 2009. For the first time this year, the claimed area can also be the area of a parcel newly afforested in 2009. The claimed area is calculated by deducting any part of the parcel that is not suitable for agricultural activity/use from the Digitised Area. Generally, it will be equal to or less than the Reference Area. If you amend the pre-printed Claimed Area upwards so that it exceeds the Reference Area (Column 5), you must complete Column 6 and submit a map or other evidence to verify the new claim.

Do not over-claim the eligible area of any parcel as penalties may apply for over-declaration of areas and could involve loss of all or part of your payment.

**IF THE CLAIMED AREA IS NOT ALREADY PRE-PRINTED IN RESPECT OF ANY OF THE PARCELS ON YOUR FORM, DO NOT LEAVE THIS COLUMN BLANK. ENTER THE AREA YOU WISH TO CLAIM FOR PAYMENT FOR EVERY PARCEL/PLOT.**

In the case of each parcel claimed, including claims on Commonage, the claimed area must exclude any areas under roads, paths, buildings, farmyards, woods, scrub, rivers, streams, ponds, lakes, sand, areas of bare rock etc.; boglands unfit for grazing; sand/gravel pits, areas used for quarrying or areas fenced off from grazing use. You need not make deductions for headlands. In the case of fences, hedgerows or drains deductions are not required where they are less than 2 meters in width and when they are internal to a LPIS parcel. Where these features are up to 4 meters in width and serve as a boundary between LPIS parcels, then they are deemed to be eligible with 2 meters being assigned to each adjacent agricultural parcel and deductions are not required. Any features internal to a LPIS parcel greater than 2 meters in width or where they form the boundary between agricultural parcels and exceed 4 meters in width are not eligible and must be deducted in full.

All forage areas must be defined by a permanent boundary except in the case of Commonage land. External forage boundaries must be stockproof and appropriate to the farming enterprise.

**Ready Reckoner for conversion of area:** The area of all parcels/plots must be given in HECTARES and 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
1	0.4047	7	2.8329	40	16.188	100	40.47	700	283.29
2	0.8094	8	3.2376	50	20.235	200	80.94	800	323.76
3	1.2141	9	3.6423	60	24.282	300	121.41	900	364.23
4	1.6188	10	4.047	70	28.329	400	161.88	1,000	404.70
5	2.0235	20	8.094	80	32.376	500	202.35		
6	2.4282	30	12.141	90	36.423	600	242.82		

**Column 8: Owned, rented or leased:** This column has been pre-printed insofar as possible. Check that this is correct and amend if necessary. Where this column is blank in respect of any parcel, or if you are declaring a new parcel or plot, you must indicate whether you own it, (O); whether you are renting it in for a period including 31 May 2009 (R); or whether you have the land for a period including 31 May 2009 on the basis of a formal land lease (L). If an amendment to the pre-printed data is necessary, put a line through the pre-printed data and enter the correct position. Do not declare any land that you have leased out or rented out to another party for any period that includes 31 May 2009. It is vitally important that this Column be completed accurately, particularly for applicants under REPS.

**Column 9: Crop Category:** All the parcels/plots declared on your application form must be identified under one of these categories. If not already pre-printed with an X on your form, please indicate by marking the appropriate box in Column 9 with an X, whether the use of each parcel and plot is ARABLE, FORAGE or OTHER. See below for a list of the crops that are specific to these three categories.

**PLEASE NOTE:** There is no crop category in Column 9 for Set-aside on the 2009 form as the requirement for compulsory set-aside has been abolished. Where an applicant declares an arable parcel as fallow, regeneration or greencover in 2009 as this reflects his/her farming practice, that parcel should be described in Column 9 as ARABLE.

**Column 10: Parcel Use**

THE PARCEL USE MAY NOT BE PRE-PRINTED FOR ALL THE PARCELS ON YOUR FORM. DO NOT LEAVE THIS COLUMN BLANK. ENTER THE PARCEL USE FOR EVERY PARCEL/PLOT. Where an application is returned with blank boxes in this column, further correspondence will be necessitated, thereby causing a delay in the processing of your application.

Land parcels for which aid is obtained under any of the Schemes for which an SPS application is required will be crosschecked against the land use declared in this column. It is vitally important therefore that this column is completed accurately in respect of every parcel /plot and that the land use entered by you reflects the actual use of that parcel/plot in 2009. Where parcel information is pre-printed please ensure that the pre-printed use is correct for 2009 and amend if necessary.

In the context of the Nitrates Regulations, it is essential that all crop types be precisely identified. A crop use of Barley, Wheat, Oats, Oilseeds or Potatoes is no longer acceptable. You must specify whether the crop is Spring Barley or Winter Barley, Spring Wheat or Winter Wheat, Spring Oats or Winter Oats or Spring Oilseed rape or Winter Oilseed rape. The

crop use “Arable Silage” should be used for arable crops that are used for fodder/silage. In relation to potatoes, you must specify whether they are Maincrop potatoes, Early potatoes or Seed potatoes. [Where these distinctions are not declared, further correspondence will be necessitated, thereby causing a delay in the processing of your application.](#)

### **Crop Categories and Parcel Uses that may be declared**

The following is the list of parcel uses that can be declared under the categories Arable, Forage and Other. In view of the inclusion in 2009 of land that is newly afforested in 2009 as eligible for the activation of entitlements, many of the crop uses in the Other category will now be eligible to draw down the Single Payment. Where an applicant leaves an arable parcel fallow in 2009 as part of his/her farming practice, the Parcel Use in Column 10 should be Fallow, Regeneration or Green cover.

<b>Crop Category: FORAGE Parcel Uses</b>	<b>Crop Category: ARABLE Parcel Uses</b>	<b>Crop Category: OTHER Parcel Uses</b>
Permanent Pasture	Arable Silage	Access road
Clover	Beans	Bog
Grass	Early Potatoes	Building
Grass Silage	Fallow	Farmyard
Bog	Fodder Beet	Flowers
Rough Grazing	Forage Rape	Foliage
Species rich grassland	Grass Seed	Forestry
Traditional Hay Meadow	Grassmeal	Fruit
100% De-stocked Area	Green Cover	Habitat
	Hemp	Lake/Waterway
	Kale	Landscape Feature
	Linnet Habitat	Miscanthus Sinensis
	Maincrop Potatoes	Nurseries
	Maize	Orchard
	Mangolds	Quarry
	Millet	Recreational area
	Peas	Reed Canary Grass
	Regeneration	REPS 3 Habitat
	Rye	REPS 4 Habitat
	Seed Potatoes	REPS 4 New Habitat
	Spring Barley	REPS 4 New Woodland
	Spring Oats	REPS Landscape Feature
	Spring Oilseed Rape	Riparian Zone
	Spring Wheat	Scrub
	Sugar Beet	Short Rotation Coppice
	Swedes	Woodland
	Sweet Lupins	
	Triticale	
	Turnips	
	Vegetables	
	Winter Barley	
	Winter Oats	
	Winter Oilseed Rape	
	Winter Wheat	

### Column 11: 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 energy crops. See section 6 of this Helpsheet for the full Terms and Conditions of this scheme.

