



Department of  
**Agriculture,  
Fisheries and Food**

An Roinn  
**Talmhaíochta,  
Iascaigh agus Bia**

**HELPSHEET / TERMS & CONDITIONS  
FOR THE  
2011  
EU SINGLE PAYMENT SCHEME (SPS)  
AND FOR  
THE 2011 DISADVANTAGED AREAS SCHEME,  
AND OTHER 2011 AREA - BASED SCHEMES.**

**DEPARTMENT OF AGRICULTURE, FISHERIES AND FOOD**

# **IMPORTANT**

## **Proof of receipt of submission of Single Payment Scheme (SPS) and other Direct Payment Schemes application form, Amendment Forms and SPS Entitlement Forms, Transfers, Consolidation, National Reserve.**

The submission of the Single Payment Scheme application form by the deadline provided for in the EU Regulations is vital in order to ensure that you can benefit from the payment. The application form covers other very important Schemes such as the Disadvantaged Areas Scheme, REPS, AEOS, Grassland Sheep Scheme etc. The closing date for receipt of applications is 16th May 2011. Penalties are applied to late applications and applications received 25 calendar days after that date are NOT eligible for payment.

### **Changes in respect of acceptable proof of postage of the 2011 Single Payment Scheme application forms**

If the application form is being posted to the Department, farmers are advised to obtain acceptable proof of postage (see below), which can be used in the event of the application(s) not being received by the Department of Agriculture, Fisheries and Food.

In 2011 the only acceptable proof of postage for a 2011 SPS Application Form, Amendment Form and/or the Entitlements Forms referred to below is,

- Swift post receipt-a receipt is attached to each return envelope sent out with the pre printed application form, or
- Registered post receipt.

(Certificate of Posting is no longer acceptable as proof of postage)

### **2011 Single Payment Scheme Amendment Form.**

All SPS Amendment forms must be submitted directly by post or delivered by hand to the Department of Agriculture, Fisheries & Food, Single Payment Unit, Government Buildings, Old Abbeylax Road, Portlaoise, Co. Laois

### **2011 SPS Entitlements Forms**

The SPS entitlements forms - (i) Transfer of Entitlements, (ii) Consolidation of Entitlements and (iii) SPS National Reserve application form(s) must be submitted directly or delivered by hand to Department of Agriculture, Fisheries & Food, Single Payment Unit, Eircom Building, Knockmay Road, Portlaoise, Co. Laois

### **THE RULE RELATING TO ACCEPTABLE PROOF OF POSTAGE AS OUTLINED ABOVE IS APPLICABLE TO ALL SINGLE PAYMENT AND RELATED APPLICATION FORMS.**

**IMPORTANT: IT SHOULD BE NOTED THAT, WHILE THIS TERMS & CONDITIONS BOOKLET HAS BEEN PREPARED AS AN AID TO APPLICANTS, IT SHOULD BE APPRECIATED THAT THE GOVERNING EU REGULATIONS FORM THE DEFINITIVE BASIS FOR THE ADMINISTRATION OF THE SCHEMES IN QUESTION, PARTICULARLY WITH REGARD TO ELIGIBILITY AND, WHEN NECESSARY, ANY PENALTIES THAT MAY REQUIRE TO BE APPLIED. THE REFERENCE NUMBERS OF THE RELEVANT EU REGULATIONS ARE OUTLINED IN PARAGRAPH 38.**

**FURTHERMORE, APPLICANTS SHOULD NOTE THAT WHILE DETAILS ARE PRE-PRINTED ON THE APPLICATION THIS IS DONE AS A SERVICE TO APPLICANTS. IT IS ESSENTIAL, THEREFORE, THAT APPLICANTS EXAMINE THE PRE-PRINTED DETAILS THOROUGHLY TO ENSURE THAT THEY ARE ACCURATE. THE ONUS RESTS SOLELY WITH EACH APPLICANT TO ENSURE THAT THE DETAILS ARE ACCURATE AND, IF NOT, TO MAKE THE NECESSARY AMENDMENTS.**

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 2011 application form under the Single Payment Scheme (SPS), the Disadvantaged Areas Scheme Grassland Sheep Scheme, the Dairy Efficiency Programme, the Burren Farming for Conservation Programme, the Agri-Environment Options Scheme, the Rural Environment Protection Scheme (REPS) and other area-based schemes. When you submit your 2011 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

<b>Section</b>	<b>Counties</b>	<b>Telephone Number</b>
Single Payment (1)	Cork, Offaly, Waterford and Westmeath	1890 252 236
Single Payment (2)	Clare, Kildare, Limerick, Wexford and Roscommon	1890 252 235
Single Payment (3)	Longford and Wicklow	1890 252 242
Single Payment (4)	Carlow, Kilkenny, Laois, Monaghan, Donegal, Dublin, Cavan, Leitrim, Louth and Sligo	1890 252 243
Single Payment (5)	Tipperary	1890 252 598
Single Payment (6)	Galway, Kerry, Mayo and Meath,	1890 200 502
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.
Disadvantaged Areas Scheme	All counties	1890 200 114
Transfer of Entitlements	All counties	1890 200 560
Inheritance Enquiry Unit	All counties	1890 200 560
Consolidation of Entitlements	All counties	1890 252 241
National Reserve	All counties	1890 252 051
REPS Derogation	All counties	053-9163400

**Important - Before you submit your application**

1. 2011 Scheme – Points worth noting	1
2. Modulation	2
3. Schemes for which an SPS application is required	2
4. Land that is eligible for SPS payment	2
5. The 31 May rule for land availability	3
6. Maps	4
7. Data Protection and Freedom of Information	4

**Submitting your application**

8. Closing date for applications	5
9. Penalties for late applications	5
10. Online applications	6
11. Completing the Front Page of the SPS application form	7
12. Completing the Back Page of the SPS application form	8
13. New Applicants	12
14. Making Amendments to your 2011 SPS application form	13

**Inspections**

15. Controls and Inspections	14
16. Cross Compliance	14

**SPS Penalties and Appeals procedure**

17. Penalties for over-declaration of area under the SPS	16
18. Penalties for under-declaration of land parcels under the SPS	17
19. SPS Appeals Committee	17
20. The Agriculture Appeals Office	17

**Entitlements**

21. Entitlements Categories	18
22. Payment on National Reserve entitlements in 2011 (Standard (NR)	18
23. Payment on Sugar Beet entitlements in 2011	18
24. Maximise your entitlements payments in 2011	18
25. Transfer of entitlements	19
26. Transfer of an entire holding between date of application and 31 May 2011.	19
27. Inheritance Enquiry Unit	19
28. Consolidation of entitlements	20

**Requirements of other area-based schemes and measures**

29. Specific Terms & Conditions applicable to the Disadvantaged Areas Scheme	21
30. Specific Terms & Conditions applicable to the Grassland Sheep Scheme	24
31. Specific Terms & Conditions applicable to the Dairy Efficiency Programme	26
32. Specific Terms & Conditions applicable to the Burren Farming for Conservation Programme	26
33. Bio-Energy Establishment Scheme	26
34. Specific Terms and Conditions applicable to Hemp production	27
35. Protein Aid Scheme	27
36. REPS, AEOS, Natura 2000 and Organic Farming measures	27
37. Afforestation measures	28

**Relevant legislation and definitions**

38. EU Legislation relevant to your Application	28
39. Definitions relevant to your Application	29

**Payments & Outstanding Debts**

40. Outstanding debts	31
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# IMPORTANT - BEFORE YOU SUBMIT YOUR APPLICATION

