



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

Terms & Conditions 2024

# Basic Income Support for Sustainability (BISS)

and other 2024 Area Based Schemes

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## Key dates for 2024

### 01 January 2024

- Official start of the BISS 2024 scheme year

### 15 May (midnight) 2024

- Deadline for BISS and related area-based schemes 2024 application
- Deadline for BISS 2024 entitlement related applications including the online 2024 Transfer of Entitlements application and the online application for National Reserve

### 31 May (midnight) 2024

- Deadline for amending a BISS application area declared without receiving a penalty
- Land used to claim BISS in 2024 has to be “at your disposal” from the beginning of the year until after 31 May 2024 or from before 31 May 2024 to 31 December 2024 for BISS

### 09 June (midnight) 2024

- Late application BISS deadline

### 12 June (midnight) 2024

- Final possible date for notification of Preliminary check

### 21 June (midnight) 2024

Final date for preliminary check response

### 18 September 2024

- ANC Advance payments commence

### 16 October 2024

- BISS Advance payments commence

### 23 October 2024

- Eco-scheme Advance payments commence

### 02 December 2024

- Balancing payments commence

### 31 December 2024

- Official end of the BISS 2024 Scheme year

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## Introduction

This booklet should be read in conjunction with the following:

- Explanatory Handbook for Conditionality Requirements
- Land Eligibility Guide
- National Reserve and Complementary Income Support for Young Farmers Scheme Terms and Conditions 2024
- Organic Farming Scheme (OFS) Terms and Conditions
- Agri-climate Rural Environment Scheme (ACRES) Terms and Conditions
- Suckler Carbon Efficiency Programme Terms and Conditions
- Conditionality Guide

All the above documents are available on the Department's website:

<https://www.gov.ie/dafm/>

It should be noted that while the Terms and Conditions booklet has been prepared as a guidance to farmers, it should be recognised that the governing EU Regulations along with Ireland's CAP Strategic Plan form the definitive basis for the administration of the Schemes in question, particularly regarding eligibility and, when necessary, any penalties that may require to be applied. The reference numbers of the relevant EU regulations are outlined at Annex 2 of this booklet. Any EU Council or Commission amendments made during 2024 will be communicated to farmers and will, where appropriate, also apply to 2024 applications. The complete EU legislation is available at <https://eur-lex.europa.eu>

Farmers may also apply through the BISS application for the following schemes or measures :

- Basic Income Support for Sustainability (BISS)
- Eco-Scheme (Eco)
- Complementary Redistributive Income Support for Sustainability (CRISS)
- Complementary Income Support for Young Farmers Scheme (CIS-YF)
- Protein Aid
- Areas of Natural Constraints (ANC)
- Straw Incorporation Measure (SIM)
- Agri-climate Rural Environment Scheme (ACRES) – annual claim if already approved into the scheme
- Organic Farming Scheme (OFS) – annual claim if already approved into the scheme
- Red Clover Silage Measure
- Multi-Species Swards Measure

The 2024 BISS application is also important for farmers who intend applying for the Suckler Carbon Efficiency Programme.

## How to apply

Applications must be submitted online by midnight on Wednesday 15 May 2024.

To apply online go to: [www.agfood.ie](http://www.agfood.ie)

If your login or password has expired and need to be renewed, please contact the Department's helpdesk at 049 4368288.

If you are not already registered for the Department's online services, you should register now on [www.agfood.ie](http://www.agfood.ie). Should you experience any difficulty registering please contact our helpdesk for assistance on 049 4368288.

Alternatively, you can authorise a Farm Advisory System (FAS) approved advisor to apply on your behalf. For a listing of approved advisors please go to:

<https://www.gov.ie/farmadvisor/>

You can authorise an approved advisor to act on your behalf on your individual agfood.ie account under "Manage Your Agent Associations" or alternatively you can contact an approved advisor who can add you as a client. An SMS will issue to you prompting you to reply "DAFM Y" to confirm the corresponding association. In the case of Joint Ventures, the relevant authorisation forms can be accessed at: [gov.ie - Agfood and other Online services offered by the Department of Agriculture, Food and the Marine \(www.gov.ie\)](http://gov.ie - Agfood and other Online services offered by the Department of Agriculture, Food and the Marine (www.gov.ie)). The facility on agfood.ie and the SMS method are available until the closing date for the scheme, however, the closing date for the receipt of authorisation forms is 5 working days before the scheme deadline.

A 2024 BISS and other area-based schemes application that is completed and submitted online to the Department by a farmer or his/her authorised FAS approved advisor will be accepted as a valid application provided that all other conditions of the application are met.

A pre-printed statement of land and maps will issue to you prior to the submission of applications and are correct at the time of printing. The details are pre-printed as a service to farmers. The onus rests with the farmer to examine the pre-printed details carefully and to ensure that they are correct. The online application system will provide the most up-to-date land details and maps. It is your responsibility to ensure all your land is included in your application.

The online application contains mandatory fields that the farmer must complete, which helps eliminate processing delays because of incomplete applications.



The online application can be completed in stages. Partially completed online applications can be saved at any stage and returned to later at the farmer/advisor'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. Therefore, please ensure you have submitted your application on or before the deadline of 15 May 2024.

Instructional videos and a HELP feature are available at [gov - Basic Income Support for Sustainability \(BISS\) Scheme \(www.gov.ie\)](http://gov.ie) as an explanatory aid for the correct completion of the online BISS application. Assistance with the application process is also available from the Department's Direct Payments helpdesk at 057-8674422.

In submitting an application:

- You are declaring that all the details contained in your application are true and complete;
- You confirm that you are aware of the conditions attaching to the Schemes for which application is made as set out in the 2024 Terms and Conditions, and agree to comply fully with those requirements;
- You confirm that all the land declared on the application will be at your disposal from the beginning of the year until after 31 May 2024 or from before 31 May 2024 to 31 December 2024 for BISS;
- You confirm that all the land declared on the application will be at your disposal for the entire calendar year for ANC;
- You accept that you will be responsible for any breach in Conditionality with regard to that land up to 31 December 2024;
- You accept that lands you declare as being available for a period including 31 May 2024 must be maintained as agricultural land (unless forestry eligible or afforestation newly planted in 2024) for the 2024 calendar year and undertake to inform the Department of Agriculture, Food and the Marine (DAFM) of any changes in the status of that land;
- You further agree that the details supplied on this application, along with any supporting documentation, may be used by Department of Agriculture, Food and the Marine or made available to other Government Departments/Agencies/Local Authorities/contracted parties but only where there is a valid legal basis to do so and where appropriate, a Data Sharing Agreement will be in place. The purpose of this sharing of data is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This includes but is not limited to management, controls and audit purposes, monitoring and evaluation purposes, controls relating to the legislation underpinning Conditionality and all Rural Development measures and as appropriate, in accordance with requirements under the relevant Data Protection legislation in force and the Freedom of Information Act 2014.

- You understand that DAFM is subject to the provisions of the Freedom of Information Act (FOI), Access to Information on the Environment and Open Data legislation.
- You agree to permit officials or agents of the Department carry out on-farm inspections, with or without prior notice and were notified at any reasonable time(s).
- You agree that the land declared is subject to area monitoring, where relevant.

# 1. General Rules of the Basic Income Support for Sustainability (BISS)

## Introduction

The BISS is designed to provide a direct income support to Irish farmers to underpin their continued sustainability and viability. By supporting viable farm incomes, this intervention supports farmers in the continuation of a secure food supply. Support is based on payment entitlements in accordance with Articles 20 to 24 of Regulation (EU) 2021/2115 of the European Parliament and of the Council of 02 December 2021. Support is based on the size of a holding (the number of eligible hectares) and the number and value of entitlements held.

## Who is eligible to apply

To receive a support under BISS, eligible applicants must:

- Have an Eligible Hectare to accompany each Payment Entitlement. One Eligible Hectare of land declared = one BISS Payment Entitlement.
- Be a holder of a registered herd number or have applied for a herd number on or before 15 May 2024.
- Meet the definition of an “active farmer”, see Section 10 for further details.
- Submit a 2024 BISS application declaring their land located within the jurisdiction of Ireland and apply for BISS.
- Meet the minimum requirements to receive a direct payment as per Article 18 of Regulation (EU) 2021/2115 of the European Parliament and of the Council of 02 December 2021. In this regard, support under BISS is not granted for amounts lower than €100.

## Entitlements

Payment under the Basic Income support for Sustainability Scheme (BISS) is made to farmers who meet the active farmer requirements, hold payment entitlements and activate the payment entitlements by declaring an eligible hectare per entitlement.

The convergence mechanism aims to bring payment entitlement values towards a national average value. Entitlements held under the BISS that do not have static values around the

average may be subject to convergence which will either increase or decrease their value over the first four years of the Scheme (2023-2026).

- In 2026 all entitlements will have a minimum value of 85% of the new national average entitlement value.
- Farmers who hold entitlements with an Initial Value between 90% and 100% of the new national average entitlement value will see no change in their entitlement value over the Scheme through convergence.
- Farmers who hold entitlements with an Initial Value below 90% of the new national average entitlement value will have the value of their entitlements increased by one third of the difference between their Initial Value and 90% of the new national average value. This increase will take place in four equal steps over the first four years of the Scheme.
- Farmers who hold entitlements with an Initial Value over 100% of the new national average entitlement value will see their value decrease over the years 2023-2026. The reduction will be determined by the amount needed to fund the increase for those whose entitlement values are being increased.
- It is important to note that in 2026, no farmer will receive a payment greater than €285 per entitlement.