### Continuation Sheets/Blank Forms

Continuation sheets are not enclosed with your application. Should you require these, they are available from the Single Payment Unit, Local Offices of the Department of Agriculture, Fisheries and Food, TEAGASC and on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie) Blank application forms for new entrants are also similarly available. Please telephone the appropriate telephone number for your county as listed at the beginning of this Helpsheet.

## **13. New applicants**

### Blank forms

NB Unless you are a first-time applicant, under no circumstance should you submit a non-preprinted application form. If you mislay the pre-printed form supplied to you, you may obtain a replacement on application to the SPS Unit in Portlaoise.

### Herd Number

New applicants who apply under the Single Payment Scheme and new applicants under the other schemes which form part of the 2009 SPS application form should ensure that they have a valid Herd Number or, if not, should immediately request a herd number. Application should be made to the Department's local Veterinary Office. Details of the new Herd Number should be submitted to the Single Payment Unit as soon as it is available.

### Transfer of entitlements

A specific application form for the Transfer of Entitlements, including transfer by inheritance, along with the detailed rules, is available from the Transfer of Entitlement Section, Single Payment Unit, Department of Agriculture, Fisheries and Food, Eircom Buildings, Knockmay, Portlaoise, Co Laois. Lo-Call 1890-200-560. These forms are also available from local offices of the Department, or on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie) or from TEAGASC. The closing date for Transfer applications is 15 May 2009.

### 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 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 2009 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 2009 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. Mark the maps with your name, address and herd number if available. If the map is part of a Land Registry or Ordnance Survey map, it should also be marked with the Ordnance Survey sheet number and the townland in which the parcel is located.

### 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; separate bank account details for payment purposes; and/or any other evidence requested.

## **14. Making amendments to your 2009 SPS application**

### Amendments up to 31 May 2009

Amendments to 2009 SPS applications, including the addition of parcels/plots, may be made up to 31 May 2009 on the SPS 2009 AMENDMENT FORM. This form sets down full details of the circumstances under which amendments during this period will be accepted. While certain amendments will be allowed after 31 May (see below), please note that if you need to amend an incorrectly claimed area or need to add parcels/plots to your 2009 application, this official Amendment form must be submitted by the 31 May 2009 deadline. Late Amendment Forms with additional parcels/plots or amended claimed areas will be accepted up to and including 9 June 2009, with a penalty. Payment on the parcel(s) concerned will be reduced by 1% for each working day in this period

that the Amendment is late. Amendment forms should be completed fully and accurately, as they will become part of your 2009 SPS Application. The form 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)

### **Amendments after 31 May 2009**

You may withdraw land, or change use from eligible to ineligible, (for example, the transfer of a house site), from your application without penalty, at any time after the 31 May 2009 closing date for Amendments provided the Department has not notified you about any irregularities concerning your Single Payment Scheme application, or provided have **not** been notified of an on-the-spot inspection. If you have been notified of an on-the-spot inspection and should that inspection subsequently reveal an irregularity, an amendment cannot be accepted to that part of your application that is affected by the irregularity found.

Parcels/plots cannot be added or claimed areas amended after 31 May, with the exception of late Amendment Forms which will be accepted up to and including 9 June 2009, with a penalty as set out above. You are however permitted to correct obvious/innocent errors at any time after the 31 May 2009 closing date for Amendments. An obvious/innocent error would be a minor clerical error on your part, generally relating to missing details from your application, for example crop use. You may also change a declared crop use. Perhaps one of the parties in the case of a joint application failed to sign the form or the same parcel may have been declared twice by mistake. The Department will consider each case on its merits.

**With a view to avoiding the need for amendments, please re-check your completed application form before submitting it to the Department using the following checklist as a guide. This should be of benefit in minimising errors.**

- ✓ The form is signed and dated (by all parties in the case of a joint application).
- ✓ All details are completed for each parcel/plot on the back page.
- ✓ There are no blank spaces for any parcel/plot in Columns 7, 8, 9, or 10 on the back page.
- ✓ The pre-printed details have been amended where necessary (for example, a parcel pre-printed as forage but is now in forestry).
- ✓ A line has been put through the entire row for any pre-printed parcel that is not part of your holding on 31 May 2009.
- ✓ Column 11 has been ticked if applicable.
- ✓ The necessary supporting documentation is ready to enclose with the application - map, commonage evidence etc.

## **SECTION 3 - INSPECTIONS**

### **15. Controls and inspections**

In submitting an SPS application, applicants 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 have a representative nominated in his/ her place to assist the inspecting officer. Every on-the-spot (ground) 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. Applicants are reminded that no payment shall be made in favour of beneficiaries for whom it is established that they artificially created the conditions required for obtaining such payments with a view to obtaining an advantage contrary to the objectives of that support scheme. Each applicant has a number of appeal options available should he/she wish to avail of them.

#### **Ground Eligibility**

5% of applicants will be selected for inspection. Single Payment Scheme applications will be subject to administrative checks, controls by remote sensing using satellite imagery or aerial photography, and on-farm inspections. 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, duplicate claims or that ineligible areas are included. It will be necessary to verify that land used to draw down entitlements does not contain forestry (planted pre 2009) or other permanent crops in the year of application for the Single Payment Scheme.

## 16. Cross compliance

The Department of Agriculture, Fisheries 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. 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 farmers 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.

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 Single Payment Scheme 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. Where the Department determines that force majeure applies payment shall issue. Under Cross Compliance requirements, a farmer receiving direct payments, including SPS, DAS, REPS 4 and Organics 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 lands in good agricultural and environmental condition (GAEC).

### Soil Organic Matter under Cross Compliance

Under GAEC farmers must "maintain soil organic matter levels through appropriate practices". If a parcel has been under tillage cropping continuously for 6 years or more, you must ensure through soil sampling that organic matter levels are maintained through the use of appropriate farming practices. Where organic matter levels are depleted (< 3.4% organic matter) it may be necessary, depending on soil type, to adopt farming practices that will restore organic matter levels in the soil. Compliance with this requirement will be checked in the course of cross compliance inspections.

The Department will communicate with applicants who have applied on such parcels on their SPS application in areas identified as potentially having low levels of organic matter. These applicants must determine the percentage soil organic matter levels in 2009 and where found to be less than 3.4%, remedial action appropriate for the soil type must be undertaken.