## 1. 2011 Schemes.

- **Closing Date.**
  - The 16 May 2011 closing date is the latest possible closing date under EU Regulations and, therefore, there cannot be any extension to that closing date.
- **Posting your Application.** All SPS & related forms are important documents. Applicants who post documents to the Department are advised to obtain proof of postage. Acceptable proof of postage is either a Swiftpost receipt or a Registered Post receipt. A Certificate of Posting is not considered acceptable.
- **Maps.** The Department has issued maps of land parcels declared on the 2010 application form to all applicants. It is vital that each applicant review these maps or instructs his or her agent to do so. Following the review of the parcels, applicants are required to submit a map for any parcel that has an 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. In addition it is necessary to reduce the claimed area if the remaining eligible area is less than the area claimed in 2010.
- **Declare all your land.** You are legally required to declare ALL the land that will form part of your holding on 31 May 2011, excluding any land that you have leased OUT or rented OUT for any period that includes 31 May 2011. 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 2011. Lands declared as agricultural land must be maintained as such until 31 December 2011, unless afforested – under the Afforestation Aid Scheme. Any change in the status of declared agricultural land must be notified to the Department
- **Eligible Land.** Make sure that the land you declare is “eligible land” (see Section 4). If you claim ineligible land it will be regarded as an over declaration resulting in a financial penalty. If you are renting or leasing in land you should satisfy yourself that you have sole use of that land and that no other farmer is likely to declare the same parcel(s).
- **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, while others did not make the necessary deductions for ineligible areas. 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 scrub, 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 and the Department notified accordingly.
- **Rented-in Land.** Applicants declaring rented-in land should satisfy themselves that they will have sole and exclusive use of the land in question for agricultural purposes for the period of the rental agreement – see also point 5 below re 31 May rule.
- **Forest Fires.** There will be a greater focus on identifying those suspected of engaging in uncontrolled burning, through the use of farm inspections under Cross Compliance rules, which could result in penalties being imposed under the 2011 Scheme and the prosecution of such offenders.
- **Submitted Map Indicator.** Please indicate in Column 11 where you have submitted a map for the relevant parcel by ticking the box. This includes where you have red-lined the parcel.
- **Submit Maps Online.** This year a facility has been introduced to allow the online submission of maps. Farmers and/or their agents who are registered for the SPS online facility can upload an electronic version of their maps on the Farmer home page. The ‘Upload Map Changes’ button is at the bottom of the home screen. Simply attach the file and click the upload button to submit your maps. Please note files must be a PDF (.pdf file extension) and must not exceed 3MB.

- **Identify Farmyard(s) on your holding.** If you have not previously identified where your farmyard is, please do so by reviewing your map(s), marking clearly the location(s) on the map(s) and return the map(s) to the Department.
- **Herd number.** Applicants are required to be a holder of a registered herdnumber or have applied to the Local DVO for a herdnumber on or before 16 May 2011.
- **Hedgerows and Drains/Ditches.** With effect from 2009, these were designated as landscape features under Good Agricultural and Environmental Condition. This means that it is not necessary to make deductions to parcel areas to account for these features but they must be retained. The detailed requirements are set in paragraph 16.
- **Minimum Payment.** Under the provisions of Article 28 (1) of Council Regulation (EC) No 73/2009, it has been decided that no payment will be made under the Single Payment Scheme where the amount claimed is less than €100.

## 2. Modulation

Modulation on 2011 payments under the Single Payment Scheme, Grassland Sheep Scheme, Dairy Efficiency Programme and the Burren Farming for Conservation Programme will be 9%, an increase of 1%. Additional modulation of 4% will be applied to payments that are greater than €300,000 in respect of the amount of the payment that is greater than €300,000. There is no modulation deduction on the first €5,000 of the combined amount paid under the Scheme referred to above or up to €5,000 where the total amount paid is less than €5,000. The rate of Modulation will increase to 10% in 2012. The additional 4% Modulation deduction on amounts paid in excess of €300,000 will also continue to apply.

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

**Farmers who have applied or who intend to apply in 2011 for any of the following schemes must submit a 2011 Single Payment Scheme application:**

- **SINGLE PAYMENT SCHEME;**
- **DISADVANTAGED AREAS SCHEME;**
- **GRASSLAND SHEEP SCHEME;**
- **BURREN FARMING FOR CONSERVATION PROGRAMME;**
- **DAIRY EFFICIENCY PROGRAMME;**
- **BIO-ENERGY ESTABLISHMENT SCHEME;**
- **PROTEIN AID SCHEME;**
- **RURAL ENVIRONMENT PROTECTION SCHEME (REPS);**
- **AGRI-ENVIRONMENT OPTIONS SCHEME (AEOS)**
- **NATURA 2000 SCHEME**
- **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;**
- **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. REPS areas such as newly created habitats under option 4a of REPS 3 and REPS 4, areas under linnet and riparian zones are also eligible for SPS. A full list of crops can be found in section 12 of this Helpsheet/ Terms and Conditions. While there is no obligatory set-aside, 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.

### Afforested land - eligible from 2009

With effect from 2009, eligible land that was declared in an SPS application in 2008 and was afforested in 2009, 2010 or 2011 can continue to be eligible to draw down an SPS payment in 2011 provided it satisfies the conditions outlined in Paragraph 37.

### Land maintenance

The land must be maintained in Good Agricultural and Environmental Condition (GAEC). As regards maintenance of mountain and hill land, generally the only way of keeping it in GAEC is by grazing it with livestock. The applicant must be in control of all land parcels declared, and the applicant must maintain stockproof fencing, as detailed at point 3 above, to achieve this, with commonage parcels being the exception. If inspected there must be evidence on the day of inspection that the land is being maintained in GAEC.

### Land not eligible for SPS

Land that is not eligible for SPS or DAS payments is land under permanent crops, land that is used for non-agricultural purposes (golf courses, etc.), land where the applicant has no access, or land that was forestry planted prior to 2009 with the exception of Forestry Set-aside. Any parcels/plots claimed that are not under the control of the applicant, not farmed/ no agricultural activity being carried out by the applicant or not maintained in GAEC by the applicant are not eligible for the Single Payment Scheme, the Disadvantaged Areas Scheme, the Grassland Sheep Scheme or the Burren Farming for Conservation Programme. 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.

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 for landscape features such as hedgerows and drains/ditches.

Where you have not previously advised the Department of any of the above exclusions, please return your maps outlining these clearly with your 2011 SPS Application form.

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

### 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 2011 Single Payment Scheme, all of the hectares of land declared by you to support your claim (owned, rented-in and leased -in) must be subject to an agricultural activity by you for a period that includes 31 May 2011. Land that is declared by an applicant on the basis that it is available to him or her on 31 May only on foot of an agreement with another party will not be eligible for payment. In this context, farmers who apply for the direct payment under the Single Payment Scheme, the Grassland Sheep Scheme, the Burren Farming for Conservation Programme, the Protein Aid 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 Grassland Sheep Scheme, the Burren Farming for Conservation Programme, the Protein Aid 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 defined 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 2011 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 2011, 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 2011 to 31 December 2011, for example, where a standard conacre arrangement expires at the end of November, 2011.

Lands that you declare as being available to you on 31 May 2011 for the purpose of drawing down payment must be maintained as agricultural land for the calendar year 2011, or planted under the Afforestation Aid Scheme in 2011, if you wish to retain any Single Payment made on this land. If you become aware that the land parcel or parcels in question are going to be used for

non-agricultural purposes during 2011, (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 2011) if you become aware that the land parcel or parcels in question are going to be used for non-agricultural activity during 2011. 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 2011 SPS application after 31 May 2011, 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.

Where an applicant declares land on the basis of a subletting from a lessee, then the original lease from the owner of the land must also be available for inspection.