### **Reduction of Payments (Capping)**

Ireland's CAP Strategic Plan provides for capping of payments to farmers in line with Regulation (EU) 2021/2115:

- Capping will apply to the BISS payment only (i.e. CISOYF, CRISS, Eco-scheme and Protein aid are not capped)
- Capping does not have any impact on usage of payment entitlements
- Capping will apply in two tranches to a farmer's BISS payment. The BISS payment above €100,000 is fully reduced, and the BISS payment €60,000-€100,000 is reduced by 85%.
- The maximum BISS payment from 2023 onwards will be €66,000
- There is no distinction between owned or leased/rented entitlements, nor any deduction for labour costs etc.
- In cases of multi-herd partnerships, capping will apply at individual herd number level.

Example:

Farmer A holds BISS entitlements with a total value of €110,000. The portion of the payment above €100,000 is reduced by 100% - this means in the first tranche the payment is reduced by €10,000. Then the portion between €60,000-€100,000 is reduced by 85%, or €34,000. This means the payment received by the farmer in this example will be €66,000.

Farmer B holds BISS entitlements with a total value of €80,000. The portion between €60,000-€80,000 is reduced by 85%, or €17,000. This means the BISS payment received by the farmer in this example will be €63,000.

## Usage of Entitlements

All entitlements allocated under BISS and the National Reserve are subject to a two-year usage rule. If a farmer has unused entitlements for two consecutive years, the lowest value entitlements held by that farmer revert to the National Reserve in the second year of non-usage. Therefore, any entitlements not used in 2023 must be used in 2024.

You may view your entitlement usage position by using the Department's online facility, [www.agfood.ie](http://www.agfood.ie)

Further information in respect of the usage of entitlements is available (under the heading "Usage rule") at: <https://www.gov.ie/en/service/3f1f2-transferring-farm-entitlements/>

Where entitlements are unused for two consecutive years the Department shall always revert the lowest value entitlements to the National Reserve.

This is the case even if the lowest value entitlements are leased-in. For example, a farmer has 30 entitlements which are owned and 10 entitlements which are leased-in (40 entitlements in total). In 2023 the farmer declared 35 hectares. Therefore, 35 entitlements were used in 2023. If this farmer declares 35 hectares and 40 entitlements again in 2024, 5 entitlements shall expire and be lost to the National Reserve as the farmer did not use 100% of the entitlements in either 2023 or 2024.

The lowest value entitlements are lost to the National Reserve regardless of whether they are owned or leased. In this example, if the leased entitlements were of lower value than the farmers own entitlements, 5 of the leased entitlements would be lost the National Reserve.

To avoid the loss of entitlements outlined, the farmer should ensure he/she has sufficient land in 2024 to utilise all entitlements. Alternatively, the farmer could transfer the

entitlements either permanently or temporarily for example by lease to a farmer who has enough naked hectares to support the 5 entitlements. The Department shall notify the farmer where entitlements have expired.

The onus is on a farmer to ensure that entitlements are used. In that regard it is advisable that farmers who are leasing out their entitlements ensure that the lessee is aware of the importance of usage and safeguards the leased entitlements by supporting each entitlement with the declaration of one hectare of eligible land. Farmers should note that such arrangements are between the relevant parties.

EU regulations provide that any payment entitlements unduly allocated to a farmer may be recovered and allocated to the National Reserve. Where such payment entitlements have been transferred to another farmer the unduly allocated entitlements will be moved from the transferee directly to the National Reserve.

### **Transfers of Entitlements:**

Applications to transfer entitlements can be made by farmers, or a FAS approved advisor that has been authorised by the farmer.

A change to the registration details of a herd-number (e.g. the addition or removal of an individual) requires the same change to the registration details of entitlements and a Transfer of Entitlements application is required.

Entitlements may be transferred from one farmer to another through the Department's online facility using one of the following methods as appropriate.

- Inheritance
  - Entitlements will be transferred according to the will, where a will is in place, or the laws of intestacy if there is no will. In cases where a deceased person bequeaths land in a will but has not made any provision for their entitlements within the will, these entitlements or a share of these entitlements will transfer with the eligible land unless there is a legal impediment preventing the transfer. This is in accordance with Statutory Instrument 639 of 2017 which, came into effect on 21 November 2017.
- Lease
  - Entitlements may be leased with or without land. It is not necessary to provide details of the land parcels on the Transfer of Entitlements application, as all lease of entitlement requests shall be processed without land. However, to receive payment and use an entitlement, the transferee must declare one hectare of eligible land to support each entitlement.

- Sale
  - No clawback will apply on entitlements sold without land during 2024. However, to receive payment and use an entitlement, the transferee must declare one hectare of eligible land to support each entitlement.
- Change of Legal Entity
  - Entitlements may be transferred via Change of Legal Entity where the transferor is Secretary or Director of the company they are transferring the entitlements too.
- Change of Registration Details of Herd Number
  - Entitlements may be transferred via Change of Registration when an individual has been added or removed from the herd number – at least one of the original owners must remain the same. This cannot be used when one of the parties is a company.
- Gift
  - A gift is the permanent transfer of entitlements with or without land. It is used when there is a change of registration details on the herd number without one of the original owners remaining. It is also used where entitlements have been gifted to someone with a different herd number free of charge.
- Scission/Division of an unregistered Farm Partnership
  - Scission is used to divide entitlements in the case where two or more holdings, which previously formed an unregistered partnership, are now separating their holdings.
- Merger (forming an Unregistered Farm Partnership)
  - A merger is the merging of two or more holdings under the one herd number, without forming a registered farm partnership.

Forms relevant to the transfer of entitlements for the 2024 scheme year are available on the Departments website at: <https://www.gov.ie/en/service/3f1f2-transferring-farm-entitlements/>

### **Specific Transfer of Entitlements Terms and Conditions:**

1. BISS Entitlements may only be transferred to an active farmer in the same Member State, except in the case of inheritance and /or anticipated inheritance (gift).
2. The transferor and transferee must apply to transfer entitlements by completing an online Transfer of Entitlements application.
3. Entitlements may be transferred with or without land.

4. Leased or rented entitlements will revert to the transferor at the end of the relevant scheme year. The reversion of entitlements on expiry of a Lease or Rental Agreement is not considered a form of transfer. Where the expiry date of a rental agreement or lease end date as recorded on the transfer of entitlements application form is on or prior to the 15 May 2024, entitlements shall revert to the owner of the entitlements from the end of the 2023 scheme year.
5. Entitlements may not be transferred more than once in a scheme year, unless by way of inheritance or anticipated inheritance.
6. The effective date of transfer of entitlements in all cases is the closing date of 15 May 2024. However, if the entire holding or ownership of a herd number is transferred between the date of application for the BISS scheme and the 31 May 2024, the transferee must agree to take on the responsibilities of the transferor regarding compliance with the Terms and Conditions of the 2024 BISS Scheme by completing a Declaration of Undertaking Form (BISS/DofU). This form is available on the Department's website at <https://www.gov.ie/en/service/3f1f2-transferring-farm-entitlements/> The Declaration of Undertaking Form must be completed by both the Transferor and Transferee and must be submitted online with the Transfer of Entitlements application. The transferee must fulfill the conditions for granting the aid and honour the undertakings given by the transferor and, if otherwise in order, payment of 2024 BISS Payment will issue to the transferee. If the entire holding or ownership of the herd number changes after the 31 May 2024, the 2024 BISS Payment will issue to the Transferor.
7. To withdraw a 2024 Transfer of Entitlement Application a completed Transfer of Entitlements Application Withdrawal Request form must be uploaded by the transferor and transferee prior to processing of the application. This form is available on the Department's website at <https://www.gov.ie/en/service/3f1f2-transferring-farm-entitlements/>
8. EU regulations provide that any payment entitlements unduly allocated to a farmer may be recovered and allocated to the National Reserve. Where such payment entitlements have been transferred to another farmer the transferee must relinquish the unduly allocated entitlements to the National Reserve.
9. All entitlements are subject to a two year usage rule. Any entitlement that remains unused for two consecutive years will revert to the National Reserve. The rotation of entitlements is not available under the BISS Scheme.
10. Transfer of Entitlements applications may be submitted by groups such as joint herd number, a registered or unregistered partnership, or a company. Documents and information submitted in support of applications made by such groups are submitted



with the consent of, and are available to, all members of the group and any FAS approved advisor that has been authorised to act on behalf of the group.

11. Letters for successful applied applications, lease reversions and change of ownership are available online only. It is the herdowner's responsibility to ensure they check their correspondence.
12. All documentation being submitted should be uploaded using Agfood.ie. Any documentation received via post will be destroyed once uploaded. Any original documentation i.e. Wills, probate will be returned.
13. All applications to transfer entitlements must be received on or before midnight 15 May 2024. Any application received after this date must be accompanied with force majeure evidence.
14. While the closing date for the receipt of Transfer of Entitlements applications is 15 May 2024, if a change made to a BISS online application leads to a farmer having insufficient land to use all of their entitlements, they will have the opportunity to submit a Transfer of Entitlements application up until midnight on 31 May 2024. This is only available to farmers who can show that they have made a change to their BISS application by 31 May 2024 and that change has directly led to the need to transfer entitlements. Applications to transfer entitlements must be made through the Department's online facility [www.agfood.ie](http://www.agfood.ie)

## National Reserve

The 2024 National Reserve will provide support to the two mandatory categories of Young Farmer and New Farmer. Successful applicants will receive:

- an allocation of payment entitlements at the national average entitlement value on eligible land on which they hold no entitlements;
- and/or a top up to the national average entitlement value on existing entitlements held by them where such entitlements are below the national average value, subject to a maximum allocation of 50 payment entitlements.