Further information in relation to soil organic matter and the appropriate remedial actions if required is available from Cross Compliance Farm Advisory Service advisors and from the Department of Agriculture, Fisheries and Food web site at [www.agriculture.gov.ie](http://www.agriculture.gov.ie) A listing of Cross Compliance Farm Advisory Service advisors is also available on the Department's web site.

### Soil Sampling for organic matter

Soil samples must be taken in a manner consistent with Teagasc guidelines. One sample must normally be taken for every 4Ha. However where soil type, cropping history and fertiliser treatment is similar, the sample area may be increased to a maximum of 8Ha. i.e. a minimum of one sample for every 8 Ha. The resultant soil analysis must be made available on request.

### The Birds and Habitats Directives

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

### Further Information

Further information relating to cross compliance is available in the following publications, which were issued to all farmers:

- The Single Payment Scheme - Guide to Cross Compliance.
- Guide to Cross Compliance Requirements to be implemented in 2006 and 2007.

- Explanatory Handbook for Good Agricultural Practice Regulations.
- What to expect if you are selected for an inspection under the Single Payment Scheme/ Disadvantaged Areas Compensatory Allowance Scheme - published in August 2007 detailing obligations that must be respected by farmers who apply for the Single Payment Scheme.

These publications outline in detail the cross compliance requirements set out in Commission Regulation (EC) No. 796/2004 (as amended) that are applicable under the Single Payment Scheme. Farmers should read these booklets carefully in conjunction with this Helpsheets. The above publications and further details in relation to cross compliance and sanctioning procedures including all checklists are available on the Department's web site at [www.agriculture.gov.ie](http://www.agriculture.gov.ie) A cross compliance farm advisory service (CC-FAS) is available to provide farmers with full details on the cross compliance requirements. This service is provided by Teagasc and the private agricultural consultants. Further details of this service are available on the Department's web site.

### Notification procedure

On arrival the inspector will explain the notification and inspection procedure and satisfy himself/herself that the applicant or his/her representative fully understands it. If the applicant cannot be present, he/she can be represented by a person of his/her choice.

Where the inspector fails to make contact with the applicant on arrival for an unannounced inspection, he/she will return again. If there is no-one present at the second visit he/she will ring the applicant and inform him/her that he/she has been selected for inspection and that the inspection will be carried out on the food hygiene, feed and welfare checks there and then where the applicant has been selected for a full cross compliance inspection. The inspector will offer the option to the applicant to complete the remaining elements of inspection within 48 hours or immediately if that is the wish of the applicant. Should contact not be possible, the inspector will proceed with the unannounced elements taking due regard of all health and safety issues. Written notification indicating the nature of the call together with contact details and confirming that a return visit will be made within 48 hours to complete the inspection will be left/posted to the applicant's address.

## SECTION 4 - SPS PENALTIES AND APPEALS PROCEDURES

### 17. Penalties for over-declaration of area under the Single Payment Scheme

**Penalties will NOT be imposed on the Single Farm Payment in relation to an over-declaration of eligible areas if the total eligible area determined (found) is equal to or greater than the number of payment entitlements held by the applicant.**

If the total eligible area determined is not sufficient to support the number of entitlements held then penalties will be applied as per Articles 49/50/51/53 of Commission Regulation (EC) No 796/2004 (as amended). These Articles also refer to the Disadvantaged Areas Scheme, Upland Sheep Payment, Energy Crops Scheme, the Protein Crops Premium Scheme and the REPS Scheme. The provisions of Commission Regulation (EC) No 817/2004 and Commission Regulation (EC) No 1975/2006 also apply to area over-declarations in the case of REPS.

Regarding the Single Payment Scheme, if there is a difference between the payment entitlements held and the area declared on the application, the calculations will be based on the lower of the two figures. If the difference is less than 3% of the area found, payment will be based on the area found. However, if the difference is greater than 2 hectares the penalties as outlined below will be applied. If the difference between the declared area and the determined area is equal to or less than 0.1 hectare, payment is based on the declared (claimed) area.

Difference between the number of eligible hectares determined (found) and the number of hectares declared or the number of Single Payment entitlements held if lower.	Level of Reduction/Exclusion
If the difference is either greater than 3% but not more than 20% of the area determined (found), <u>or</u> if the area not determined is greater than 2 hectares for the crop group concerned:	Payment is based on the number of eligible hectares determined (found) reduced by twice the difference (in hectares) between the number of hectares declared or the number of entitlements held if lower.

If the difference is greater than 20% of the area determined (found):	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 (that is, the difference between the number of hectares determined (found) and the number of hectares declared or the number of Single payment Scheme entitlements held if lower) 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 20%, no SPS payment will be made in the year of application. This provision will not apply if the difference between the area declared and area determined is less than 0.5% of the area determined (found) and less than one hectare.
- Where there is an intentional over-declaration of area over 20%, 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 (that is, the difference between the number of hectares determined (found) and the number of hectares declared or the number of Single payment Scheme entitlements held) will be offset against payments due to the applicant made during the course of the three calendar years following the year in which the determination was made.

If the declared area is subject to any reduction or exclusion, including a reduction of less than 3%, and the applicant holds more than one set of payment entitlements, the payment is calculated on the average value of the entitlements held. The average is based on the number of hectares declared.

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

## 18. 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 non-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.

## 19. Single Payment Scheme Appeals Committee

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 to the relevant Section of the Single Payment Unit within fourteen days of the date of issue of the Department's decision.

## 20. The Agriculture Appeals Office

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

## SECTION 5: - ENTITLEMENTS

### 21. New names for entitlement categories from 2009

Standard entitlements and Transferred Standard entitlements remain unchanged. Set-aside entitlements are now re-categorised as Standard entitlements, retaining the same value as heretofore. National Reserve entitlements (including consolidated entitlements) are now re-categorised as Standard (NR) entitlements. National Reserve Sugar Beet entitlements are now re-categorised as Standard Sugar Beet (NR).

### 22. Payment on National Reserve entitlements in 2009 (Standard (NR) entitlements)

National Reserve entitlements (including consolidated entitlements) have now been re-categorised as Standard (NR). Standard (NR) entitlements are now treated the same as Standard entitlements in so far as they can now be sold, leased or otherwise transferred with effect from Scheme Year 2009. However, Standard (NR) entitlements allocated from the 2009 National Reserve cannot be transferred until Scheme Year 2010. A two-year usage rule now applies to Standard (NR) entitlements. This means that Standard (NR) entitlements that are not used in 2009 will not be lost to the National Reserve in 2009 but must be used in 2010. If not used in 2010 they will be lost to the National Reserve in that year. The usage of Standard (NR) entitlements will be rotated in the same way as Standard entitlements (see 24 below).