A copy of the rental or grazing agreement (and original agreement from the owner where appropriate) must be retained by both transferor and transferee and must be available for inspection at any time by officials of the Department of Agriculture, 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**

Maps of all land parcels declared in 2010 were issued to all applicants under separate cover. It is of vital importance that the applicant or his or her agent reviews the maps of all the land parcels prior to submission of the 2011 application. These show the boundaries of all land parcels claimed by you on your 2010 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 2011 from that shown on your map(s), there is no need to return the map(s) with your application form.** Where any parcel boundary is incorrectly drawn on the map, you should amend that boundary in red pen, correct the pre-printed details for that parcel on your form and return the amended map with your 2011 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 legal persons (not a natural person but, for example, a company), who are beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD). The rights of data subjects and how they may be exercised, in this respect, are laid down in the Data Protection Acts, 1988 and 2003. 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, controls relating to the legislation underpinning cross compliance and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Act.

# SUBMITTING YOUR APPLICATION

## 8. Closing date for applications – 16 May 2011

Applicants must ensure that their completed 2011 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 MONDAY 16 May 2011. This is the latest date allowed under EU rules and, therefore, cannot be extended.

### Postal applications

In the event that the Department does not receive your completed 2011 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. The only other acceptable proof of postage will be a Registered Post receipt.

### **A CERTIFICATE OF POSTING IS NO LONGER ACCEPTABLE AS PROOF OF POSTAGE.**

Complete and return only the pre-printed application form that you received. Your pre-printed 2011 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. **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 should 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 in the Department's Portlaoise Office, Lo call [1890 252 118](tel:1890252118) 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 16 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, Grassland Sheep Payment, Dairy Efficiency Programme, the Burren Farming for Conservation Programme, the REPS Scheme, the AEOS Scheme, the Natura Scheme, the Organic Farming Scheme and the EU Protein Aid Scheme. Payment under any of these Schemes cannot be made in 2011 unless a valid 2011 SPS application form is submitted.

Day	Date	Month	% Reduction to apply per working day	No of Calendar days
Monday	16	May	Closing Date	N/A
Tuesday	17	May	1%	1
Wednesday	18	May	2%	2
Thursday	19	May	3%	3
Friday	20	May	4%	4
Saturday	21	May	4%	5
Sunday	22	May	4%	6
Monday	23	May	5%	7
Tuesday	24	May	6%	8
Wednesday	25	May	7%	9
Thursday	26	May	8%	10
Friday	27	May	9%	11

Saturday	28	May	9%	12
Sunday	29	May	9%	13
Monday	30	May	10%	14
Tuesday	31	May	11%	15
Wednesday	1	June	12%	16
Thursday	2	June	13%	17
Friday	3	June	14%	18
Saturday	4	June	14%	19
Sunday	5	June	14%	20
Monday (Bank Holiday)	6	June	14%	21
Tuesday	7	June	15%	22
Wednesday	8	June	16%	23
Thursday	9	June	17%	24
Friday	10	June	18%	25
Saturday	11	June	100%	26

#### 10. Online applications

An enhanced online service (SPS iNET) is available in 2011 to all SPS applicants. While all applicants will be issued with their pre-printed 2011 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 2011 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 16 May 2011 also applies to online applications (which can be submitted up to midnight).

#### Completing an online SPS application

The further development of the online application system for 2011 took into account the feedback from farmers and agents who applied online in previous years. 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 2010 application and the outcome of any review undertaken by the Department of Agriculture, Fisheries and Food.

Land parcels that come into the applicant's possession in 2011 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 2011 SPS application should be

submitted, and arrangements made with the Department's local Veterinary Office to have the herd number issue resolved. Where the herdowner is deceased, contact should be made with the Department's Inheritance Enquiry Unit, Eircom Building, Portlaoise, Co Laois, 1890 200 560, inheritance@agriculture.gov.ie

#### 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 2011 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 2011 deadline for amendments, and afterwards a late application with penalty up to 10 June 2011. An online Amendment form may only be submitted where an online 2011 SPS application has already been submitted. Certain amendments can be made after the 10 June 2011 closing date for late Amendments. Parcels/plots cannot be added or claimed areas amended after 10 June. You may, however, withdraw land or reduce the claimed area of a land parcel from your application at any time after 10 June 2011 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.

#### 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/herd-number:

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, cross out the pre-printed Herd Number and write in your new Herd Number. Should your Herd Number change after the submission of the 2011 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 2010 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. Note, Single Payment Entitlements do not transfer with the herdnumber and an application should be made to the Transfer of Entitlements Section, Eircom Buildings, Knockmay, Portlaoise, Co Laois

#### 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 21 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.

As of the scheme year 2009, National Reserve entitlements (including consolidated entitlements) were re-categorised as Standard (NR), National Reserve Sugar Beet entitlements were re-categorised as Standard Sugar Beet (NR) and Set-aside entitlements as Standard entitlements.

Column 5 identifies those entitlements that were not used in 2010. You will lose these entitlements to the National Reserve if you do not use them in 2011.

Column 7 allows applicants with more than one set of entitlements and insufficient land to use all of their 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 one set of 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 2011 SPS application form.

**Application for payment under the Rural Environment Protection Scheme (REPS), Agri-Environment Options Scheme, Natura 2000 scheme and/or the organic farming scheme:** A valid 2011 SPS application is required for payment under the REPS, AEOS, Natura 2000 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 Grassland Sheep Scheme:**  
The Terms and Conditions applicable to this Scheme are set down in this Helpsheet.

**Application for the Burren Farming for Conservation Programme:** The Terms and Conditions applicable to this payment have been published by the Department and can be accessed on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

**Application for the Dairy Efficiency Programme:** The Terms and Conditions applicable to this payment have been published by the Department and can be accessed on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

#### **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, **Rural Environment Protection Scheme (REPS), Agri-Environment Options Scheme, Natura 2000 Scheme the Organic Farming Scheme, the Grassland Sheep Scheme, the Dairy Efficiency Programme, the Burren Farming for Conservation Programme** and the Protein Aid 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 2011 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 2011 application will be at your disposal on 31 May 2011 and you are accepting that you will be responsible for any breach in cross compliance with regard to this land in the 2011 calendar year. You are also confirming that the lands declared as being available on 31 May 2011 will be maintained as agricultural land, or land newly afforested in 2011, until 31 December 2011 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, controls relating to the legislation underpinning cross compliance and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Act. You are also notified that the Department of Agriculture, Fisheries and Food is required, in accordance with EU law, to publish on a website, details of the names, addresses and amounts received by legal persons (not a natural person but, for example, a company), who are beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD). The rights of data subjects and how they may be exercised in this respect, are laid down in the Data Protection Acts, 1988 and 2003. The data therein may be processed by auditing and investigating bodies of the Communities and the Member States for the purposes of safeguarding the Communities' financial interests. The data therein cannot be used for direct marketing or other purposes and this is made clear on the website.

#### **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. Where the application is made on behalf of the estate of a deceased farmer, the legal personal representative is the signatory and must state his/her status, for example, Executor or Administrator.

#### **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 2010. If you are declaring any new parcels in 2011 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 2010. 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 2011 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. 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 or by uploading an electronic version of your maps through our online application system.

#### 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 2011 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 internal ineligible areas such as roadways, rivers, 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 2011, 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. The minimum parcel size that can be declared is 0.01 Hectares.

#### 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 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 2011. 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/ditches, deductions are not required.