A Young Farmer applying to the 2024 National Reserve is defined as follows:

- Aged no more than 40 years of age at any time during the calendar year in which s/he first submits an application under the National Reserve;
- Is setting up a holding as head of the holding, solely or jointly, for the first time or has set up such a holding during the five years preceding the first submission of an application under the National Reserve;
- Has successfully completed a recognised course of education in agriculture giving rise to an award at Level 6 or equivalent on the National Framework of Qualifications;  
Submits a valid 2024 Basic Income Support for Sustainability (BISS) application under a herd number on which the applicant is included

A New Farmer applying to the 2024 National Reserve is defined as follows:

- Set up a holding for the first time or during the three years preceding the first submission of a National Reserve application.
- Has successfully completed a recognised course of education in agriculture giving rise to an award at Level 6 or equivalent on the National Framework of Qualifications;
- Submits a valid 2024 Basic Income Support for Sustainability (BISS) application under a herd number on which the applicant is included.

Applicants who benefitted from an allocation under the Basic Payment Scheme National Reserve from 2015-2022 or the Basic Income Support for Sustainability National Reserve in 2023 will not be eligible for a subsequent allocation under the Basic Income Support for Sustainability National Reserve.

Applications under the National Reserve must be submitted on or before midnight 15 May 2024. The information above is a summary of the 2024 National Reserve only. Full details of the National Reserve are set out in the separate 2024 National Reserve and Complementary Income Support for Young Farmers Scheme Terms and Conditions available as part of the online National Reserve application facility on [agfood.ie](https://agfood.ie) and also on the Department's website and should be read and understood by all applicants.

## 2. General Rules for the Eco-Scheme

### Introduction

The Eco-Scheme was introduced as part of the Common Agriculture Policy (CAP) 2023-2027. This voluntary annual scheme will be open to all active farmers to participate. To qualify for payment, farmers will have to undertake specific agricultural practices on their farms. Payment under the Eco-Scheme will be an annual payment for all eligible hectares covered by the commitments undertaken. Each farmer will have the opportunity to opt in or out on an annual basis. Agricultural practices chosen can also be changed on a yearly basis at the farmers discretion. Farmers will apply for the Eco-Scheme at the same time as their application for the BISS from 2023 onwards.

The aim of the Eco-Scheme is to reward farmers, from all farming sectors and from different levels of intensity, for undertaking actions that are beneficial to the climate, environment, water quality and biodiversity. All Eco-Scheme agricultural practices must go beyond the conditionality requirements laid down in EU Regulations and baseline requirements as set out in national legislation. The Eco-Scheme has 8 agricultural practices to choose from, with 3 of these practices having an enhanced option. A farmer must deliver two practices (or one enhanced option) to qualify for an Eco-Scheme payment.

### Who is eligible to apply?

To receive a support under the Eco-scheme, eligible applicants must:

- Be a holder of a registered herd number or have applied for a herd number on or before 15 May 2024.
- Meet the definition of an “active farmer”, see Section 10 for further details.
- Submit a 2024 BISS and other area-based schemes application declaring their land located within the jurisdiction of Ireland and apply for the Eco-scheme.
- Meet the minimum requirements to receive a direct payment as per Article 18 of Regulation (EU) 2021/2115 of the European Parliament and of the Council of 02 December 2021. In this regard, support under the Eco-scheme is not granted for amounts lower than €100.
- Each herd owner/partnership must select 2 Agricultural Practices (or one enhanced option) and meet the requirements for the selected practices, they intend to undertake.

**Note:** Entitlements are not required to apply for the Eco-Scheme. A farmer may submit their own Eco-Scheme application in conjunction with their BISS application, if they so wish, or they can employ a FAS approved advisor to do so on their behalf.

**Note:** The payable area will be the lesser of the eligible hectare area, claimed area or determined area with cross compensation

**Note:** Farmers and FAS advisors should be mindful that where new plots are added by the farmer or FAS Advisor on their 2024 BISS and other area-based scheme application, these areas will not be used in any area calculations for the business rules underpinning the Eco-scheme Agriculture Practices – for example the 7% requirement for the sowing of a Multi Species Sward under Agricultural Practice 8. Once plots are digitised, they may increase your eligible hectares and change your obligation under the Agriculture Practices. The onus is on the farmer to ensure that their obligation requirements include plot area.

**Note:** Forestry Ineligible parcels receive 100% credit for Space for Nature features on that parcel. It is important to note that if an ineligible forestry parcel changes status to 'Forestry Eligible' it may reduce the Space for Nature contribution.

## Eco-Scheme Agricultural Practices

### Agricultural Practice 1 – Space for Nature (SFN)

#### Objective

To maintain or create habitats on the farm to promote good farm practices that contribute to diversity in the landscape.

#### Background

This practice aims to contribute to halting and reversing biodiversity loss, enhance ecosystem services and preserve habitats and landscapes. A broad range of features is proposed for inclusion under this practice.

#### Requirements

- The Eco-Scheme will reward farmers who allocate at least 7% of their land to the features listed below as Space for Nature. This will count as one Eco-Scheme Practice and is the standard option.
- **Enhanced Option:** Farmers can choose to devote at least 10% of their land to Space for Nature (non-productive areas and landscape features). Where they do, it will count as two Eco-Scheme Practices and will qualify a farmer for their full Eco-Scheme payment.
- Each farmer will be presented with the most beneficial feature/crop weighting for each parcel declared.
- Native trees/hedgerows/non-productive features or other elements created as part of an ACRES action such as planting a new hedgerow, planting a traditional orchard, planting trees in riparian buffer zones, tree belts for ammonia capture from farmyards, tree planting will not qualify towards a farmer's Space for Nature percentage.
- Native trees/hedgerows planted under Agricultural Practice 4 in the Eco-Scheme for the farmers 2024 application will not contribute to a farmers Space for Nature percentage for 2024. They may contribute to a farmers Space for Nature percentage for subsequent years if marked on the map by the farmer/FAS advisor from 2025 onwards.

### What qualifies as “Space for Nature”

	Weighting		Weighting
<b>Sub-Features (Linear)</b>	<b>Area multiplied by weighting e.g. 1000 metres of external hedgerow equates to 10,000m<sup>2</sup> of Space for Nature or 1 hectare</b>	<b>Crop</b>	<b>Area multiplied by 1 e.g. 1 hectare of a crop equates to 1 hectare of Space for Nature</b>
Hedge	10 (shared hedge = 5)	Copse	1
Drain	10	Designated Habitat	1
Stone Walls	10 (shared stonewall = 5)	Fallow*	1
Buffer/Margin	9	Habitat	1
<b>Sub - Features (polygon)</b>	<b>Area multiplied by 1 e.g. 1 hectare of a polygon feature equates to 1 hectare for Space for Nature</b>	<b>Orchard</b>	<b>1</b>
Woodland	1	Scrub	1
Trees	1	Wild Bird Cover*	1
Habitat	1	Woodland	1
Rock/Scrub	1	ASSAP	1
Scrub	1	Native Tree Area	1
Rock	1	Mixed Cropping (Horticulture)	1
Natura - scrub	1		
Riparian Zone	1		
Pond	1.5 (to a maximum size of 0.2 hectares)		

\* See Annex 5 Crops -Space for Nature (Fallow and Wild Bird Cover)

## Agricultural Practice 2 – Extensive Livestock Production

### Objective

To promote traditional grassland farming practices at extensive animal stocking rates.

### Background

This practice will encourage farmers to maintain environmentally friendly operations and farming systems. Farms that are extensively stocked provide a greater environmental return in terms of biodiversity, soil structure and water quality. Extensive livestock production systems require lower inputs in the form of fertilisers and pesticides. Such extensive farming systems also benefit pollinators and are important in the maintenance of the rural landscape.

### Requirements

- The stocking density on the holding will be based on 2023 stocking rate data and it will have to be equal to or greater than 0.10 Livestock units per eligible forage hectare (LU per ha) and equal to or less than 1.4 livestock units per eligible forage hectare. This will be termed the standard option.
- **Enhanced option:** Where the farmer has a maximum stocking rate of less than 1.2 livestock units per eligible forage hectare and equal to or greater than 0.10 Livestock units per eligible forage hectare, this will count as two practices for the Eco-Scheme.
- A farmer may choose to use current year stocking rate (2024) for this practice; however, this will result in payment for this practice being delayed until Q1 2025 as the Department has to wait until early February 2025 to confirm the stocking rate for the entire 12 months of 2024. If the option to use the current year's stocking rate is chosen for the Eco-Scheme in 2024, the farmer will have to use the current year (i.e., the year of the Eco-Scheme application) for all future years of Eco-Scheme participation if they select this agricultural practice again.
- Applicants must have declared more than 50% of their 2024 BISS land area as eligible grassland to be eligible to apply for this Agricultural Practice in 2024. Eligible grassland is defined as a forage crop which have stocking density requirements under Areas of Natural Constraint (ANC).
- Applicants must retain sufficient livestock to maintain the stocking density on their holding for a period of 28 consecutive weeks. All requirements regarding stocking density and retention, as laid out under Annex 4 – Stocking Rate Check and as applied to the Areas of Natural Restraint Scheme will apply to this agricultural practice.

## Agricultural Practice 3 - Limiting Chemical Nitrogen Usage

### Objective

This action will promote lower usage of chemical nitrogen. A farmer must not exceed a certain level of chemical nitrogen across their holding in the year of Eco-Scheme participation. This practice encourages farmers to further increase nutrient use efficiency.