### 23. Payment on Sugar Beet entitlements in 2009

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
2009	€13.63	1.29	€14.92
2010	€13.63	-	€13.63
2011	€13.63	-	€13.63
2012	€13.63	-	€13.63

It should be noted that the rate of Additional Amount will decrease by €1.29 per tonne, with effect from 2010.

### 24. Maximise your entitlements payment in 2009

A farmer who has entitlements under the Single Payment Scheme in 2009 will be paid the full value of those entitlements, less any mandatory deductions, provided an SPS application is submitted on time and that one hectare of eligible land is declared in respect of each entitlement.

#### Loss of standard entitlements under the usage rules

Standard entitlements not used in 2007 and 2008 must be used in 2009 otherwise they will be lost to the National Reserve

#### Example (rotation of usage)

A farmer has 40 Standard entitlements of equal value. He declared 10 hectares in 2007 and 10 hectares in 2008. If this farmer declares 10 hectares again in 2009 he will lose 10 entitlements to the National Reserve as he has only used 30 entitlements over the 3-year period 2007 to 2009. To avoid this loss, he should declare 20 hectares in 2009.

#### Payment Order of Entitlements

In a relatively small number of cases, farmers hold entitlements of different values and may not have sufficient hectares to use all entitlements. Payment will be made in the order set out in column 6 of the application form (commencing with the highest value entitlements). If you wish to choose a different order of payment in order to avoid losing standard entitlements to the National Reserve in 2009 (because they were not used in either 2007 or 2008) you may enter an alternative order of payment in Column 7 of the Entitlements Table on the front page of the application form.

## 25. Transfer of Single Payment entitlements

Single Payment entitlements (Standard and Standard (NR)) may only be transferred to another farmer within Ireland. **The closing date for the receipt of completed applications to transfer entitlements for the 2009 scheme year is 15 May 2009.** The application form to transfer entitlements is available on the Department's website [www.agriculture.gov.ie](http://www.agriculture.gov.ie). Entitlements may be transferred by inheritance, sale, gift without land but entitlements may only be leased to another farmer if accompanied by an equivalent number of hectares of eligible land. Leased/rented entitlements will revert to the transferor on expiry of the lease/rental agreement. Farmers should note that where changes are made to the registration details of a herdnumber in the period 16 May 2008 to 15 May 2009, the relevant parts of the transfer of entitlements application form must also be completed. The transfer of entitlements application form must also be completed where the formation or dissolution of a partnership is involved or where any changes to the registration details of the herdnumber took place between 16 May 2008 and 15 May 2009.

### **The rule whereby 80% of entitlements must have been used before a transfer of entitlements without land could take place has been abolished.**

The following forms relevant to the transfer of entitlements for the 2009 Scheme year are available on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

- Transfer of Entitlements Application 2009
- Transfer of Entitlements Waiver Form 2009
- Transfer of Entitlements Indemnity Form 2009
- Transfer of Entitlements Partnership Agreement 2009
- Transfer of Entitlements Dissolution of Partnership Agreement 2009.

Completed applications for the transfer of entitlements must be submitted to the Single Payment Unit, Transfer of Entitlements Section, Department of Agriculture, Fisheries and Food, Eircom Building, Knockmay Road, Portlaoise, Co. Laois. Lo-call 1890-200-560.

## 26. Transfer of an entire holding between date of lodging applications and 31 May 2009

Where an entire holding is transferred from one farmer to another, between the date of lodging an application for the Single Payment Scheme and 31 May 2009, 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 2010)**. These forms are available on the Department's website [www.agriculture.gov.ie](http://www.agriculture.gov.ie). The transferee must fulfil the conditions for granting the aid and honour the undertakings given by the transferor and if otherwise in order, payment of 2009 Single payment will issue to the transferee.

## 27. Consolidation of Single Payment entitlements

The main points in relation to the Consolidation of Single Payment entitlements are as follows:

- Land that gave right to a payment under the 2008 Single Payment Scheme and which has been afforested in 2009 continues to be eligible land for the Single Payment Scheme in 2009 and subsequent years. You do not therefore need to apply for consolidation in these circumstances.
- A farmer who acquires lands and entitlements by way of purchase/lease cannot consolidate the purchased/leased entitlements.
- When an entire holding has been gifted/inherited, the farmer who has acquired the lands and entitlements, or will acquire lands and entitlements, by way of inheritance or gift from a farmer who was in receipt of direct payments during the reference period, can apply to consolidate his/her entitlements.
- The number of eligible hectares declared in the 2009 Single Payment Scheme application form must be less than the number of Entitlements granted to you.
- The number of hectares declared by you on your 2009 Single Payment Scheme application must be at least 50% of the number of Entitlements allocated to you, including any additional entitlements granted to you in respect of the Sugar Beet compensation. The land lost must also be equal to or greater than the difference between the number of entitlements less the eligible hectares land declared in 2009 and must be as a result of one of the measures eligible for Consolidation, listed below.

The reduction in the number of hectares declared in the 2009 SPS Application must have arisen because of one or more of the following measures:

- The acquisition of land by a public authority for non-agricultural purposes (this will include, for example, lands compulsorily purchased for road development etc but does not include lands sold for private development);
- Lands leased-in during all or part of the reference period (2000-2002) where the lease agreement has expired or will expire and land parcels in question are not declared on your 2009 SPS application;
- Lands rented-in during all or part of the reference period where the rental agreement has expired or will expire and land parcels in question are not declared on your 2009 SPS application.
- Lands lost subject to buildings under the Scheme of Investment Aid for Farm Waste Management.

Applications for Consolidation of Entitlements as a result of hectares lost under the measures outlined above can only be considered if these hectares were used to establish your entitlements during the reference period.

Farmers who are granted additional entitlements as a result of the Sugar Beet Reform in 2006 can apply to have their entitlements consolidated, however land must have been lost under one of the measures above.

- If a farmer permanently transfers out (by way of sale/gift/inheritance) an equal number of entitlements and hectares, this land will be excluded from the calculation for consolidation in 2009, however the 50% rule will be based on the pre-disposal position.
- If a farmer does not replace any owned lands transferred out with at least an equivalent number of hectares, the calculation of consolidated entitlements will be based on the land transferred out as well as the land declared on the SPS application form. This will result in non-payment of entitlements equivalent to number of hectares transferred out and not replaced. If these entitlements are not used by 2010 they will be permanently lost to the National Reserve.
- Farmers are entitled to apply for consolidation in more than one year provided all the conditions are met. If you were accepted under the Consolidation measure in a previous scheme year and wish to further Consolidate in 2009, the land farmed during the reference period and used to establish your entitlements that was used in the calculation of your previous Consolidation application cannot be re-used in 2009.