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	Hec-tares	Acres	Hec-tares	Acres	Hec-tares	Acres	Hec-tares	Acres	Hec-tares	Acres	Hec-tares	Acres	Hec-tares
1	0.4047	5	2.0235	9	3.6423	40	16.188	80	32.376	300	121.41	700	283.29
2	0.8094	6	2.4282	10	4.047	50	20.235	90	36.423	400	161.88	800	323.76
3	1.2141	7	2.8329	20	8.094	60	24.282	100	40.47	500	202.35	900	364.23
4	1.6188	8	3.2376	30	12.141	70	28.329	200	80.94	600	242.82	1,000	404.70

### Column 8: Owned, rented or leased and if claimed for REPS payment:

This column has been pre-printed insofar as possible. In the first instance check that this is correct and amend if necessary. It is possible that this information is no longer valid or is incorrect. For example, land parcels that were owned by the previous applicant are now leased to the previous applicant's son or daughter, who is the current applicant. If an amendment to the pre-printed data is necessary, put a line through the pre-printed data and enter the correct position. In this case an L should replace the O. In addition, 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), if; whether you are renting it in for a period including 31 May 2011 (R); or whether you have the land for a period including 31 May 2011 on the basis of a formal land lease (L). An important requirement for 2011 is that, if you are in receipt of REPS payments, you must identify each parcel (whether owned or leased) that is benefiting from the REPS payment. In the case of owned parcels that are in receipt of the REPS payment insert (R) after O. Similarly, in the case of a leased-in parcel that is benefiting from a REPS payment insert (R) after L. If a leased land parcel is not eligible or is not in receipt of the REPS payment (e.g. 3 year lease) (R) should not be inserted. Rented land parcels are not eligible for REPS. Do not declare any land that you have leased out or rented out to another party for any period that includes 31 May 2011. 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 2011 form as the requirement for compulsory set-aside has been abolished. Where an applicant declares an arable parcel as fallow, regeneration or greencover in 2011 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 2011. Where parcel

information is pre-printed please ensure that the pre-printed use is correct for 2011 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 2011 of land that is newly afforested in 2011 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 2011 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>
100% De-stocked Area	Arable Silage	Access Road/Road
Grass	Beans	Bog
Grass Silage	Early Potatoes	Building
Mixed Grazing	Fallow	Farm Road
Permanent Pasture	Fodder Beet	Farmyard
Rough Grazing	Forage Rape	Flax
Species Rich Grassland	Grass Seed	Flowers
Traditional Hay Meadow	Grassmeal	Foliage
Traditional Sustainable Grazing	Green Cover	Forestry
	Hemp	Forestry Eligible
	Kale	Forestry 2011
	Linnet Habitat	Forestry Setaside
	Linseed	Fruit
	Maincrop Potatoes	Gardens
	Maize	Habitat
	Mangolds	Lake/Waterway/Pond
	Millet	Landscape Feature
	Peas	Miscanthus Sinensis
	Regeneration	Nursery
	Rye	Orchard
	Seed Potatoes	Quarry
	Spring Barley	Recreational area
	Spring Oats	Reed Canary Grass
	Spring Oilseed Rape	REPS 3 New Habitat
	Spring Wheat	REPS 4 New Habitat
	Sugar Beet	REPS 4 New Woodland
	Swedes	REPS 4 Planted buffer zone

	Sweet Lupins	Riparian Zone
	Triticale	Rocky Outcrop
	Turnips	Scrub
	Vegetables	Short Rotation Coppice
	Winter Barley	Switch grass
	Winter Oats	Willow
	Winter Oilseed Rape	Woodland
	Winter Wheat	
	Wild Bird Cover	

### Column 11: Submitted Map – NEW FOR 2011

If you have submitted a map for a parcel, please place an 'X' in this column for that particular parcel. All maps should be sent to SINGLE PAYMENT UNIT, GOVT BUILDINGS, OLD ABBEYLEIX ROAD PORTLAOISE, CO. LAOIS  
Online applicants can upload maps electronically through our online facility, see Section 2 for more details

### 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/Agricultural Consultant 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-pre-printed application form. If you mislay the pre-printed form supplied to you, you should 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 2011 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 on or before 16 May, 2011. Details of the new Herd Number should be submitted to the Single Payment Unit as soon as it is available.

If the new applicant is taking over from a deceased herd owner, further information can be obtained from the Department's Inheritance Enquiry Unit. In all cases where a herd number is being transferred, the herd owners should apply to the Transfer of Entitlements Section.

#### 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 <http://www.agriculture.gov.ie> or from TEAGASC/Agricultural Consultant. The closing date for Transfer applications is 16 May 2011.

#### 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 2011 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 2011 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 2011 SPS application**

All SPS Amendment forms must be submitted directly by post or delivered by hand to the Department of Agriculture, Fisheries & Food, Single Payment Unit, Government Buildings, Old Abbeyleix Road, Portlaoise, Co. Laois. In 2011 the only acceptable proof of postage will be:

- Swift post receipt or
- Registered post receipt.

*Please note that a certificate of posting is no longer acceptable as proof of postage.*

#### Amendments up to 31 May 2011

Amendments to 2011 SPS applications, including the addition of parcels/plots, may be made up to 31 May 2011 on the SPS 2011 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 2011 application, this official Amendment form must be submitted by the 31 May 2011 deadline. Late Amendment Forms with additional parcels/plots or amended claimed areas will be accepted up to and including 10 June 2011, 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 2011 SPS Application. The form is available from the Single Payment Unit, Local Offices of the Department, from TEAGASC/AGRICULTURAL CONSULTANT and on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie).

#### Amendments after 31 May 2011

You may withdraw land, reduce the claimed area of a parcel or change use from eligible to ineligible, (for example, the transfer of a house site), from your application without penalty, at any time after the 31 May 2011 closing date for Amendments 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.

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 10 June 2011, with a penalty as set out above. You are however, permitted to correct obvious/innocent errors at any time after the 31 May 2011 closing date for Amendments. An obvious/innocent error would be a minor clerical error on your part, generally relating to missing details from your application, for example crop use. You may also change a declared crop use provided that the original crop was eligible. 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 including the requirement to identify each parcel that is in REPS if you are a participant in REPS.
- ✓ There are no blank spaces for any parcel/plot in Columns 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 2011.
- ✓ The necessary supporting documentation is ready to enclose with the application – map, commonage evidence etc.

# 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. If applicants are farming other land to that indicated on the 2011 application form they must bring it to the attention of the inspecting officer on the day of the inspection. Every on-the-spot (ground) inspection will be the subject of a report and the 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. Applicants have 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 are carried out and for fixing any sanctions to be applied. In general, the rate of on-farm inspection required for cross-compliance is 1% of those farmers applying under the Single Payment Scheme, (SPS) the Grassland Sheep Scheme (GSS), the Dairy Efficiency Programme (DEP), the Burren Farming for Conservation Programme (BFCP) the Disadvantaged Area Scheme (DAS), REPS 4, the Organic Farming Scheme (OFS) and the new Agri Environment Options Scheme (AEOS). However, at least 3% 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, GSS, DEP, BFCP, DAS, REPS 4, OFS and AEOS 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).

Where applicable, breaches of cross compliance requirements recorded by Department staff will be cross reported to the relevant control authority.

### Land and Forest Fires

From 2011 onwards a focus will be placed on identifying those responsible for uncontrolled land fires. Under the Good Agricultural and Environmental Conditions (GAEC) associated with Cross-compliance, the burning of growing vegetation on cultivated or non-cultivated land (including permanent pasture), without approval, is prohibited and could lead to penalties under the schemes covered by a 2011 Single Payment Scheme application. This will involve the use of farm inspections. In addition, the prosecution of such cases will be pursued.

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

Under Section 39 of the Wildlife Act, 1976, it is prohibited to burn any vegetation within one mile of a wood, without prior notification to the Gardai and the owner of the wood.

