



**An Roinn Talmhaíochta,
Bia agus Mara**
Department of Agriculture,
Food and the Marine

TERMS AND CONDITIONS KERRY CATTLE PREMIUM SCHEME

OBJECTIVES OF SCHEME

To encourage the maintenance of a number of separate herds of Kerry Cattle in Ireland and the creation and maintenance of a sufficient reserve of purebred breeding stock.

TERMS AND CONDITIONS

1. Eligibility for participation

An applicant is eligible for participation in the scheme if:

- (a) he or she is a member of the Kerry Cattle Society Ltd.,
- (b) his or her herd is located within the territory of the State,
- (c) The herd contains at least **two** breeding females registered in the Herd book of the Kerry Cattle Society Ltd., at time of application these should remain in the herd to the end of the year of application.

- (d) all Kerry cows in the herd are served by bulls of the Kerry breed, either by natural service or artificial insemination;
- (e) all progeny of Kerry cows in the herd are submitted for birth notification or registration in the Kerry Cattle Herd Book and are registered with ICBF and the Department through the Animal Events system; and
- (f) each animal, on which premium is being applied for, was born in the applicant's herd and is alive on the date of application.

2. Applications

- (a) Applications for participation in the scheme should be made on the prescribed application form **K1** which can be downloaded from the following site:
<https://www.agriculture.gov.ie/farmingsectors/animalbreeding/>
- (b) Incomplete application forms will be returned to the applicant and must be re-submitted to the Department when fully complete. The date of receipt of application by the Department shall, in such cases, be the date on which the fully completed application is received by the Department.
- (c) Applications must be in respect of live calves under 1 year of age at the date of application. The **closing date for receipt of applications is 31st October of each year.**
- (d) Applications received after 31st October each year will be held in the Department but will be treated as if received on the first working day of January the following year. Such applications will be processed in accordance with the terms and conditions for the scheme applying in the following January.
- (e)

3. Documentation

Grants will not be paid to the owner unless the Department of Agriculture, Food and the Marine receives, from the Kerry Cattle Society Ltd, written confirmation that the following documentation has been issued by the Society in respect of each animal applied for:

(i) in the case of female progeny, a certificate of registration

and,

(ii) in the case of male progeny, a certificate of eligibility for registration in the Kerry Cattle Herd Book.

4. Inspections/investigations

(i) The Department may carry out any on-farm inspection and/or any investigations considered necessary to validate an application.

(ii) If, following payment, it is discovered that animal(s) applied for were ineligible for any reason or that an overpayment has occurred, the applicant must repay the amount involved to the Minister within 21 days of the date of the notification advising him/her of the amount owed.

5. General conditions for payment

General conditions for payment

(a) The Minister reserves the right to disallow the payment of a grant in respect of any animal which he is not satisfied is the bona fide property of the applicant.

(b) Every applicant for entry into the scheme and every participant in this scheme, when so requested in writing on behalf of the Minister, or orally by an officer of the Minister, shall give all necessary information required for the purposes of the scheme and shall afford all reasonable and necessary assistance to officers of the Minister in connection with the collection, examination, identification or other marking of animals under the scheme. Failure to give such information or to render such assistance may involve the exclusion of the applicant from the scheme.

- (c) The Minister may accept or reject any application, vary the terms and conditions of the scheme, including the value of the grant, at any time, and may suspend or discontinue the operation of the scheme at any time.
- (d) Notwithstanding the acceptance of any application for the scheme, payment will at all times be subject to the availability of funds.

6. Rate of premium

The rate of premium is €120.00 per calf, subject to a maximum payment on 32 animals in any herd in a calendar year.

Please note that animals listed on applications received by the Department after 31st October in any year will, for the purpose of calculating the maximum number of animals on which premium can be applied for in a calendar year, be included in the total number of animals applied for in the following year.

As payments under **de minimis** rules cannot exceed €15,000 in any three-year period, payments made in respect of the Kerry Cattle Premium Scheme will be taken into account when determining the maximum amount payable to each applicant.

7. De Minimis aid

- (a) **Commission Regulation (EU) 1408/2013** *on the application of Articles 87 and 88 of the Treaty to de-minimis aid in the sector of agricultural production*¹ applies to payments under this scheme.
- (b) **Commission Regulation (EU) 1408/2013** permits Member States to provide small amounts of State aid to an enterprise, provided the aid complies with certain conditions specified in the Regulation. Such aid, known as *de minimis aid*, can be awarded without notification to, or clearance by, the European Commission as the aid is regarded as falling outside the category of State aid prohibited by the EU

¹ Official Journal No L337 of 21 December 2007, page 35

Treaty since it is considered too small to significantly affect trade or competition in the common market.