### **Supporting Documentation**

The following supporting documentation must be submitted with the completed Consolidation application form as appropriate to your application.

- In the case of sale of land to a public authority for non-agricultural purposes, please enclose a copy of the CPO/sale contract.
- Where a lease has expired, please enclose a certified copy of the expired lease agreement.
- Where a rental agreement has expired, you must sign the rental declaration on the front page of this application. Furthermore, if the Department requires the applicant to provide proof of an expired land rental agreement, the applicant will be expected to furnish such proof on request.
- In the case of lands used for buildings under the Scheme of Investment Aid for Farm Waste Management, the approval letter FWM8 must be supplied.

### **Please note**

**If you apply for consolidation in 2009 consolidation will be based on the number of hectares declared by you on your application even where the number of hectares may subsequently be reduced following on-the-spot or administrative checks.**

Consolidated Entitlements are issued from the National Reserve and will therefore be categorised as Standard (NR) entitlements and are subject to a two- year usage rule with effect from 2009 (See under Standard (NR) entitlements above).

If you have any queries relating to the Consolidation of Entitlements, please contact Consolidation Section, Single Payment Entitlements Unit, Department of Agriculture, Fisheries and Food, Eircom Building, Knockmay, Portlaoise, Co. Laois. **Lo-call 1890 252 240 or 1890 252 241.**

## SECTION 6: - REQUIREMENTS OF OTHER AREA-BASED SCHEMES AND MEASURES

### 28. Specific Terms and Conditions applicable to the 2009 Disadvantaged Areas Scheme (DAS)

#### A. Eligibility

To be eligible for payment under the 2009 Disadvantaged Areas Scheme (DAS) you must in your own right:

- (1) Be a person aged 18 years or over;
- (2) Hold a valid Herd Number issued by the Department of Agriculture, Fisheries and Food;
- (3) Occupy and farm in your own right and at your own risk a minimum of 3 hectares of forage land, situated 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.
- (4) Undertake to farm and manage the land applied on in 2009, for the full calendar year.
- (5) Undertake to remain in farming in a Disadvantaged Area for 5 years from the date of the first payment of a Disadvantaged Areas payment.
- (6) Comply with Cross Compliance 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).  
**See Paragraph J below for full details.**
- (7) Have a holding with a minimum stocking level of 0.15 livestock units per forage hectare for the entire area declared.
- (8) In relation to any mountain commonage that is farmed, be a participant under REPS or any National Scheme that may be in place or be compliant with the relevant Commonage Framework Plan.
- (9) Co-operate with Department staff, or its' Agents, in relation to any inspection or any request for documentation.

#### B. Areas eligible for DAS

For the purpose of calculating payment under the 2009 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. Eligible area can include rough grazing; commonage shares; certain grazing rights; areas used to grow crops, other than grass, that are used as forage including maize, fodder beet, sugar beet, turnips, mangolds, forage rape, kale, etc.; and areas used for producing hay or silage. Features such as hedgerows, drains or fences which are less than 2 metres in width and which are internal to a LPIS parcel are eligible. Where these features are up to 4 metres in width and serve as a boundary between LPIS parcels, then they are also deemed to be eligible with 2 metres being assigned to each adjacent LPIS parcel.

#### **For land to be eligible for DAS a number of further conditions have to be complied with namely:**

1. The land must be used and managed by the applicant. The land must be suitable for and compatible with the farming enterprise.
2. There must be independent access for animals and/or machinery. Independent access means access by public or private roadway or by a defined right of way. Access over adjoining landowners land is not acceptable.
3. There must be appropriate fencing for the farming enterprise. Appropriate fencing means stock-proof fencing that will control the applicant's animals and also the neighbouring farmer's animals. In mountain/hill areas this generally means sheep fencing.
4. There must be defined external boundaries except in the case of commonage.
5. If at inspection the applicant claims to be farming the land with animals then the type of animals must be appropriate to the land and there must be handling facilities available to meet the animals' welfare requirements.

#### C. Areas ineligible for DAS

Areas under roads, paths, buildings, farmyards, woods, scrub, rivers, streams, ponds, lakes, sand, areas of bare rock etc.; boglands unfit for grazing; sand/gravel pits, 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; areas used for permanent

crops or horticultural crops; areas under cereal crops harvested for grain; areas used for the aid scheme for dried fodder (grass meal production); areas used as sports fields, golf courses, pitch and putt courses, etc. Any features, such as hedgerows, drains or fences, internal to a LPIS parcel which are greater than 2m in width or where they form the boundary between LPIS parcels and exceed 4m in width are also not eligible and must be deducted in full. Map acres as they are generally known and described are not eligible for the Disadvantaged Areas Scheme.

#### **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 for the entire area declared under the 2009 Disadvantaged Areas Scheme. You must possess, hold and maintain for at least three continuous months of the year the livestock required to maintain the minimum stocking level. The [only exempted cases](#) from compliance with the minimum stocking level of 0.15 livestock units per forage hectare are applicants where a [REPS Plan or a Commonage Framework Plan or any other environmental scheme for the 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.

<b>Type of animal</b>	<b>Livestock Unit value</b>	<b>Proof which may be required</b>
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 equines over 6 months old	1.0 livestock unit each	Equine Passport in your name.
Female or male equines 6 months old or under	0.6 livestock unit each	Equine 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**

The Disadvantaged Areas Scheme provides for payment as follows, up to an overall payment ceiling of 34 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 and €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 34 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.

Payment will also be made in respect of land under energy crops subject to the following conditions:

- The maximum area of eligible land under energy crops will be 10 hectares. The payment under the Disadvantaged Areas Scheme will be recalculated to take into account any monies paid on energy crops under the Energy Crops Scheme.
- The minimum requirement of 3 hectares forage remains.
- The applicant will be required to meet the minimum stocking density of 0.15 livestock units per forage hectare declared.

The entire holding will be treated as one holding for the purposes of payment under the 2009 Disadvantaged Areas Scheme.

[\*\*The 2009 Disadvantaged Area Scheme will be co-funded by the European Union.\*\*](#)

## F. Penalties for over-declaration of area

If the difference in respect of a crop group is less than 3% of the area found, payment will be based on the area found in respect of each crop group. **A crop group is an area that benefits from the same rate of aid under the Disadvantaged Areas Scheme.** That means that the area declared as Mountain Type Grazings or More Severely Handicapped Lowland or Less Severely Handicapped Lowland and Coastal Areas with Specific Handicaps is a separate crop group and will be dealt with separately for the purposes of applying over-declaration penalties.