Under Section 74 of the Wildlife Act, 1976 as amended by the Wildlife (Amendment) Act, 2000 a person guilty of an offence shall be liable to a fine not exceeding £50,000 (€63,490) or a prison term not exceeding 2 years, or both a fine and a prison term. When providing the Fire Service with notification of your intention to burn, you must contact the appropriate Regional Control Centre:

Dublin: 01 6734000

For counties: Dublin, Carlow, Kildare, Kilkenny, Laois, Longford, Louth, Meath, Offaly, Westmeath, Wicklow, Wexford, Cavan and Monaghan

Castlebar: 094 9021211

For counties: Galway, Leitrim, Mayo, Roscommon, Sligo and Donegal

Limerick: 061 407300

For counties: Clare, Cork, Kerry, Limerick, Tipperary and Waterford

Please note the following additional useful telephone numbers if you are considering the planning of a Controlled Burn:  
Department of Agriculture, Fisheries and Food: 01 6072000 or Lo Call: 1890 200 510  
Forestry Division, Department of Agriculture, Fisheries and Food: 053 9160200  
Department of the Environment, Heritage and Local Government (including the National Parks and Wildlife Service (NPWS)): 01 8882000 or Lo Call: 1890 202 021

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

Under GAEC farmers must “maintain soil organic matter levels through appropriate practices”. Farmers who were written to in 2009 notifying them of the requirement to take soil samples to determine their soil organic matter level, must have a soil analysis report for all parcels in continuous tillage for 6 years or more. Where the soil analysis showed that the soil organic matter levels were less than 3.4% then they were required to consult a CC FAS advisor to have a report prepared setting out what remedial actions if any, were required. These remedial actions have to be implemented each year starting in 2010. All other tillage farmers not written to in 2009 who have parcels in continuous tillage were required to take soil samples in 2010, covering at least 50% of the parcels concerned, to determine the percentage soil organic matter levels. As with those people written to in 2009, where the soil analysis showed soil organic matter levels less than 3.4% the applicant must consult with his or her CC FAS advisor to determine what remedial action, if any, appropriate for the soil type must be undertaken. In the latter case the remedial action must commence in 2011. All remaining continuous tillage parcels must be sampled by the end of 2011 and again where deemed necessary in the CC FAS advisor’s report, the remedial actions must be undertaken in 2012. This means all continuous tillage parcels declared in 2011 must have soil samples taken by 31st December 2011.

The soil analysis report and the CC FAS report will be sought at any on farm inspection and failure to provide one or both, as the case may be, will incur a sanction, as will failure to carry out the specified remedial action.

### **Soil Sampling for organic matter**

Soil samples must be taken in a manner consistent with SI 101 2009. The laboratory used must be accredited to undertake a soil organic matter determination. 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. As part of the inspection process DAFF may take further soil samples to confirm the SOM levels. Where more than one sample is required for a parcel a map must be available to **show where the sample was taken from**.

### **Hedgerows and drains/ditches**

Hedgerows and drains/ditches have been designated as landscape features under Good Agricultural and Environmental Condition. This means that it is not necessary to make deductions to parcel areas to account for these features but they must be retained. Where, in exceptional circumstances, it is necessary to remove a hedgerow for good reasons such as farmyard expansion, the applicants may do so provided a new hedgerow of equal length is planted in advance of the removal of the old hedgerow on the applicants holding. Failure to abide with this rule will result in a cross compliance penalty. Hedgerows cannot be removed on land designated as SAC or SPA without the prior approval of the National Parks and Wildlife Service.

### **Maintenance**

Hedgerows must be maintained and not allowed to become invasive, thereby reducing the utilisable area of the field and consequently impacting on the eligible area of the parcel. The height of a hedgerow is not of concern; however its width at the base must be maintained at a reasonable width. Where new saplings and or briars have established and are extending the base of the hedge, these must be controlled through normal hedgerow maintenance as otherwise they will be in breach of the GAEC rules. It should also be noted that hedge maintenance cannot be carried out during the closed period from 1 March to 31 August in any year as required under the Wildlife Act of 1976. With regard to drains, normal maintenance can be carried out as required. Drains under this designation cannot be piped and closed in.

Where drains or hedgerows have been fenced such as to comply with REPS requirements, the area within the fence is now eligible for SPS and DAS.

### **Definition of Hedgerow and Drain/Ditch**

Under this GAEC requirement a hedge or hedgerow is a line of shrubs and/or tree species, planted and maintained in such a way as to form a barrier of sufficient width to control animals or to mark the boundary of an area of land. Traditionally they were planted on a raised earthen bank formed by digging one or two shallow trenches, with the dug material used to form the bank in the middle. Hedgerows can range from neatly trimmed lines of dense shrub and tree species, which generally form a stock proof barrier to a line of individual mature trees with no stock proofing properties and all states in between.

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

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

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

### The Birds and Habitats Directives

Some farms, or part of farms, have been designated for the conservation of birds, which are classified under EU legislation as Special Protected Areas (SPA's). Other lands have been designated for the conservation of natural habitats and wild flora and fauna, which are classified under EU legislation as Special Areas of Conservation (SAC's). Compliance with the requirements to maintain these listed areas is part of the cross compliance controls. It is your responsibility to establish if any of the land on which you are applying for payment is in an 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. 1122/2009 (as amended) that are applicable under the Single Payment Scheme. Farmers should read these booklets carefully in conjunction with this Helpsheet. The above publications and further details in relation to cross compliance and sanctioning procedures including all checklists are available on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie). A cross compliance farm advisory service (CC-FAS) is available to provide farmers with full details on the cross compliance requirements. Teagasc and the private agricultural consultants provide this service. Further details of this service are available on the Department's web site.

### Notification of Inspections

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. In the case of a full cross compliance inspection, if nobody is present at the second visit the inspector will ring the applicant and inform him/her that he/she has been selected for inspection and that part of the inspection relating to food hygiene, TSE and welfare will be carried out there and then. The applicant will have the choice of allowing the full inspection to be completed or of having the remaining elements of inspection completed within 48 hours. 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, contact details and confirming that a return visit will be made within 48 hours to complete the inspection, will be left at the applicant's address.

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

Where the claimed area is over-declared and the total eligible area determined is not sufficient to support the number of entitlements held, then penalties will be applied as per Articles 55/56/57/58/60 of Commission Regulation (EC) No 1122/2009. These Articles also refer to the, Grassland Sheep Scheme, the Protein Aid Scheme and the Burren Farming for Conservation Programme.

Regarding the Single Payment Scheme, if there is a difference between the payment entitlements held and the area declared on the application, the calculation will be based on the lower of the two figures. If the difference 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 hectares, 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 greater than 3% but not more than 20% of the area determined (found), or if the area not determined is less than 3% but greater than 2 hectares for the crop group concerned:	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 any EU payment 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 apply if the difference between the area declared and area determined is more than 0.5% of the area determined or more 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 any EU payment 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 Grassland Sheep Scheme and the Protein Aid Scheme.

#### **18. Penalties for under – declaration of entire land parcels under the Single Payment Scheme**

Commission Regulation (EC) No. 1122/2009 provides for the application of penalties in the case of the non-declaration of entire land parcels. The penalties provided for are as follows:

- 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.
- 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.
- 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.

## ENTITLEMENTS

### 21. Entitlement Categories

The following categories of entitlements apply to the 2011 Single Payment Scheme year;

Standard

Transferred Standard

Standard (NR)

Transferred Standard (NR)

Standard Sugar Beet

Transferred Standard Sugar Beet

Standard (NR) Sugar Beet

Transferred Standard (NR) Sugar Beet

All of the above entitlement types follow the same usage rules

### 22. Payment on National Reserve entitlements in 2011 (Standard (NR) entitlements)

Standard (NR) entitlements are now treated the same as Standard entitlements in so far as they can be sold, leased or otherwise transferred with effect from Scheme Year 2009. However, Standard (NR) entitlements allocated from the 2011 National Reserve cannot be transferred until Scheme Year 2012. A two-year usage rule now applies to Standard (NR) entitlements. This means that Standard (NR) entitlements that are not used in 2011 will not be lost to the National Reserve in 2011 but must be used in 2012. If not used in 2012 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 2011

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 was reduced by €1.29 per tonne, with effect from 2010 as the National Envelope (Sugar Compensation) was only available until the end of 2009.

### 24. Maximise your entitlements payment in 2011

A farmer who has entitlements under the Single Payment Scheme in 2011 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 entitlements under the usage rules

Entitlement of all types not used in 2010 must be used in 2011 otherwise they will be lost to the National Reserve

#### Example (rotation of usage)

A farmer has 40 entitlements of equal value. He declared 15 hectares in 2010. If this farmer declares 15 hectares again in 2011 he will lose 10 entitlements to the National Reserve as he has only used 30 entitlements over the 2-year period 2010 to 2011. To avoid this loss, he should declare 25 hectares in 2011.