### Background

Nitrogen (N) is essential for life and plays a key role in food production, being one of the most limiting factors together with water. That is why most farmers apply N fertiliser and animal manures to the land, to improve crop yield. The EU Farm to Fork strategy aims to reduce nutrient losses from soil by at least 50% by 2030; this will reduce use of fertilisers by at least 20%. This will require more appropriate management of N and losses to the environment will have to reduce. This practice builds on the Nitrates regulations and aims to encourage efficiency across all stocking rates.

### Requirements

- Farmers must not exceed the maximum chemical nitrogen allowance as outlined in **Table 1** below.
- Grassland farmers should select the appropriate stocking rate band based on their 2023 stocking rate.
- The maximum limit of chemical nitrogen for arable crops under this practice is 139.41 kg/ha. The maximum limit for mixed farming enterprises (grassland and tillage) will be calculated using a combination of both their grassland band limit and the arable crops limit.
- If a crop/land type has a lower chemical nitrogen limit under the Nitrates Regulations (S.I. No. 113 of 2022), this lower limit must be adhered to.
- For new entrants in 2024 (i.e. no previous years stocking rate data), the stocking rate will be presented as Band 1 and these farmers must remain at that level in the current calendar year if they select this Agricultural Practice in the Eco-Scheme.
- Compliance with the practice for 2024 will be checked by, but not limited to, inspection of receipts for the purchase of fertilizer and may include National Fertiliser Database checks. Receipts should be maintained for the duration of the CAP programme. All Invoices/ receipts/ statements should be legible, original version and on supplier headed paper. The receipt must include the supplier name



and address, date of sale, applicant's name and address and should include the type and amount of chemical fertiliser purchased in kgs/tonnes.

### **Ineligible**

- Farmers participating in the Organic Farming Scheme are not permitted to select this Agricultural Practice in the Eco-Scheme as the use of chemical nitrogen is prohibited under organic farming rules.
- Farm holdings of equal to or greater than 50% commonage area and/or forestry area are ineligible for this practice.

**Table 1**

Band	Grassland stocking rate 2023 (kgs organic nitrogen per ha)	Max permitted application of chemical nitrogen in 2024 (kgs per ha)
1	≤ 90	73
2	> 90 - 130	89
3	> 130 - 170	148
4	> 170 - 210	200
5	> 210	180

## Agricultural Practice 4 - Planting of Native Trees and/or Hedgerows

### Objective

To promote the planting of native trees and/or hedgerows to enhance ecosystem services.

### Background

Planting of native tree species and/or hedgerows on farms promotes our native biodiversity, enhances associated populations of flora and fauna and provides a wide range of ecological benefits, providing food, shelter and breeding sites for a range of species.

Planting of trees sequesters carbon, helps reduce erosion and sediment loss, recovers leached nutrients and increases water retention, while providing shade and shelter for livestock and crops and enhancing the visual appearance of the countryside.

### Requirements

- A minimum of 3 native trees OR 1 metre of hedgerow must be planted per eligible hectare. This will be termed the standard option.  
**Enhanced Option:** Increasing the planting rate to 6 native trees OR 2 metres of hedgerow OR 3 native trees and 1 metre of hedgerow per eligible hectare per year, will qualify as two measures under Eco-Scheme and will qualify a farmer for their full Eco-Scheme payment.
- Trees/Hedgerows must be planted between 01 October 2023 and the 30 November 2024. Depending on availability of planting material, in the first year they select this option, a farmer may plant sufficient trees/hedgerow to meet their commitments under this practice for future years of Eco-Scheme participation. In this scenario, the farmer will still have to apply each year for the Eco-Scheme and must ensure they input the correct number of trees/hedgerows on their application to meet the requirements for each year of the Eco-Scheme.
- The applicant or FAS Advisor is **not** required to map the location of the trees/hedgerows as part of the 2024 BISS application process. These newly planted features can be mapped in 2025, in order for the farmer to receive increased credit in their “Space for Nature” and GAEC 8 percentage.
- Trees and hedgerows must be maintained for the duration of the 5-year CAP Programme 2023 -2027 and will be liable to inspection in future years. When taking this practice, farmers should ensure that the planted trees/hedgerows are on land at their disposal for the duration of the programme. Likewise, when planting a new

hedgerow on a farm boundary, the applicant must have control of and access to maintain both sides.

- Receipts for tree and/or hedgerow purchases should be maintained for the duration of the programme. All invoices/ receipts/ statements should be legible, original version and on supplier headed paper. The receipt must include the supplier name and address, date of sale, applicants name and address and should include the tree/hedgerow variety and number of units purchased.
- Plant native tree species from **Table 2.** below, of which not more than 25 per cent of trees planted to be Scots pine.
- Trees cannot be planted with a view to commercial gain arising from the trees e.g., commercial orchards.
  - **Site suitability:** Tree planting options are not permitted in Natura 2000 sites (SACs/SPAs), Nature Reserves, forestry, commonage land, pNHAs, landscapes targeted for breeding waders such as curlew, on semi natural grassland or within archaeological monument buffer zones.
  - Sites should contain free draining mineral soils, have no requirement for additional drainage and should be reasonably sheltered.

### **Planting of Native Trees: Technical Specifications**

- Plant domestically grown tree species only (Irish origin or Irish Provenance) purchased from DAFM registered professional operators. See **Table 2** for the approved list of native Irish trees. Plant passports must be retained for duration of programme.
- Trees should be planted in a vegetation free area. Clear the area prior to planting so plants are planted on a weed free area.
- Plant tree stock which are at least 60 cm in height.
- Maintain 2 meters spacing between each tree.
- Each tree (except Scots Pine) must be protected with a staked tree guard/shelter and protected from grazing livestock with appropriate fencing.
- Tree guards/shelters should not be fastened to the tree itself.
- Grass and competing vegetation must be controlled around the trees annually. It will be necessary, from time to time, to lift tree shelters and remove any weeds/grass that may be growing within the shelter.
- Failed or dead trees must be replaced during the next dormant season.
- Do not plant in the vicinity of overhead wires, within 20m railway lines and within 60m of a dwelling house. See **Table 3** for clearance distance for overhead lines.

**Table 2.**

Tree Species List	
Alder ( <i>Alnus glutinosa</i> )	Sessile oak ( <i>Quercus petraea</i> )
Strawberry tree ( <i>Arbutus unedo</i> )	Pedunculate oak ( <i>Quercus robur</i> )
Silver birch ( <i>Betula pendula</i> )	Goat willow ( <i>Salix caprea</i> )
Downy birch ( <i>Betula pubescens</i> )	Grey willow ( <i>Salix cinerea</i> )
Hazel ( <i>Corylus avellana</i> )	Bay willow ( <i>Salix pentandra</i> )
Holly ( <i>Ilex aquifolium</i> )	English whitebeam ( <i>Sorbus anglica</i> )
Crab apple ( <i>Malus sylvestris</i> ) Where possible, Mc Griggors (Crab) Cavan Sweet (Crab) Lough Key (Crab)	Whitebeam ( <i>Sorbus aria</i> )
Scots pine ( <i>Pinus sylvestris</i> )	Irish whitebeam ( <i>Sorbus Hibernica</i> )
Black poplar ( <i>Populus nigra</i> )	Rock whitebeam ( <i>Sorbus rupicola</i> )
Aspen ( <i>Populus tremula</i> )	Wych elm ( <i>Ulmus glabra</i> )
Wild cherry ( <i>Prunus avium</i> )	Rowan ( <i>Sorbus aucuparia</i> )
Bird cherry ( <i>Prunus padus</i> )	

**Table 3: The required clearance distance depends on the voltage of the overhead line.**

Power line type	Clearance distance (from centre of line)
Low voltage (230/400V)	5 m
10 kV and 38 kV	10 m
110 kV	31 m
220 kV	34 m
400 kV	37 m
Note: All trees must be outside their falling distance from line support structures.	

### **Planting a New Hedgerow: Technical Specifications**

The site/location of a new hedgerow is important with greater benefits if it can:

- 1) Extend or link existing lengths of hedgerows or habitats
- 2) Be strategically positioned to help reduce soil erosion and sediment run off.
- 3) Provide shelter for livestock.

The following specification will result in a hedge with a wide base and a mix of woody species for an extended pollen and nectar season.

1. Plant a double staggered row with at least 5 plants (two-year-old whips) per metre using a mix of species from the Hedge Species list in **Table 4**. Where possible a mix of species should be used to provide enhanced environmental benefit.
2. The new hedge must not be placed against an existing full hedgerow or wall but may be planted near watercourses if the site is suitable.
3. Ensure the hedgerow is protected from livestock using an appropriate fence at least 1m out from the new hedgerow. This fence will need to be moved out further as the hedge grows and expands.
4. Plants must be domestically grown (Irish Origin or Irish Provenance) and purchased from registered producers or growers. Plant passports must be retained for duration of programme.
5. Grass and other competing vegetation must be controlled around the plants to ensure the establishment of a dense hedgerow. Failed or dead plants must be replaced in the following planting season.
6. Hedgerows planted as replacements for removed hedgerows will not be eligible for funding under this practice.