AREA OVER-DECLARATION IN DISADVANTAGED AREAS	CONSEQUENCES OF OVER-DECLARATION*
An over-declaration of greater than 3% but not more than 20% of the area determined (found) or if the area not determined is greater than 2 hectares for the crop group concerned.	The area determined (found) will be reduced for payment purposes by twice the difference between the area determined (found) and the area claimed for the crop group concerned.
*An over-declaration of greater than 20% of the area determined for the crop group concerned.	No payment in respect of the Disadvantaged Areas Scheme will be made in the year of application for the crop group concerned.
* An over-declaration between the total area declared for Rural Development measures (Disadvantaged Areas Scheme and REPS) and the total area determined where the difference is greater than 30% of the area determined (found).	No payment under the Disadvantaged Areas Scheme and any other area related EU Rural Development Scheme (e.g. REPS) will be made in the year of application.
An over-declaration between the total area declared for Rural Development measures (Disadvantaged Areas Scheme and REPS) and the total area determined where the difference is greater than 50% of the area determined (found)	No Disadvantaged Areas payment under the Disadvantaged Areas Scheme and any other area related EU Rural Development Scheme (e.g. REPS) will be made in the year of application and an Administrative Fine, equivalent to the amount of aid payable on the difference between the <i>area declared</i> and the <i>area found</i> will be deducted from any payments due in the subsequent three years.
An irregular over-declaration of area committed intentionally.	Where there is an over-declaration of area declared under the Disadvantaged Areas Scheme as a result of irregularities committed intentionally no payment will be made in the year of application. This provision <u>will not</u> apply if the difference between the area declared and area determined is 0.5% of the area determined(found) or less <b>OR</b> one hectare or less.

\* The penalties above are subject to the adoption of amendments to Commission Regulation (EC) No 1975/2006. If there are any changes when the proposed amendments are adopted details of these changes will be published by the Department of Agriculture, Fisheries and Food.

As there is a higher rate of aid on the first 10 hectares of Mountain Type Grazings, in the case of an over-declaration the level of aid payable will be based on the average rate of aid for such land. The average will be based on the aid payable on the number of hectares declared by the applicant.

**The above penalties will not apply where payment on the determined (found) area would not have been different.**

## G. Late applications

The 2009 Single Payment Scheme application is the application form for the 2009 Disadvantaged Areas Scheme. If this is received after the closing date of 15 May 2009, a 1% reduction in Disadvantaged Areas payment will apply for each working day that the application is late up to and including 10 June 2009. No Disadvantaged Areas payment can be paid in respect of any application received after 10 June 2009.

## H. New applicants for DAS

If you do not remain farming in a Disadvantaged Area for a continuous five-year period, you will be obliged to refund to this Department those payments received by you under the Scheme during the preceding one, two, three or four years, as appropriate.

## I. 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 have a representative nominated in his/her place to assist the inspecting officer. 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 Disadvantaged Areas Scheme 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 the Department determines an instance of force majeure.

## J. 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. The publications set out under were issued to all farmers. These publications outline in detail the cross compliance requirements set out in Commission Regulation (EC) No. 796/2004 (as amended) that are applicable under the Disadvantaged Areas Scheme. Farmers should read these booklets carefully in conjunction with this Helpsheet. These publications and further details including all checklists are available on the Department's web site at [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

- The Single Payment Scheme - Guide to Cross Compliance.
- Guide to Cross Compliance Requirements to be implemented in 2006 and 2007.
- Explanatory Handbook for Good Agricultural Practice Regulations.
- What to expect if you are selected for an inspection under the Single Payment Scheme/ Disadvantaged Areas Compensatory Allowance Scheme - published in August 2007 detailing obligations that must be respected by farmers who apply for the Disadvantaged Areas Scheme.

## 29. Specific Terms & Conditions applicable to the Upland Sheep Payment

The Upland Sheep payments will issue automatically to applicants who fulfil the following requirements:

- (i) Eligible applicants must have sheep recorded in the National Sheep Census for both the 2007 and 2008 calendar years.
- (ii) The mountain type grazing land must have been declared on the 2008 and 2009 Single Payment/Disadvantaged Areas Scheme application forms.
- (iii) Applicants must be eligible for the 2009 Disadvantaged Areas Scheme.
- (iv) The aid is payable on Mountain Type Grazing up to a maximum of 15 hectares.
- (v) The holding must be situated in a Disadvantaged Area.
- (vi) Applicants will be subject to cross compliance requirements.
- (vii) Penalties for over-declaration of areas will apply as set out in paragraph 17.
- (viii) Provision is being made for New Entrants who declare Mountain Type grazing in 2009 and have sheep recorded in the 2008 Sheep Census.
- (ix) The rate of aid per hectare will be calculated on the available National Reserve funds and the total area eligible for payment when all of the 2009 Single Payment Scheme/Disadvantaged Areas Scheme applications are processed.

### **30. Specific Terms and Conditions applicable to the EU Energy Crops Scheme**

Growers and Collectors/Processors should obtain the specific Terms & Conditions governing the 2009 EU Energy Crops Scheme from: Energy Crops Section, Department of Agriculture, Fisheries & Food, Old Abbeyleix Road, Portlaoise, Co. Laois. Phone: 057 8678701 / 8674411. Email: [energycrops@agriculture.gov.ie](mailto:energycrops@agriculture.gov.ie)

#### **Definition**

Energy crops are defined under Article 88 of Council Regulation (EC) No 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. Article 89.1 of Commission Regulation (EC) No 1782/2003 provides for a maximum guaranteed area of 2,000,000 hectares for which aid may be granted; Article 89.2 of this Regulation provides for a reduction in the rate payable where this maximum area is exceeded.

#### **Additional national funding**

An additional top-up of €80 per hectare, funded by the National Exchequer, is also payable. This additional payment is subject to a maximum ceiling of 37.5 hectares per producer over any consecutive three-year period in which the application for funding is made. It should be noted that the provision provided for in Article 27(3) of Commission Regulation EC No. 1973/2004 does not apply to the National Energy Premium.

#### **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. Applicants wishing to use their energy crop for use on their holding must submit a Letter of Undertaking. Appropriate contracts/letters of undertaking must be submitted to the Department (Energy Crops Section) before the closing date for receipt of applications under the 2009 Single Payment Scheme, where:

- full processing is undertaken by the farmer on his own holding;
- the processing is undertaken by a processor, or
- the raw materials are delivered to a processor via a collector.

#### **Use of raw material**

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. The raw materials referred to above must be covered by a Contract/Letter of Undertaking in accordance with the [conditions for eligibility](#) outlined above. Applicants must deliver all raw materials harvested to the contracted collector/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.