#### 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 front 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 entitlements to the National Reserve in 2011 (because they were not used in 2010) 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 the Republic of Ireland. **The closing date for the receipt of completed applications to transfer entitlements for the 2011 scheme year is 16 May 2011.** The application form to transfer entitlements is available on the Department's website [www.agriculture.gov.ie](http://www.agriculture.gov.ie).

As entitlements are not attached to any specific land, they may be transferred from one farmer to another using one of the following methods as appropriate;

- Inheritance
- Sale
- Gift
- Lease
- Partnership
- Milk Production Partnership
- Scission (division of partnership)
- Change of Legal Entity
- Change of Registration Details of herd-number

All transfers, except those via lease, are processed 'without land' even in those cases where land forms part of the overall transaction.

Entitlements that are being leased to another farmer however must be accompanied by an equal or greater 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 any change to the registration details of a herd-number (e.g. the addition or removal of a family member) requires a parallel change to the registration details of entitlements and a Transfer of Entitlement application should be submitted. Similarly a Transfer application should be submitted where a partnership has been formed or dissolved.

The following forms relevant to the transfer of entitlements for the 2011 Scheme year are available on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

- Transfer of Entitlements Application 2011
- Transfer of Entitlements Waiver Form 2011
- Transfer of Entitlements Indemnity Form 2011
- Transfer of Entitlements Partnership Agreement 2011
- Transfer of Entitlements Dissolution of Partnership Agreement 2011.

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 2011

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 2011, 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 \(SPS/TE2012\)](#). These forms will be 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 2011 Single payment will issue to the transferee.

## 27. Inheritance Enquiry Unit

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

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

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

As soon as practicable, the executor of the estate of a deceased farmer and/or the legal representative should contact:  
Inheritance Enquiry Unit  
Department of Agriculture Fisheries and Food,  
Eircom Building  
Knockmay Road  
Portlaoise.

Tel: 1890 200 560

Fax: 05786 89990

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

## 28. 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 from 1 January 2009 continues to be eligible land for the Single Payment Scheme in 2011 and subsequent years provided it is in receipt of aid under the Afforestation Aid Scheme. 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.
- Additional entitlements allocated from the National Reserve are not eligible for consolidation.
- 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 2011 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 2011 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 2011 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 2011 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 privately);
- 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 2011 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 2011 SPS application.

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 2011, 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 the number of hectares transferred out and not replaced. If these entitlements are not used by 2012 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 2011, 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 2011.

### 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 Notice of Entry/The signed contract of sale.
- 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.

#### Please note

If you apply for consolidation in 2011 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.

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.

## REQUIREMENTS OF OTHER AREA-BASED SCHEMES AND MEASURES

### 29. Specific Terms and Conditions applicable to the 2011 Disadvantaged Areas Scheme (DAS)

#### A. Eligibility

To be eligible for payment under the 2011 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 2011, 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 Scheme 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.
- (10) 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.

#### B. Areas eligible for DAS

For the purpose of calculating payment under the 2011 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. The area under landscape features such as hedgerows, drains/ditches is eligible. In addition where these features are fenced, as is required in REPS or to create nature corridors, the areas inside the fence is also eligible but noxious weeds must be controlled.

#### 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.
6. At inspection all of the above requirements must be evident on the day of the inspection.

#### 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 or any other environmental 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 parcels/plots claimed that are not under the

control of the applicant, not farmed/no agricultural activity being carried out by the applicant or not maintained in GAEC by the applicant 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 2011 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.

Type of animal	Livestock Unit value	Proof which may be required
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.

#### **REMEMBER!**

If you normally prove that you meet the minimum stocking requirement by submitting manual records to the Department e.g. horse passports, etc, you should be aware that you may submit such evidence immediately you have satisfied the three continuous month requirement. There is no need to wait until year-end. Send your evidence to: DAS Section, Department of Agriculture, Fisheries & Food, Old Abbeyleix Road, Portlaoise, Co. Laois.

#### **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 Scheme 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.

The entire holding will be treated as one holding for the purposes of payment under the 2011 Disadvantaged Areas Scheme.

**The 2011 Disadvantaged Area Scheme will be co-funded by the European Union.**

#### **F. Penalties for over-declaration of area**

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

If the difference in respect of a crop group is less than 3% of the area found, payment will be based on the area found in respect of each crop group. **However, if the difference is greater than 2 hectares the penalties as outlined below will be applied irrespective of whether the difference is less than 3% or not.** A crop group is an area that benefits from the same rate of aid

under the Disadvantaged Areas Scheme. That means that the area declared as (i) Mountain Type Grazings (ii) More Severely Handicapped and (iii) Less Severely Handicapped Coastal Areas with Specific Handicaps are separate crop groups and will be dealt with separately for the purposes of applying over-declaration penalties. If the difference between the declared area in respect of a crop group and the determined area in respect of a crop group is equal to or less than 0.1 hectares, payment is based on the declared (claimed) area.

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 less than 3% but 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 will be made in the year of application for the crop group concerned.
An over-declaration between the total area declared and the total area determined where the difference is greater than 50% of the area determined (found) for the crop group concerned	No payment for the crop group concerned will be made in the year of application and an administrative fine equivalent to the difference between the number of hectares determined (found) and the number of hectares declared for the crop group concerned will be offset against any EU payment due to the applicant made during the course of the three calendar years following the year in which the determination was made.
An irregular over-declaration of up to 20% of the area determined 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 will apply if the difference between the area declared and area determined is more than 0.5% of the area determined or more than one hectare.
An irregular over-declaration greater than 20% of the area determined committed intentionally.	No payment is made under the Disadvantaged Area Scheme for the Scheme Year in question and an administrative fine equivalent to the difference between the number of hectares determined (found) and the number of hectares declared under the Disadvantaged Area Scheme will be offset against any EU payment due to the applicant made during the course of the three calendar years following the year in which the determination was made.

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 for the crop group concerned.

The above penalties will not apply where the determined (found) area is equal to or greater than the maximum area payable of 34 hectares provided that the aid payable on the determined area is not less than the aid payable on the claimed area.

#### **G. Penalties for under – declaration of entire land parcels under the Disadvantaged Area Scheme**

Commission Regulation (EC) No. 1122/2009 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.

#### **H. Late applications**

The 2011 Single Payment Scheme application is the application form for the 2011 Disadvantaged Areas Scheme. If this is received after the closing date of 16 May 2011, a 1% reduction in Disadvantaged Areas payment will apply for each working day that the application is late up to and including 10 June 2011. No Disadvantaged Areas payment can be paid in respect of any application received after 10 June 2011.

#### **I. 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.

## **J. 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.

## **K. 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). At inspection there must be evidence on the day of inspection that the land is being maintained in GAEC. 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. 1122/2009(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.

## **30. Specific Terms & Conditions applicable to the Grassland Sheep Scheme**

### **1. Eligibility**

To be eligible for payment under the 2011 Grassland Sheep Scheme you must in your own right:

- i. Hold a valid herd number issued by the Department of Agriculture, Fisheries and Food.
- ii. Submit a valid 2011 Single Payment Scheme application form, declaring eligible forage area.
- iii. Maintain a ewe breeding flock.
- iv. Have submitted a Sheep Census Return by the deadline of 11 March 2011 detailing the number of ewes maintained on your holding.
- v. The number of ewes used in the calculation of the area payable is the average of the ewes declared in the 2009 and 2010 Sheep Census Returns (submitted by the deadlines). If an applicant submitted a Census Return in 2010 but not in 2009, the average will be established by dividing the number of ewes by 2. If an applicant submitted a Census Return in 2009 but not in 2010, he or she will not be eligible for payment under the 2011 Grassland Sheep Scheme.
- vi. Comply with Cross-Compliance requirements and Good Agricultural and Environmental Condition as provided for in Council Regulation (EC) No 73/2009 and Commission Regulation (EC) No 1122/2009.
- vii. Penalties for over-declaration of areas and ewes in the Sheep Census Return of will apply.