### **Planting and Maintenance Guidance**

1. Plant native species that already grow in the local area.
2. Plant in a double staggered row with 30-40 cm between the rows.
3. Prepare the ground along a 1.5m wide strip to provide good soil conditions and as little competition from other vegetation as possible.
4. Take care of roots before planting by keeping them covered at all times, especially when it is sunny or windy, avoiding opening more than one bag of plants at a time. Keep free of weeds until plants have established- annual weed maintenance is required until the hedgerow is fully established.
5. After planting, prune all plants (except holly) down to 2 to 3 cm with a sloping cut to leave a sharp point.
6. In subsequent years, carry out a second pruning after the first growing season. This should be done when the plants are dormant during the winter period. Repeat the process again after the second growing season. This involves cutting each of the stems (except holly) back down to within an inch or so above the previous cut. This will help achieve a dense bushy growth at the base.

**Table 4.**

Hedgerow species	
Blackthorn ( <i>Prunus spinosa</i> )	Hazel ( <i>Corylus avellana</i> )
Dog Rose ( <i>Rosa canina</i> )	Holly ( <i>Ilex aquifolium</i> )
Guelder Rose ( <i>Viburnum opulus</i> )	Spindle ( <i>Euonymous europaeus</i> )
Hawthorn/Whitethorn ( <i>Crataegus monogyna</i> )	Alder Buckthorn ( <i>Frangula alnus</i> )

## **Agricultural Practice 5 - Use of a GPS Controlled Fertiliser Spreader or GPS Controlled Sprayer**

### **Objective**

To reduce carbon emissions, reduce inputs and reduce environmental impact. The use of precision technology will assist in the accurate and even application of inorganic compounds.

### **Background**

Precision Agriculture methods promise to use less inputs (water, energy, fertiliser and pesticides etc) while maintaining agricultural output and quality. This practice aims to support more efficient use of fertiliser and plant protection products.

### **Requirements**

- All chemical fertiliser (whether compound or liquid) or all plant protection products must be applied with a GPS controlled fertiliser spreader and/or sprayer.
- The minimum amount of product used to apply for this Agricultural Practice is as follows: A minimum of one tonne of chemical fertiliser or a minimum of five litres of plant protection products must be spread using the specified spreader/sprayer.
- Approved GPS controlled fertiliser spreaders listed on (Targeted Agricultural Machinery Scheme) TAMS S195A will be eligible for this practice as outlined in Note 1 below. Any GPS controlled fertiliser spreader not listed here will be dealt with on a case-by-case basis as to its eligibility.
- The GPS device must be on the Spreader or Sprayer used.
- All GPS controlled sprayers must meet the specification requirements listed on TAMS S195. See Note 1 below.
- Machines can be owner-operated, or a contracting service can be used. Applicants must declare at application which option he/she will be using and provide the details required.
- All applicants using their own GPS-controlled sprayer to spray plant protection products must be a trained Professional User.
- Where a contracting service is used, the name of the contractor must be declared. Failure to provide this information will result in the applicant being deemed ineligible for this agricultural practice.
- Where a contracting service is used, detailed receipts as set out below must be obtained and may be requested for inspection purposes.
- The onus is on the applicant to ensure that the hired contracting service is using a GPS controlled spreader and/or sprayer included on the TAMS S195A list or meet all the requirements as set out in the TAMS specification S195. Failure to use an approved machine may result in no payment and/or a penalty being applied.

- Compliance with the practice for 2024 will be checked by, but not limited to, inspection of receipts, requesting that a geo-tagged photo be submitted in a manner outlined by the Department and national fertilizer database checks where required.
- Invoices/ receipts/ statements should be legible, original version and on supplier headed paper. The receipt should include the supplier's name and address, date of sale, applicants name and address and quantity of fertiliser or plant protection products purchased and dates of application.

### **Ineligible**

- Farm holdings with 50% or greater of their BISS 2024 land area declared as commonage and/or forestry are ineligible for this practice.
- Farms with less than 50% of their BISS 2024 land area declared as arable are not eligible to select that they will satisfy this agricultural practice by using a GPS controlled Sprayer.

### **ACCEPTED GPS CONTROLLED FERTILISER SPREADERS**

This list details all GPS fertiliser spreaders available that meet the requirements of clause 4 of S195.

The full list of Accepted GPS Controlled Fertiliser Spreaders is available under the TAMS section of the Department website. The specification for GPS controlled Sprayers is also set out under section 3 of the TAMS specification S195 on gov.ie (see link below).

### **Note 1: S195 Specification for GPS controlled Sprayers**

All sprayers shall be fully compliant with the European standard EN ISO 16119-2 and EN ISO 4254 and shall be fully CE marked. The CE mark shall be shown on the sprayer identification plate.

In addition, all sprayers shall have the following elements:

- Electronic control from within the cab (at minimum it shall control spray pressure, turn on/off individual boom sections, turn on/off the entire boom, adjust boom height, fold / unfold booms and adjust boom level).
- Hydraulic boom height control.
- Wash tank with minimum 10% capacity of main tank.
- Clean water hand wash tank of minimum 15 litre capacity.
- Chemical induction bowl with container wash.
- Internal rinsing nozzle, for cleaning the inside of the spray tank after spraying is completed.
- Minimum of 3 boom segments.
- The actual overall volume of the tank shall exceed the nominal volume by at least 5 %.

For further and full information on the TAMS Specifications see: <https://www.gov.ie/farmbuilding/>



## Agricultural Practice 6 - Soil Sampling and Appropriate Liming

### Objective

This practice is aimed at establishing baseline soil nutrient and pH status to balance and improve soil fertility. This practice can be chosen once every three years in the Eco-Scheme.

### Background

The Soil Sampling and Appropriate Liming practice will provide farmers with comprehensive details about the soil health and soil condition on their farms. These results can be used to target soil management and farming practices to achieve economic and environmental sustainability on their farms.

### Requirements

- Each sample will be taken over a maximum of 3 hectares and all eligible hectares of the holding must be covered by the soil sampling.
- The minimum requirement to partake in this agricultural practice is 1 soil sample over a maximum of 3 hectares.
- All soil samples must be taken between 16 September 2023 and 15 September 2024.
- Herd owners who are participating in the Soil Sampling and Analysis Programme or have taken part in the National Soil Sampling Programme 2023 and/or National Liming Programme 2023 are not eligible to select AP 6 Soil Sampling and Appropriate Liming as one of their Eco-Scheme Agricultural Practices.
- Applicants must contact the preferred laboratory to obtain the soil sampling testing kit. Test results must be held by the applicant for the duration of the scheme.
- Soil Samples must be taken in accordance with S.I. 113 of 2022 (as amended).
- Farmers who have no obligation to soil sample under the Nitrates Action Programme must take a minimum sample specification equal to or above S1 (LR, pH, P, K) as per Teagasc soil services. This will be Option A under this Agricultural Practice. (See **Table 5**. below)
- Farmers who have a requirement to soil sample under the Nitrates Action Programme (see Ineligible note below for more information) must take a soil specification equal to or above S8 (**LR, pH, P, K, Mg, and soil organic matter %**) as per Teagasc soil services. This will be Option B under this Agricultural Practice. (See **Table 5** below)
- If the soil analysis identifies a liming requirement, at least 1/3 of the lime requirement must be purchased and spread within 2024 with the remainder purchased and spread over the following 2 years.

- Compliance with the practice will be checked by, but not limited to, inspection of receipts for the purchase of lime. Receipts should be kept for the duration of the CAP programme. All invoices/receipts/statements should be legible, original version and on headed paper. The receipt must include the supplier name and address, date of sale, applicants name and address and lime product details and quantity of lime purchased in tonnes.

### **Ineligible**

Farmers availing of a Nitrates Derogation in 2023 or 2024 and farmers with a 2023 grassland stocking rate above 170kg livestock manure nitrogen per ha are ineligible to undertake this practice as they are already subject to compulsory soil sampling and liming under the Terms and Conditions of the Nitrates Derogation and the Nitrates Action Programme.

Applicants with 50% or more commonage area and/or 50% or more forestry area will not be eligible for this Agricultural Practice.

Additional soil sampling requirements under the Nitrates Action Programme, from 2024 all:

- farmers with a previous year grassland stocking rate above 130 kg N/ha must take soil samples
- sown arable land must be sampled

**Table 5: Soil Sample Analysis Breakdown**

Analysis Service Number	Elements Tested	Analysis Service Number	Elements Tested
Option A Soil 1/S1  Basic REPS	LR, pH, P, K**	Option B Soil 8/ S8 (S6 + Organic Matter) Tillage/Grassland/OM	LR, pH, P, K, Mg, and soil organic matter % **

**\*\*Lime Requirement (LR), Acidity (Ph), Phosphorus (P), Potassium (K), Magnesium (Mg), Organic Matter (OM)**

## Agricultural Practice 7 - Planting of a Break Crop

### Objective

To promote the planting of a break crop as a more environmentally friendly production system.

### Background

A diverse mix of crops in a rotation reduces disease burden and is beneficial for the soil and is a risk management tool. A diverse rotation also increases nutrient use efficiency as underlying diseases related to continuous cereals are reduced, allowing crops reach a higher yield for a given level of fertiliser input. Cereal yields after break crops are also typically higher.

### Requirements

- Applicants must have planted more than 50% of their 2024 BISS land area as eligible arable crops (see **Annex 1** for list of arable crops) to be eligible to take this practice.
- At least 20% of the arable area of the holding must be planted with a prescribed break crop of either Oilseed Rape, Oats, Peas and Beans or a combination of two or more of these crops between 16 July 2023 and 15 July 2024.
- The 20% requirement can be met by planting one break crop or by planting a combination of the prescribed break crops.
- Inspections may be carried out using the Area Monitoring System (AMS), ground inspections and/or by examination of seed receipts/invoices.
- All Invoices/ receipts/ statements should be legible, original version and on headed paper. The receipt must include the supplier name and address, date of sale, applicants name and address and quantity of break crop seed mix purchased in kgs.