#### **Security requirements specific to the Energy Crops Scheme**

Collectors or first processors must lodge a security of €60 per hectare in respect of the Energy Crop Scheme. These securities must be lodged on or before the closing date for receipt of amendment forms under the 2009 Scheme i.e 31 May 2009 (please refer to the 2009 EU Energy Crops Terms & Conditions for further information). These securities will be released when documentary proof is furnished that the raw materials concerned have been processed into the appropriate products. Farmers wishing to grow an energy crop for use on their holding are also subject to Security requirements, further information in respect of which is contained in the 2009 EU Energy Crops Scheme Terms and Conditions.

#### **Applicants who wish to apply for the energy crops scheme must:**

- Submit a 2009 Single Payment Scheme Application form, with their energy crops detailed as outlined in the terms and conditions governing the completion of the above application;
- Submit their contract/letter of undertaking on or before the closing date for the 2009 Single Payment Scheme;
- Ensure that contract/letter of undertaking details correspond with their Single Payment application form. Amendments must be made in writing.

### **Penalties specific to the Energy Crops Scheme**

Where a farmer applying for aid for Energy Crops 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. The penalty is 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.

### **31. 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, Fisheries & Food, Kea-Lew Business Park, Mountrath Road, Portlaoise, Co. Laois, telephone: 057- 8692231.

### **32. Specific terms and conditions applicable to Hemp production**

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 Misuse of Drugs Regulations, 1988 and 1993. Furthermore, Article 13 of Commission Regulation (EC) No 796/2004 requires that, where a farmer intends to produce hemp, the SPS application shall include:

- all information required for the identification of the parcels sown in hemp, indicating the varieties of seed used;
- an indication as to the quantities of the seeds used (kg per hectare);
- the official labels used on the packaging of the seeds in accordance with Council Directive 2002/57/EC [4], and in particular Article 12 thereof.

By way of derogation, where sowing takes place after the deadline for submitting the single application, the labels shall be submitted by 30 June at the latest. Where the labels also have to be submitted to other national authorities, the Member States may provide for those labels to be returned to the farmer once they have been submitted in accordance with that point. The labels returned shall be marked as used for an application. Any applicant who intends to produce hemp under the 2009 SPS Scheme must apply for the specific form *2009 Single Payment Scheme Application to produce hemp*, which is available from: Department of Agriculture, Fisheries & Food, (Energy Crops Section), Old Abbeyleix Road, Portlaoise, Co. Laois, telephone number: 057 8678701 or 057 8678709, or via email to: [energycrops@agriculture.gov.ie](mailto:energycrops@agriculture.gov.ie) The completed form and supporting documentation (as set out above) must be returned with your 2009 SPS application form by the closing date of 15 May 2009, or, where sowing takes place after this date, by 30 June 2009 at the latest.

### **33. Protein Crops Premium**

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.

### **34. REPS measures**

#### **Rural Environment Protection Scheme**

If you are participating in REPS, you are obliged to declare all the land parcels in your holding (Owned, Rented and Leased) on your 2009 SPS application form. You should be aware that only the eligible REPS land parcels declared on your 2009 SPS application form and registered with a unique 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.

#### **In addition area based commitments in REPS must be declared on the SPS application as outlined below;**

- Declare Supplementary measure 4, Riparian Zone, in the forage category in column 9 and write the words "Riparian Zone" in column 10.
- Declare Supplementary measure or MEU LINNET Habitats in the arable category in column 9 and write the words "LINNET Habitat" in column 10.
- Declare REPS 3 Habitat in the other category in column 9 and "REPS 3 Habitat" in column 10.
- Declare REPS 4 Habitat (Biodiversity option or MEU) in the other category in column 9 and "REPS 4 Habitat" in column 10.
- Declare Traditional Hay Meadow in the forage category in column 9 and write the words "Traditional Hay Meadow" in column 10.
- Declare Species Rich Grassland in the forage category in column 9 and write the words "Species Rich Grassland" in column 10.
- Declare new farm woodland (biodiversity option or MEU) as other category in column 9 and write the words "REPS 4 New Woodland" in column 10.

New applicants under REPS 4 are required to submit a map(s) identifying the areas concerned along with their SPS application.

Where you are devoting part of a land parcel to a Biodiversity Option, an MEU or Supplementary measure under REPS 3 or 4 you must indicate this subdivision of the parcel on the application form as follows:

### Subdivision

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
<del>L123456778</del>	<del>5.2</del>	<del>4.5</del>
L123456778a	5.2	4.0
L123456778b	5.2	0.5

## 35. Afforestation measures

If you are in receipt of aid under the Afforestation Grant and Premium Scheme, FEPS or the Native Woodland Establishment Scheme you are obliged to declare all the land parcels on your holding on your 2009 SPS application form. All land parcels in receipt of payment under the Afforestation Grant and Premium Scheme, FEPS or the Native Woodland Establishment Scheme are registered on the Department's land parcel identification system (LPIS) with a unique identification number. Failure to declare afforested parcels under these schemes on LPIS could affect future forestry grant/premium payments.

**NEW for 2009:** With effect from 1 January 2009, land which will be afforested in 2009 will continue to be eligible to draw down an SPS payment in 2009 provided that the land meets the following requirements:

- The land to be afforested was declared on a 2008 SPS application form;
- The applicant who declared that land on a 2008 SPS application form was paid under the 2008 Single Payment Scheme;
- The land to be afforested was eligible to draw down an SPS payment in 2008;
- The afforested land meets all the requirements of the Afforestation Grant and Premium Scheme, FEPS or the Native Woodland Establishment Scheme;
- Eligible Forestry parcels that are declared on SPS applications to activate entitlements will also be subject to cross-compliance requirements.

Consolidation of newly afforested land will therefore no longer be required.

## SECTION 7: - LEGISLATION AND DEFINITIONS

### 36. EU Legislation relevant to your application

The TERMS & CONDITIONS of the Schemes set out in this Helpsheets implement the following EU Council and Commission Regulations, and any amendments to these Regulations that are applicable to the 2009 Scheme year. Any further EU Council or Commission amendments made during 2009 will be communicated to farmers and will, where appropriate, also apply to 2009 applications. The complete EU legislation is available at [www.europa.eu](http://www.europa.eu)

- No. 79/2009 of 19 January 2009, establishing common rules for direct support schemes - OJ L35 of 4/2/2009.
- No. 1782/2003 of 29/9/2003, as amended, 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.
- No.1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development - OJ L277 of 21/10/2005.
- No.1974/2006 of 15 December 2006 laying down detailed rules for the application of No 1698/2005 - OJ L368 of 23/12/2006.
- No.1975/2006 of 7 December 2006 laying down detailed rules for the application of No 1698/2005 as regards control procedures and cross compliance - OJ L368 of 23/12/2006.
- No.1290/2005 of 21 June 2005 on the financing of the common agricultural policy - OJ L209 of 11/8/2005.
- No. 885/2006 of 21 June 2006 laying down detailed rules for the application of No1290/2005 - OJ L171 of 23/6/2006.