### **2. Areas eligible for Grassland Sheep Scheme**

For the purpose of calculating payment under the 2011 Grassland Sheep Scheme, the forage area of your holding is each hectare or part thereof submitted on your 2011 Single Payment Scheme application form with a parcel usage of a forage crop.

### **3. Aid Levels**

Details of the aid level payable per hectare up to the maximum of 28 hectares of Lowland and 84 hectares in the case of Mountain Type Grazing will be announced later.

### **4. Area-Related Penalties**

The penalty for the area over-declaration penalty is based on the found area and the determined area if that is lower. There are two crop groups concerned - (i) Mountain Type Grazing and (ii) Other – lowland – land. The calculation for both is different as there are two levels of aid for Mountain Type Grazing – averaging of rates is applied for the calculation of the penalty.

NB: If the area determined was greater than 80 hectares – say 80.1 hectares then no penalty would apply.

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

If the difference in respect of a crop group is less than 3% of the area found, payment will be based on the area found in respect of each crop group. However, if the difference is greater than 2 hectares the penalties as outlined below will be applied irrespective of whether the difference is less than 3% or not.. If the difference between the declared area in respect of a crop group and the determined area in respect of a crop group is equal to or less than 0.1 hectares, payment is based on the declared (claimed) area.

AREA OVER-DECLARATION IN GRASSLAND SHEEP SCHEME	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 less than 3% but 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 will be made in the year of application for the crop group concerned.
An over-declaration between the total area declared and the total area determined where the difference is greater than 50% of the area determined (found) for the crop group concerned	No payment for the crop group concerned will be made in the year of application and an administrative fine equivalent to the difference between the number of hectares determined (found) and the number of hectares declared for the crop group concerned will be offset against any EU payment due to the applicant made during the course of the three calendar years following the year in which the determination was made.
An irregular over-declaration of up to 20% of the area determined committed intentionally.	Where there is an over-declaration of area declared under the Grassland Sheep Scheme as a result of irregularities committed intentionally no payment will be made in the year of application. This provision will apply if the difference between the area declared and area determined is more than 0.5% of the area determined <u>or</u> more than one hectare.
An irregular over-declaration greater than 20% of the area determined committed intentionally.	No payment is made under the Grassland Sheep Scheme for the Scheme Year in question and an administrative fine equivalent to the difference between the number of hectares determined (found) and the number of hectares declared under the Grassland Sheep Scheme will be offset against any EU payment due to the applicant made during the course of the three calendar years following the year in which the determination was made.

\* The above penalties will not apply where the determined (found) area is equal to or greater 80 hectares.

##### 5. Penalties for over-declaration of sheep

The number of ewes declared in the 2009 Sheep Census will be subject to verification in 5% of applicants. If the number of ewes determined is less than the number declared (unless the number determined is 210 ewes or more) a penalty will be applied. This penalty will be a % reduction after any reduction for over-declaration of area is carried out. The percentage reduction will be based on the difference between the number of ewes declared in the Sheep Census and the number determined. The following level of penalty will apply.

- (i) The difference referred to here is the difference between (i) the number of ewes included in the 2010 Sheep Census Return and (ii) the number of ewes determined at inspection.
- (ii) If the number of determined ewes is greater than 210 ewes then no ewe over-declaration penalty applies.
- (iii) If the number of ewes declared in the 2010 Census Return is greater than 210 and the number determined is less than 210, the number of ewes declared for the purposes of calculating the % penalty at (v) below is 210 ewes.

- (iv) If the difference is 3 ewes or less no penalty is applied but the calculated area is based on the number of determined ewes.
- (v) The % over-declaration is calculated as follows:
- Number of Ewes declared in the 2010 Census (or 210) less number determined = number not determined.
  - Number not determined multiplied by 100 divided by number of ewes determined = % over-declaration.
- (vi) If over-declaration is not more than 10%, the amount payable, based on the calculated area (using the determined ewes), is reduced by the % over-declaration.
- (vii) If the over-declaration is more than 10% and not more than 20% the amount payable, based on the calculated area (using the determined ewes), is reduced by double the % over-declaration.
- (viii) If the over-declaration is more than 20% no Grassland Sheep Scheme payment is made in the year of application.
- (ix) Where the over-declaration results from an irregularity committed intentionally no Grassland Sheep Scheme payment is made in the year of application.

#### **6. Cross compliance**

Penalties for breaches of the Cross Compliance and Good Agricultural and Environmental Conditions will apply to the Grassland Sheep payments in the normal fashion.

#### **7. Modulation deductions**

The modulation deduction in 2011 is increased to 9% and will apply to cumulative payments under, as appropriate, to applicants under the Single Payment Scheme, Grassland Sheep Scheme, Dairy Efficiency Programme, Burren Farming for Conservation Programme and Protein Aid on all amounts paid in excess of €5,000

#### **8. Inspections**

At least 5% of applicants under the Grassland Sheep Scheme will be selected and subjected to an eligibility inspection.

#### **9. Late applications**

Late penalties reductions will apply to the Grassland Sheep payments in the same manner as is applied to late applications under the Single Payment Scheme.

#### **31. Specific Terms and Conditions applicable to the EU Dairy Efficiency Programme**

The detailed rules set out the eligibility criteria and general conditions determined by the Minister for participation by milk producers in the Dairy Efficiency Programme, and will be subject to review over the period of the Programme. The Terms and Conditions applicable to this payment have been published by the Department and can be accessed on the Department's website [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

#### **32. Specific Terms & Conditions applicable to the Burren Farming for Conservation Programme.**

The Terms and Conditions applicable to this payment have been published by the Department and can be accessed on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

#### **33. Bio-energy Establishment Scheme**

The Terms and Conditions applicable to this payment have been published by the Department and can be accessed on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

A Bio-energy Establishment Scheme to grant-aid the planting of willow and miscanthus, co-funded under the Rural Development Programme, is available. Details can be obtained from Biofuels Policy Unit, Department of Agriculture, Fisheries & Food, Keel Business Park, Mountrath Road, Portlaoise, Co. Laois, telephone: 057- 8692231.

Single Farm Payment (SPS) Applicants who have planted willow/miscanthus under the Bioenergy Scheme in this year should ensure that the details declared in their SPS application regarding crop and hectares planted are correct as they will be subject to cross check when processing applications for payment under the Bioenergy Scheme i.e. both the LPIS No. and the number of hectares declared on the SPS application must match what is claimed under the Bioenergy Scheme as being planted.

Also, as per the Bioenergy Schemes Terms and Conditions, if a parcel is being divided and part of the parcel is planted with willow/miscanthus then you must apply, through your SPS application, to have that plot re-digitised. This is done by deleting all of that parcel's pre-printed details and entering the details of each new plot on a new line, numbering the plots 1, 2, 3 and so on. Enclose the map, with plots numbered, 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.

### 34. 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 1122/2009 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 2011 SPS Scheme must apply for the specific form 2011 Single Payment Scheme Application to produce hemp, which is available from: Department of Agriculture, Fisheries & Food, (Co-Ordination Section), Old Abbeyleix Road, Portlaoise, Co. Laois, telephone number: 057 8678701 or 057 8674411, or via email to: [singlepaymentsunit@agriculture.gov.ie](mailto:singlepaymentsunit@agriculture.gov.ie). The completed form and supporting documentation (as set out above) must be returned with your 2011 SPS application form by the closing date of 16 May 2011, or, where sowing takes place after this date, by 30 June 2011 at the latest.