Where checks are carried out using Area Monitoring System (AMS) a geotag photo will be required.

## **Agricultural Practice 8 - Sowing a Multi Species Sward**

### **Objective**

This practice aims to incentivise farmers to sow multi-species swards, with the potential to provide a more environmentally friendly production system.

### **Background**

Multi species swards can maintain a steady growth rate with reduced fertiliser application and may allow fertiliser application to be reduced by more than half in the summer months. They result in better nitrogen use by animals and have been shown to improve animal performance, reduce days to slaughter and reduce the requirement for anthelmintic use.

They also have the potential to improve the mineral content in the diet, provide dietary protein from legumes and their diverse root structure can improve the uptake of plant minerals and water, soil structure and nutrient cycling within the soil. A diverse mix allowed to flower will aid local insect populations and increase biodiversity. Multi species swards are less affected by drought than monocultures and will also recover quicker once they receive moisture.

### **Requirements**

- Sow a multi-species sward on at least 7% of the eligible hectares within the year the farmer selects this agricultural practice as one of their two Eco-Scheme actions. e.g., a farmer with a 32-hectare holding must sow at least 2.24 hectares in a multi-species sward. If the farmer selects this action in a subsequent year, they must sow a further 7% of their eligible hectares in that year.
- Fields suitable for this action and field specification:
  1. A minimum of 7% of eligible hectares must be reseeded with multi-species swards (MSS).
  2. Suitable fields include existing intensively managed ryegrass fields that will be reseeded with a multi-species sward. Fields where there is a risk of soil erosion or run off during establishment should not be used. Do not select fields that have a burden of weeds. Control these before reseeding.
  3. Multi Species Sward are not permitted in Natura 2000 sites (SACs/SPAs), Nature Reserves, commonage land, forestry, pNHAs, landscapes targeted for breeding waders such as curlew, on semi natural grassland or within archaeological monument buffer zones.
  4. Establish the crop (a mixed ley of grasses, legumes and herbs containing at least 2 grasses, 2 legumes and 2 herbs) between 16 July 2023 and 15 July 2024. The crop must be declared as either Grass Year 1 (MSS Eco-Scheme) or Permanent Pasture (MSS Eco-Scheme) on the 2024 BISS application.
  5. A 2m field margin/gap (unsprayed/uncultivated zone) must be kept between the field boundary (i.e., hedge/boundary fence/drain etc) and the edge of the new reseed.

6. Seed labels must be kept and the MSS must be sown to the recommended commercial seeding rate. If a contracting service is used, these receipts should also be maintained.
7. All Invoices/ receipts/ statements should be legible, original version and on headed paper. The receipt must include the supplier name and address, date of sale, applicants name and address and quantity of MSS seed mix purchased in kgs. A photo(s) will be required where an AgriSnap photo request is sent for all MSS parcels declared.
8. The MSS must be retained for at least three years after sowing and must be grown to commercial requirements. Parcels chosen for this action cannot be selected for Eco-Scheme MSS for another three years.
9. Any MSS that fails to establish must be replanted within the year of the commitment.
10. Any MSS supported/funded under any other scheme, including the Multi Species Sward Measure, will not be eligible for this practice.
11. Where checks are carried out using Area Monitoring System (AMS) a geotag photo will be required.

Applicants with 90% or more commonage area and/or 90% or more forestry area will not be eligible for this Agricultural Practice.

#### **Prescribed legume/herb species for Multi Species Sward**

Plant Species	Required Number of Species
Grasses	
Perennial Ryegrass (PRG)	At least two species of grass from the DAFM Grass Recommended List Varieties for Ireland
Timothy / other non-PRG grass	
Legumes	
Bird's foot trefoil ( <i>Lotus corniculatus</i> )	At least two species of legumes
Red clover ( <i>Trifolium pratense</i> )	
White clover ( <i>Trifolium repens</i> )	
Alsike clover ( <i>Trifolium hybridum</i> )	
Sweet clover ( <i>Melilotus officinalis</i> )	
Lucerne ( <i>Medicago sativa</i> )	
Sainfoin ( <i>Onobrychis sativa</i> )	
Herbs	
Chicory ( <i>Cichorium intybus</i> )	At least two species of herbs
Burnet ( <i>Sanguisorba minor</i> )	
Ribwort plantain ( <i>Plantago lanceolata</i> )	
Yarrow ( <i>Achillea millefolium</i> )	
Sheep's parsley ( <i>Petroselinum crispum</i> )	

### 3. General Rules of the Complementary Redistributive Income Support for Sustainability (CRISS)

#### Introduction

Complimentary Redistributive Income Support for Sustainability (CRISS) is designed to ensure redistribution of direct payments from larger holdings to medium and smaller sized holdings. The support will be provided in the form of an annual decoupled payment per eligible hectare to farmers who are entitled to a payment under the basic income support. All active farmers will be eligible to apply for CRISS and payment will be made on the first 30 eligible hectares claimed.

#### Who is eligible to apply?

To receive a support under CRISS, eligible applicants must:

- Has submitted a valid 2024 BISS and other area-based schemes application under a herd number on which the applicant is included and apply for CRISS.
- Be entitled to payment under BISS and hold at least 1 payment entitlement or part there of (see Section 1 for further details).
- Meet the definition of an “active farmer” (see Section 10 for further details)
- Meet the minimum requirements to receive a direct payment as per Article 18 of Regulation (EU) 2021/2115 of the European Parliament and of the Council of 02 December 2021. In this regard, support under CRISS is not granted for amounts lower than €100.

## 4. General Rules for the Complementary Income Support for Young Farmers (CIS-YF)

### Introduction

The Complementary Income Support for Young Farmers will provide a payment per eligible hectare, subject to a maximum of 50 hectares, to eligible young farmers for a maximum period of five years. The payment is not linked to the number of payment entitlements held by the successful applicant. The scheme requires the submission of an annual application. Payment of approx. €155 on average per eligible hectare is available over the five-year term under the CIS-YF Scheme.

### Who is eligible to apply?

A Young Farmer applying to the 2024 Complementary Income Support for Young Farmers is defined as follows:

- Has submitted a valid 2024 BISS and other area-based schemes application under a herd number on which the applicant is included.
- Be entitled to payment under BISS and hold at least 1 payment entitlement or part thereof (see Section 1 for further details).
- Meet the minimum requirements to receive a direct payment as per Article 18 of Regulation (EU) 2021/2115 of the European Parliament and of the Council of 02 December 2021. In this regard, support under CIS-YF is not granted for amounts lower than €100.
- Aged no more than 40 years of age at any time during the calendar year in which they first submit an application under the Complementary Income Support for Young Farmers (i.e. they should not have their 41st birthday in that calendar year);
- Is setting up a holding as head of the holding, solely or jointly, for the first time or has set up such a holding during the five years preceding the first submission of an application under the Complementary Income Support for Young Farmers;
- Has successfully completed a recognised course of education in agriculture giving rise to an award at Level 6 or equivalent on the National Framework of Qualifications;

Existing Complementary Income Support for Young Farmer scheme applicants, if eligible to continue in the scheme, should ensure that s/he indicates their intent to apply for the scheme on the 2024 BISS online application. A thumbs up icon will indicate an application for the new scheme.

For successful applicants to the Complementary Income Support for Young Farmers scheme in 2023 for whom there has been a change of registration to the herd number, such applicants must submit an application online via the separate CISYF application facility on agfood.ie.

In the event the Complementary Income Support for Young Farmers option is not available on the 2024 BISS application for an applicant eligible to continue in the scheme, the onus is on the applicant to submit an application online via the separate CISYF application facility on agfood.ie;

First time applications under the Complementary Income Support for Young Farmers in 2024 must be submitted online via the separate CISYF application facility on agfood.ie.

The information above is a summary of the 2024 Complementary Income Support for Young Farmers only. Full details of the Complementary Income Support for Young Farmers are set out in the separate 2024 National Reserve and Complementary Income Support for Young Farmers Scheme Terms and Conditions available online as part of the CISYF application facility on agfood.ie and also on the Department's website and should be read and understood by all applicants.

## 5. General Rules for the Protein Aid Scheme

### Introduction

The Protein aid Scheme is designed to provide a direct financial support for farmers growing eligible protein crops, thus providing greater certainty for growers of these crops, thereby improving the competitiveness of nationally grown legumes.

A payment rate of circa. €583 per hectare is **expected** to be paid for beans, peas, lupins, and soya. The protein/cereal mix crop is expected to be paid at half the full protein crop rate i.e. €291.50 per hectare. To NOTE: the final rate will not be set until after all applications are received and the number of hectares v the available budget can be determined.

### Who is eligible to apply?

To receive a support under Protein Aid, eligible applicants must:

- Be a holder of a registered herd number or have applied for a herd number on or before 15 May 2024
- Meet the definition of an “active farmer”, see Section 10 for further details.