## 37. Definitions relevant to your application

The following definitions apply for the purposes of all Schemes covered by the 2009 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" shall mean the European Union.
- (2) the "Minister" shall mean the Minister for Agriculture, Fisheries and Food.
- (3) The "Department" shall mean the Department of Agriculture, Fisheries and Food.
- (4) "Direct payment" shall mean any payment granted directly to farmers under the Single Payment Scheme, the Proteins Premium Scheme, the Energy Crops Scheme and the Dried Fodder Scheme.
- (5) "farmer" shall mean a natural or legal person, or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, whose holding is situated within Community territory, as referred to in Article 299 of the Treaty, and who exercises an agricultural activity.
- (6) "Collector" shall mean 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.
- (7) "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.
- (8) "Holding" shall mean all the production units managed by a farmer situated within the territory of the same Member State.
- (9) "Agricultural activity" shall mean 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 as established under Article 6 of Regulation (EC) No 73/2009.
- (10) "Arable land" shall mean land cultivated for crop production, or maintained in good agricultural and environmental condition in accordance with Article 6 of Regulation (EC) No 73/2009 or land under greenhouses or under fixed or mobile cover.
- (11) "Permanent pasture" shall mean land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that is not included in the crop rotation of the holding for five years or longer.
- (12) "Grasses or other herbaceous forage" shall mean 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).
- (13) "Permanent crops" shall mean 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.
  - (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.
- (14) "Grassland" shall mean arable land used for grass production (sown or natural), including permanent pasture.
- (15) "Use" shall mean the use of area in terms of the type of crop or ground cover or the absence of a crop.
- (16) "Crop" shall mean any type of crop or ground cover including grass.
- (17) "Land parcel" shall mean an area of land uniquely within a townland which has a unique identifier number on the Department's Land Parcel Identification System (LPIS) and must be defined by a permanent boundary except in the case of commonage land. External forage boundaries must be stockproof and appropriate to the farming enterprise.
- (18) "Agricultural parcel" shall mean a continuous area of land on which a single crop group is cultivated by a single farmer; however, where a separate declaration of the use of an area within a crop group is required in the context of the Single Payment Regulations, that specific use shall further limit the agricultural parcel.
- (19) "Reference parcel" shall mean a geographically delimited area retaining a unique identification as registered in the GIS in the Member State's identification system referred to in Article 17 of Regulation (EC) No 73/2009.
- (20) "Area determined" (found area) shall mean 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 being determined only if it is actually being accompanied by a corresponding number of payment entitlements.
- (21) "Cross-compliance" shall mean respect for the statutory management requirements and the good agricultural and environmental condition in accordance with Articles 4, 5 and 6 of Regulation (EC) No 73/2009 and as described in the Department's 2005, 2006 and 2007 publications titled "The Single Payment Scheme - Guide to Cross Compliance", "Guide to Cross Compliance Requirements to be implemented in 2006 and 2007" and "Explanatory Handbook for Good Agricultural Practice Regulations" and "What to expect if you are selected for an inspection under the Single Payment Scheme/ Disadvantaged Areas Compensatory Allowance Scheme".
- (22) "Areas of cross-compliance" shall mean the different areas of statutory management requirements within the meaning of Article 5(1) of Regulation (EC) No 73/2009 relating to public, animal and plant health, the environment and animal welfare, and the good agricultural and environmental condition as stipulated in Annex 111 to that Regulation pertaining to soil erosion, soil organic matter, soil structure and the minimum level of maintenance required.

- (23) "Non-compliance" shall mean any non-compliance with the statutory management requirements and the good agricultural and environmental condition in accordance with Articles 4, 5 and 6 of Regulation (EC) No 73/2009 and as described in the Department's 2005, 2006 and 2007 publications titled:
- The Single Payment Scheme - Guide to Cross Compliance.
  - Guide to Cross Compliance Requirements to be implemented in 2006 and 2007.
  - Explanatory Handbook for Good Agricultural Practice Regulations.
  - What to expect if you are selected for an inspection under the Single Payment Scheme/Disadvantaged Areas Compensatory Allowance Scheme.
- (24) "Force majeure" or exceptional circumstances shall be recognised in cases such as the following:
- (a) the death of a farmer;
  - (b) long-term professional incapacity of the farmer;
  - (c) a severe natural disaster gravely affecting the holding's agricultural land;
  - (d) the accidental destruction of livestock buildings on the holding;
  - (e) an epizootic affecting part or all of the farmer's livestock.

## SECTION 8: - PAYMENTS & OUTSTANDING DEBTS

### Payment by electronic transfer

In accordance with EU regulations, all EU scheme payments to farmers can only be made to a bank account and payments can no longer be issued by cheque. Any applicants who have not already done so should submit their bank account details to the Department.

A copy of the relevant form is available from Direct Credit Section, Department of Agriculture, Fisheries and Food, Farnham Street, Cavan. Tel: 049 4368283 or on the Department's website.

### Single Payment Scheme

Under EU regulations, payments under the Single Payment Scheme are due to commence on 1 December 2009.

### Protein Crops Premium

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 are due to commence as from 1 December 2009.

### Energy Crops Scheme

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. Payments are due to commence as from 1 December 2009.

### Outstanding debts

Any outstanding debts due to the Department in respect of the Direct Payment Schemes and payments under Rural Development Schemes will be subject to interest charges in accordance with the provisions of the S.I. No 13 of 2006, European Communities (Recovery of Amounts) (Amendment) Regulations, 2006.

## SECTION 9: NOTE FOR GRAIN GROWERS

### **38. Questionnaire on grain drying.**

Included with the Single Payment Scheme application form issued to farmers involved in the production of arable crops is a questionnaire (yellow page) which farmers, engaged in the drying of grains or animal feed, are asked to complete. The questionnaire relates to the type of oil being used in burners to generate heat (direct systems) for drying feed or grain. The form should be completed, signed and returned in the envelope used for returning the 2009 application form by the deadline of 15 May 2009 or if you have applied on-line using the Agfood iNet facility by post to the **Single Payment Unit (ACG), Department of Agriculture, Fisheries and Food, Government Offices, Old Abbeyleix Road, Portlaoise, Co Laois.**