- (c) The total *de minimis aid* payable to any one enterprise, viz. in respect of a herd in the case of this scheme, shall not exceed €15,000 during any three consecutive calendar years.
- (d) In accordance with the above Regulation, each applicant receiving aid under *de minimis* rules must be advised that the payment is being made under that Regulation. The Department is also required to have a mechanism in place to record payment of all *de minimis aid* and to ensure that the combined total of all such aid to any one enterprise in any three-year period respects the €15,000 total.

For this purpose, each applicant must sign the application form and must:

- (i) tick the box on the application form to confirm that he or she did not apply for any other *de minimis aid* during the period stated or
- (ii) must disclose the amount of *de minimis aid* applied for during that period detailing the amounts received in respect of each such scheme.

(e) The above Regulation also provides for a maximum cumulative amount of *de minimis aid* granted by each Member State to undertakings in the agricultural production sector over any period of three fiscal years. In the event that applications for *de minimis aid* exceed this ceiling in Ireland in respect of any three-year period, applicants will be notified of the consequential reduction in the amount payable in respect of their application.

8. Data Protection

DATA PROTECTION NOTICE

Part A: Information applicable to all Department of Agriculture, Food and the Marine customers:

1. The Department of Agriculture, Food and the Marine is fully committed to keeping all personal data submitted by its customers, fully safe and secure during administrative processes. All necessary technical measures have been put in place to ensure the safety and security of the systems which hold this data. Department staff are also considered as customers of the Department from a Data Protection perspective and may exercise their data protection rights in the same way.

2. Transparency and openness in the use of personal data held is important to the Department and therefore we aim to fully inform all our customers about the purpose(s) for which their data will be used and why, where it may be shared elsewhere and why and how long their data may be held by the Department. Information on the rights of the customers will also be provided.

3. From **25 May 2018** the key legislative frameworks in Ireland are:
 - The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679);
 - Data Protection Act 2018;
 - The “Law Enforcement Directive” (Directive (EU) 2016/680) which has been transposed into Irish law by way of the Data Protection Act 2018;
 - The Data Protection Acts 1988 and 2003;
 - The 2011 “e-privacy Regulation” (S.I. No 336 of 2011 – the European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) (Regulations 2011).

4. The Data Controller for the collection and processing of all personal data in the Department of Agriculture, Food and the Marine is the Department itself, as a legal entity.

5. The Data Protection Officer can be contacted as follows:

Data Protection Officer Data Protection Unit,
Corporate Affairs,
Department of Agriculture, Food and the Marine Grattan Business
Park,
Dublin Road,
Portlaoise,
Co Laois.
Email: dataprotectionofficer@agriculture.gov.ie

6. Personal data processed by the Department will only be used for the specific purpose(s) as outlined when the data is collected, or in later communications, and will only be used in accordance with the Data Protection legislation in force.

7. Rights of the individual in relation to personal data held by the Department:

When you, as a customer, provide personal data to the Department you have certain rights available to you in relation to that data. These rights are outlined below and can be exercised by contacting the Data Protection Officer, as detailed above, indicating which right(s) you wish to exercise:

DAFM customers have the following rights:

- access to their data;
- rectification of their data;
- erasure of their data;

- right to lodge a complaint with the Supervisory Authority.

From **25 May 2018** onwards all Department customers also have the following additional rights:

- restriction of processing;
- data portability;
- objection to processing;
- withdraw consent if they previously gave it in relation to processing of their personal data;
- relating to automated decision making, including profiling.

Part B – Information specific to the personal data being collected under The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679):

The following data is specific information in relation to the personal data processed with regard to applications for a derogation under Council Directive 90/428/EEC in the Republic of Ireland.

1. Specified purpose:

The primary purpose for collecting this information is to process applications for a derogation under Council Directive 90/428/EEC and S.I. 357 of 2011 in the Republic of Ireland.

2. Legal basis:

This processing is necessary for compliance with a legal obligation to which the Department is subject, for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Department and or for the performance of a contract to which the data subject is party.

3. Legislation:

No legal basis.

4. Recipients:

The data provided in this application will be shared with the Kerry Cattle Herd Book which is approved by this Department and may be shared within the Department of Agriculture, Food and the Marine.

5. Transferred outside the EU:

This information will not be transferred outside the EU.

6. Retention Period:

The data collected for this purpose will be held by the Department only as long as there is a business need to do so in line with the purpose(s) for which it was collected. After this time, it will be marked for destruction and will be destroyed in line with internal guidelines or guidelines for destruction received from the National Archives Office or associated permissions received from them.

7. Data provision being statutory or contractual obligation:

The data provided for this purpose is being requested under the requirements of the Kerry cattle Premium Scheme and if the customer chooses not to provide this information their application for Kerry Cattle Premium cannot proceed.

8. Technical information on data collected:

Technical information on the cookies used on our Department's website is available at the following link:

<https://www.agriculture.gov.ie/legalnotices/privacy/>