- Submit a valid 2024 BISS and other area-based schemes application declaring their land located within the jurisdiction of Ireland, grows the crops eligible for support and apply for Protein Aid.
- Have eligible crops declared on the BISS application, as set out below.
  - Beans,
  - Peas,
  - Lupins,
  - Soyabean
  - 100% Protein
  - Protein/cereal mix crop
- The Protein/Cereal Mix Crop is a crop that has a seed mix with protein crop seed accounting for at least 50% of the seeding rate and the remainder made up of a cereal seed. Eligible crops for the protein element of the seed mix are Beans, Peas, Lupins and soya bean while eligible cereals are wheat, oats, barley, rye and triticale. A tolerance of 10% in absolute terms of a lower protein crop seed inclusion rate (i.e. not less than 40% protein crop element) will be permitted. The crop must be grown to a commercial standard with the appropriate seeding rates. Applicants should retain records of seed purchases, as they may be requested as part of checks for protein/cereal mix crop.
- The area claimed can be made up of multiple parcels, sub-divisions or plots. If your claim is on a subdivided parcel, you may be requested to submit Geotagged photos to confirm the cropping boundaries.
- Applicants cannot increase the area claimed after the 31 May 2024
- Meet the minimum requirements to receive a direct payment as per Article 18 of Regulation (EU) 2021/2115 of the European Parliament and of the Council of 02 December 2021. In this regard, support is not granted for amounts lower than €100.

## 6. General Rules for the Area of Natural Constraints (ANC) Scheme

### Introduction

The Areas of Natural Constraints Scheme is a support measure for farmers under Article 71 of Regulation (EU) No 2021/2115 of the European Parliament and of the Council of 2 December 2021 (Natural or other area-specific constraints). The Areas of Natural and Specific Constraints intervention will continue to grant payments to beneficiaries in areas designated pursuant to Article 32 of Regulation (EU) No 1305/2013.

Those farming in designated areas face significant hardships from factors such as remoteness, difficult topography, climatic problems and poor soil conditions. These payments will, by encouraging continued use of agricultural land, contribute to maintaining the countryside as well as to maintaining and promoting sustainable farming systems.

Support is provided based on the following categories of land:

Category 1 land: The system of farming prevalent in Category 1 is characterised by extensive farming practices focused on livestock management on higher ground.

Category 2 land: The system of farming prevalent in Category 2 is characterised by extensive livestock grazing practices on lower ground.

Category 3 land: The system of farming prevalent in Category 3 is less extensive in nature and characterised by grazing livestock enterprises.

Offshore island land: Island holdings are generally small and fragmented where the potential for intensification is limited and farming is economically marginal, at best. Farming on the off-shore islands off Ireland is in continuous decline.

The Areas of Natural Constraints Scheme provides for payment as follows:

Land Category	Area	2024 Rate
Category 1	1 <sup>st</sup> 12 ha	€148.00

Land Category	Area	2024 Rate
Category 1	13 - 34 ha	€112.00
Category 2	1 <sup>st</sup> 10 ha	€111.00
Category 2	11 – 30 ha	€104.00
Category 3	1 <sup>st</sup> 8 ha	€93.00
Category 3	9 – 30 ha	€88.25

**Note** - Applicants maintaining a combination of Category 1, 2 and 3 land, will be paid up to a maximum of 30 hectares except where the area of Category 1 land declared is between 30 and 34 hectares. In these cases, the payment will be based on the number of hectares of Category 1 land declared.

Payment will be made in the order of Category 1, then Category 2 and lastly Category 3. This is to maximise the amount which can be paid to an applicant. The entire holding will be treated as one holding for the purposes of payment under the 2024 Areas of Natural Constraints Scheme.

A separate payment in respect of those farming off-shore islands applies. These islands are designated as Areas of Specific Constraints. An Island for the purpose of the scheme is defined as an area of land situated off-shore, which is not connected to the mainland by a permanent access route e.g. bridge or causeway. The holdings of Specific Constraints must meet the eligibility conditions as detailed above for ANC.

Rates payable in respect of each hectare of Specific Constraints are as follows:

Area Designation	Payment Rates	Payable Area
Areas of Specific Constraints (Island Farming)	€250.00	Up to and including the first 20 hectares of Areas of Specific Constraints or part thereof
	€170.00	Greater than 20 hectares or less than or equal to 34 hectares of Areas of Specific Constraints
	€ 70.00	Greater than 34 hectares or less than or equal to 40 hectares of Areas of Specific Constraints

Payment under the Areas of Specific Constraints category of ANC is subject to an overall maximum ceiling of 40 hectares.

## Points to Note

- Stocking rate check will be based on the previous year, with the potential for the current year to be used. For example, if an applicant did not satisfy the stocking rate check in 2023, they could select to use 2024 instead but payments may not issue until March 2025.
- Retention period: Applicants must maintain their stocking rate (min 0.10LU/Ha) for a minimum of 28 consecutive weeks in the year selected.
- Stocking Density: Applicants must also maintain an annual average stocking rate calculated over the 12 months of the year selected.
- Applicants must fulfill the stocking density requirements, detailed in Annex 4.
- In line with other CAP schemes, no payment will be made under the scheme where the amount claimed is less than €100. This arrangement will not apply to payments under the Island Farming Scheme.

## Who is eligible to apply?

To receive a support under the ANC scheme, eligible applicants must:

- Applicants are required to be a holder of a registered herd number or have applied for a herd number on or before 15 May 2024
- Meet the definition of an “active farmer”, see Section 10 for further details.
- Submit a valid 2024 BISS and other area based schemes application declaring the ANC land located within the jurisdiction of Ireland and apply for ANC.
- Hold ANC designated land in accordance with the provisions of Article 32 of Regulation (EU) No 1305/2013, as provided for under Article 71 of Regulation (EU) No 2021/2115. A list of townlands currently eligible for the scheme and a map of the ANC townlands can be found at the following link:  
<https://www.gov.ie/en/service/13d971-areas-of-natural-constraint-scheme/#list-of-anc-eligible-townlands-by-county>
- Eligible ANC area can include crops as listed on Annex 1.
- Undertake to farm, manage and pursue a farming activity on all land applied on in 2024, for the full calendar year. **If an applicant is aware, or becomes aware, that any of the land situated in an Area of Natural/Specific Constraints will not be available to them for the purposes of farming for the full calendar year in 2024, that person is required to notify the Department immediately**, using the online application, documenting the parcel numbers of each parcel concerned and the relevant reason.

- Land farmed by the applicant on the basis of 11-month conacre agreements are also deemed eligible for payment under the ANC Scheme.
- In the case of sheep and goats, a valid sheep census must be submitted for the year in question within the specified timelines.
- Meet the minimum stocking requirement of 0.10 livestock units per forage hectare, as outlined in Annex 4 of this document.
- Tillage lands, situated in ANC designated areas, are eligible for payment.. It should be noted that these tillage lands will not be subject to or taken into account in the calculation of stocking requirements.

## 7. General Rules for the Straw Incorporation Measure

### Introduction

The Straw Incorporation Measure (SIM) is a support Measure for tillage farmers under Article 70 of Regulation (EU) No 2021/2115 of the European Parliament and of the Council of 2 December 2021 (Environmental, climate-related and other management commitments). The Measure will encourage tillage farmers to increase soil organic carbon levels by chopping and incorporating straw from combinable crops. This will sequester carbon in tillage soils, thereby reducing GHG emissions and will further improve the environmental sustainability of the sector. There are additional potential environmental benefits in terms of reducing soil compaction often associated with the removal of straw and subsequent application of imported manures. The Measure will also raise awareness amongst farmers and other stakeholders in the tillage sector of the need to manage and protect soils.

The following definitions apply for the purpose of this Measure:

- Chopping: Mechanical chopping of straw post-harvest
- Incorporation: The process of working in chopped straw to the soil
- Parcel: Land Parcel Identification System (LPIS) parcel with a unique identifier
- Plot: Land area mapped in circumstances where LPIS parcel identifier is not available
- Sub-Division: Temporary splitting of LPIS parcel in circumstances where the LPIS parcel has multiple crops

- Tier: Category an applicant is allocated for the purpose of SIM

Payment will be made based on the lesser of the claimed or Eligible Hectare of the parcels containing crops eligible for the Measure.

The rate of payment will be €250 per hectare for Oats, Wheat, Rye and Barley and €150 for Oilseed Rape.

Applicants cannot increase the area claimed after the 31 May 2024.

Applicants may switch the parcels declared with parcels of the same or greater size after the 10 June deadline, but such changes will not result in any increase in payment.

Any applicants wishing to withdraw from the Straw Incorporation Measure or reduce their area may do so in duly justified cases if the applicant has not been notified of an issue with their application or notified of an inspection.

The intervention will be a 1-year contract.

Meet the minimum requirements to receive a direct payment as per Article 18 of Regulation (EU) 2021/2115 of the European Parliament and of the Council of 02 December 2021. In this regard, support is not granted for amounts lower than €100.

### Who is eligible to apply?

To receive a support under the Straw Incorporation Measure, eligible applicants must:

- Be a holder of a registered herd number or have applied for a herd number on or before 15 May 2024
- Meet the definition of an “active farmer”, see Section 10 for further details.
- Submit a valid 2024 BISS and other area-based schemes application declaring their land located within the jurisdiction of Ireland, grow the crops eligible for support and apply for Straw Incorporation Measure.
- Have eligible crops declared on the BISS application, as set out below.
  - Oats – spring
  - Oats – winter
  - Wheat – winter
  - Wheat –spring
  - Rye
  - Barley – winter
  - Barley – spring
  - Oilseed Rape – winter
  - Oilseed Rape – spring
- No mixed crops are allowed e.g. arable silage, mixed cropping etc.