### 35. Protein Aid Scheme

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 protein crops is exceeded.

### 36. REPS, AEOS, Natura 2000 and Organic Farming measures

#### Rural Environment Protection Scheme

If you are participating in REPS, you must declare all the land parcels on your holding (Owned, Rented and Leased) on your 2011 SPS application form. Only the eligible REPS land parcels declared on your 2011 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.

#### Area based REPS features

Where you are claiming payment for supplementary measure(s) for example Mixed grazing you must record this as the parcel use (see Section 12). Failure to do so may result in your REPS payment being withheld.

Where you are devoting part of a land parcel to a Biodiversity Option, a Mandatory Environmental Undertakings (MEUs), or a supplementary Measure under REPS 3 or 4, see list of parcel uses in Section 12, you must record this by putting a line through the LPIS number of the parcel containing the area based feature and giving the exact area of the feature and of the remaining portion of the parcel. These can be identified as Plot 1, Plot 2 etc. In this instance you must also identify these new plots by outlining them carefully on either an Ordnance Survey map or a Land Registry map or a LPIS (Department) map, also numbering them Plot 1, Plot 2, etc on the map. Enter the same plot name in this Column as you have it written on the map - Plot 1, Plot 2 etc. The map(s) of any new plot(s) must be submitted with your application. Please ensure that any map submitted by you is marked with your name, address and herd number. If the map is part of a Land Registry or Ordnance Survey map, it must also be marked with the Ordnance Survey sheet number and the Townland in which the parcel is located. If you are making your application online, forward the map along with a copy of the specific covering letter that is available online.

Example		
LPIS No	Gross area	Net area
L123456778	5.2	4.5
Plot 1	5.2	4.0
Plot 2	5.2	0.5

#### AEOS, Natura 2000

If you are participating in AEOS, you must declare all the land parcels on your holding (Owned, Rented and Leased) on your 2011 SPS application form. Only the eligible AEOS land parcels declared on your 2011 SPS application form and registered with a unique number on the Department's land parcel identification system (LPIS) will be eligible for payment under AEOS and only the area recorded on LPIS will be reckonable for REPS payment.

#### Area based AEOS features

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

name, address and herd number. If the map is part of a Land Registry or Ordnance Survey map, it must also be marked with the Ordnance Survey sheet number and the Townland in which the parcel is located. If you are making your application online, forward the map along with a copy of the specific covering letter that is available online.

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

### 37. 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 2011 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.

Following changes to the EU Regulations land which was afforested since 2009 and land which will be afforested in 2011 will be eligible to draw down an SPS payment in 2011 provided that the afforested 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;
- Applicants, who afforest part of their holding from 2009 onwards and wish to benefit from the Single Payment, must retain at least 10% of the eligible hectares declared in 2008 (by the applicant or their predecessor) in an agricultural activity subject to a minimum of 3 hectares.
- If the applicant is a new entrant to farming, the minimum area to be retained in an agricultural activity will be fixed by the Department on a case by case basis.
- Applicants, who wish to benefit from the Single Payment on afforested land, must be the person or persons in joint management of receipt of afforestation premium. This applies to members of the same family.
- The afforested land meets all the requirements of the Afforestation Grant and Premium Scheme, FEPS or the Native Woodland Establishment Scheme;
- Eligible Forestry parcels that are declared on SPS applications to activate entitlements will also be subject to cross-compliance requirements.

Applicants, who plant land parcels under the Afforestation Aid Scheme in 2011 before submitting their application, should declare the land as other in column 9 and Forestry 2011 in column 10.

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

## LEGISLATION AND DEFINITIONS

### 38. 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 2011 Scheme year. Any further EU Council or Commission amendments made during 2011 will be communicated to farmers and will, where appropriate, also apply to 2011 applications. The complete EU legislation is available at <http://www.europa.eu>

- No. 73/2009 of 19 January 2009, establishing common rules for direct support schemes – OJ L35 of 4/2/2010.
- No. 1782/2003 of 29/9/2003, as amended, establishing common rules for direct support schemes – OJ L270 of 21/10/2003.
- No. 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC – OJ L 5 of 9/1/2004.
- No 1120/2009 of 29 October 2009 laying down the detailed rules for the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers – OJ. L316 of 02/12/2009.
- No. 1122/2009 of 30 November 2009 laying down the detailed rules for the implementation Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system provided for in that Regulation as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross compliance under the support scheme provided in

- the wine sector. – OJ. L316 of 02/12/2009.
- No. 1257/1999 of 17/5/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) – OJ L160 of 26/6/1999.
- No. 817/2004 of 29 April 2004 laying down detailed rules for the application of 1257/1999 – OJ. L 153 of 30/4/2004.
- No. 1255/1999 of 17 May 1999 on the common organization of the market in milk and milk products – OJ. L 160 of 26/6/1999.
- No.1673/2000 of 27 /7/2000 on the common organisation of the markets in flax and hemp grown for fibre - OJ L193 of 29/7/2000.
- No. 1121/2009 of 29 October 2009 laying down detailed rules for the application of Council Regulation (EC) No 73/2009 as regards the support schemes provided for in Titles IV and V thereof- OJ L316 of 02/12/2009.
- No. 178/2002 of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and Laying down procedures in matters of food safety - OJ L 031 of 10/02/2002.
- No. 999/2001 of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies - OJ L 147 of 31/05/2001.
- No. 183/2005 of 12 January 2005 laying down requirements for feed hygiene - OJ L035 of 08/02/2005.
- No. 852/2004 of 29 April 2004 on the Hygiene of foodstuffs - OJ L226 of 25/6/2004.
- No. 853/2004 of 29 April 2004 laying down specific hygiene rules for the hygiene of foodstuffs - OJ L226 of 25/6/2004
- No.1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development – OJ L277 of 21/10/2005.
- No.1974/2006 of 15 December 2006 laying down detailed rules for the application of No.1698/2005 – OJ L368 of 23/12/2006.
- No.1975/2006 of 7 December 2006 laying down detailed rules for the application of No1698/2005 as regards control procedures and cross compliance – OJ L368 of 23/12/2006.
- No 484/2009 of 9 June 2009 amending Regulation (EC) No 1975/2006 laying down detailed rules for the application of No1698/2005 as regards control procedures and cross compliance – OJ. L145 of 10/06/2009
- No 65/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures
- No.1290/2005 of 21 June 2005 on the financing of the common agricultural policy – OJ L209 of 11/8/2005.
- No. 885/2006 of 21 June 2006 laying down detailed rules for the application of No1290/2005 – OJ L171 of 23/6/2006.

### 39. Definitions relevant to your application

The following definitions apply for the purposes of all Schemes covered by the 2010 Single Payment Scheme applications. Any changes which may be required to the Terms and Conditions as a result of a 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 Protein Aid Scheme, the Dried Fodder Scheme, the Grassland Sheep Scheme, the Dairy Efficiency Programme, the Burren Farming For Conservation Programme.
- (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) “Holding” shall mean all the production units managed by a farmer situated within the territory of the same Member State.
- (7) “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.
- (8) “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.
- (9) “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.
- (10) “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).
  - (11) “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.
  - (12) ‘Grassland’ shall mean arable land used for grass production (sown or natural), including permanent pasture.
  - (13) “Use” shall mean the use of area in terms of the type of crop or ground cover or the absence of a crop.
  - (14) “Crop” shall mean any type of crop or ground cover including grass.
  - (15) “Land parcel” shall mean an area of land uniquely within a townland that 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.
  - (16) “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.
  - (17) “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.
  - (18) “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.
  - (19) “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”.
  - (20) “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.
  - (21) “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.
  - (22) “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.

## 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 2011.

### Protein Aid Scheme

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 protein crops is exceeded. Payments are due to commence as from 1 December 2011.

#### **40. 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 SI No 13 of 2006, European Communities (Recovery of Amounts) (Amendment) Regulations, 2006.