- The minimum area that can be applied on is 5 ha (claimed area). This can be made up of multiple parcels, sub-divisions, or plots. In circumstances where there are multiple herds in a partnership all herd numbers can be used to reach the minimum of 5 ha. All herds within the Partnership will only be paid on the lands declared under the individual herd numbers.
- For successful applicants to the Measure, the maximum area that will be paid on is 40ha.
- Only full parcels, sub-divisions or where necessary plots may be applied on.
- All eligible crops applied on for the Measure must be harvested, the straw must be chopped, spread evenly, and incorporated into the soil, as soon as possible after harvest
  - The straw may be chopped and spread by the combine harvester mounted chopper and spreader. Other mechanical means that ensures adequate chopping and even spreading of straw are also acceptable. Evenness of spread is important to optimise the impact of the straw incorporation. This will be checked during any inspections.
  - Incorporation as soon as possible after chopping is important to ensure good soil straw contact and begin the microbial breakdown of the straw. In terms of incorporation the following methods are deemed acceptable.
    - Discing.
    - Tined cultivators that can successfully incorporate the quantity of straw present.
    - Straw rakes as required in strip till no till situations.
  - Ploughing of straw without prior incorporation with soil is not permitted under this Measure. Ploughing in an unincorporated layer of straw can lead to an increased risk of agronomic problems.
  - The parcels can be ploughed for the subsequent crop, but the straw must be incorporated in advance by the above methods prior to ploughing.

### **Selection criteria**

**In the event the Measure is oversubscribed a process of ranking and selection will be applied with applicants placed into tiers based on their application data.**

It is important to note that the submission of an application does not imply that an applicant has been accepted into the Measure. Applicants will be notified of whether their application has been successful.

If the total area applied on multiplied by the relevant rate, exceeds the total budget, applicants will be selected for entry into the Measure based on a range of selection criteria.

The criteria are all based on the areas declared on the 2024 BISS application. It is a combination of crops declared and percentage of grassland /permanent pasture on the holding.

The purpose of the tiering is to prioritise entry to those applicants delivering the maximum benefit where the Measure is over subscribed.

Applicants will be placed into their relevant tier based on these criteria. Applicants that qualify under Tier 1 will be granted entry to the Measure, followed by Tier 2, 3 etc. The total number of applicants granted entry will be determined again by the total budget. Where the total budget is allocated in a particular tier then applicants in lower tiers will not be considered.

The tiers for the Measure are as follows.

<b>Tier</b>	<b>Category</b>
1	Applicants declaring oat parcels for inclusion in the Measure on their BISS application with less than 15% of area on the holding declared as grass/permanent pasture on their BISS application
2	Applicants declaring oat parcels for inclusion in the Measure on their BISS application
3	Applicants declaring wheat and/or rye parcels for inclusion in the Measure with less than 15% of parcels on the holding declared as grass/permanent pasture on their BISS application
4	Applicants declaring wheat and/or rye parcels for inclusion in the Measure on their BISS application
5	Applicants declaring barley parcels for inclusion in the Measure with less than 15% of parcels on the holding declared as grass/permanent pasture on their BISS application
6	Applicants declaring barley parcels for inclusion in the Measure on their BISS application
7	Applicants declaring OSR parcels on their BISS application



It is important to note that any changes to the crops declared on the BISS application may have an impact on the Tier an applicant is in and consequently the applicant's selection for the Measure. For example, an applicant who has a total farm area of 20 ha (10 ha of oats and 10 ha of oilseed rape) would be a Tier 2 applicant. If the applicant later amends the crops declared under the Measure to only the oilseed rape, they will move to Tier 7. If Tier 7 applicants had not been admitted to the Measure, then the consequence of the above change would be removal from the Measure.

## 8. General Rules for Other Schemes

### Hemp Production

#### Licence

Hemp may only be grown where the Minister for Health has granted a licence under the relevant Misuse of Drugs legislation. There are two distinct types of hemp production covered by this scheme: Hemp for Food Use and Hemp for Industrial Use.

Article 4(4), second subparagraph, of Regulation (EU) No 2021/2115 states that “Areas used for the production of hemp shall be eligible hectares only if the varieties used have a tetrahydrocannabinol content not exceeding 0,3%”.

#### Primary Use

In the Crop Category table in Annex 1 of this publication, there are two crop types “Hemp for Food use” and “Hemp for industrial use”. Please select the appropriate use on the BISS application. In instances where the crop is being used for both food use and industrial use, please select the crop that has the more valuable end use.

#### Additional Application

It is required that, where a farmer has indicated that he/she intends to produce hemp on their BISS application, an additional application to Produce Hemp needs to be submitted and should 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.

This form can be obtained from: Co-Ordination Section, Department of Agriculture, Food & the Marine, Old Abbeylax Road, Portlaoise, Co. Laois, R32 RPA6. Phone 057-8654422

#### Approved Seed Variety

Article 2 of Commission Delegated Regulation (EU) 2022/126 outlines that the granting of payments for the production of hemp shall be conditional upon the use of seeds of hemp varieties which fulfil the following requirements:

- (a) they are listed in the Common Catalogue of Varieties of Agricultural Plant Species on 15 March of the year in respect of which the payment is granted and published in accordance with Article 17 of Council Directive 2002/53/EC;
- (b) their  $\Delta$  9-tetrahydrocannabinol content did not exceed for 2 consecutive years the limits laid down in Article 4(4), second subparagraph, of Regulation (EU) No 2021/2115;

- (c) they are certified in accordance with Council Directive 2002/57/EC or in accordance with Article 10 of Commission Directive 2008/62/EC in the case of conversation varieties.

## Organic Farming Scheme (OFS)

### Not declaring OFS parcels

- Participants must submit an on-line application for the BISS each year. Each on-line OFS application must relate solely to one BISS application. **An on-line application for BISS each year will be deemed to be the annual payment claim under the OFS.** To be eligible for payment, land must be either owned or leased by the applicant for a minimum of five years and for the full duration of the Scheme contract period and declared on their annual BISS application for the duration of the contract period. The farmer who applies for the OFS must declare all of the land on his/her BISS application and must be an organic licence holder. If the BISS application is made in joint names both names will be on the OFS application and therefore both names should be stated on the Organic Licence.
- To activate payment in the first and subsequent years, a farmer must make a payment claim in accordance with the deadline for the submission of the Basic Income Support for Sustainability application. Only parcels declared on the on-line Basic Income Support for Sustainability application each year and registered with a unique number on the Department's Land Parcel Identification System (LPIS) will be considered for payment under the Organic Farming Scheme. The maximum eligible area on which payment can be claimed is the eligible organic land declared on the initial online BISS application in the year of commencement of OFS contract subject to the provisions of Section 11 of the OFS Terms and Conditions, Adding Land to an Existing OFS Contract.
- Where a participant continues to farm organically, i.e. licensed by an Organic Control Body, but does not retain all the land parcel(s) under organic production methods for the duration of the contract period, the Department will recoup the amount paid in respect of the land parcel(s) not retained under organic production, including interest payable at the rate provided for under Statutory Instrument Number 497 of 2022 European Communities (Recovery Of Amounts) (Amendment) Regulations 2022. Future payments will be calculated on the reduced area with due regard to the exception outlined in Section 12 (c ,d, e & f) of the OFS Terms and Conditions.

## **Correct crop use and crop categories**

- OFS participants should ensure that the declarations in relation to parcel use and crop category on their 2024 BISS application for OFS parcels also meet the requirements of OFS, as failure to abide by the Terms and Conditions of the scheme may lead to parcels becoming ineligible and may also lead to recoupment and penalty.

## Agri-climate Rural Environment Scheme (ACRES)

If you are participating in the Agri-Climate Rural Environment Scheme (ACRES) and benefitting from payment under that Scheme, you are reminded that, when you are completing the 2024 Basic Income Support for Sustainability (BISS) application, farmers admitted to ACRES must submit a payment claim annually within the deadline for the submission of applications for BISS. For the purposes of ACRES, the annual payment claim shall form part of the annual BISS application. Where you reduce the area claimed on an ACRES land parcel or where you fail to declare the correct crop use or where you fail to declare that parcel altogether it may result in a reduction/recoupment and/or penalty.

All applicants approved into ACRES must submit a valid BISS application form in each of the years of their contract, in the Business ID their (ACRES) scheme contract is currently held. Failure to do so will result in the application of sanctions up to and including termination of contract and recoupment of all monies previously paid.

Participation in ACRES is subject to compliance with the Terms and Conditions of the relevant Tranche under which contract was approved and the Specifications for that Tranche. These documents may be accessed at <https://www.gov.ie/en/service/f5a48-agri-climate-rural-environment-scheme-acres/>

ACRES participants are reminded that all lands brought into the ACRES must be declared on the participant's BISS application for all of the years of ACRES participation.

There are four rotational area based general actions in ACRES, namely:

Brassica Fodder Stubble,

Catch Crops,

Minimum Tillage and

Over Winter Stubble.

ACRES participants that are claiming payment for any of these rotational actions for 2024 must indicate the area(ha) to be delivered in each LPIS parcel in the ACRES tab. For all other area-based ACRES actions the claimed area for each ACRES Land Parcel in the Land Details screen of the BISS application will also be regarded as the claimed area for the ACRES action.

ACRES participants should ensure that the declarations in relation to parcel use and crop category on their 2024 BISS application for ACRES parcels also meet the requirements of ACRES, as failure to abide by the Terms and Conditions of the scheme may lead to parcels becoming ineligible for ACRES and may also lead to recoupment and penalty.

To avoid delay in issuing the ACRES payment, farmers admitted to the Scheme must submit a payment claim annually within the deadline for the submission of applications for

BISS. For the purposes of this Scheme, the annual payment claim shall form part of the annual BISS application. In addition, submission of scorecard assessments will be required for results-based payments. Application for payment for conservation of rare breeds, Low Emission Slurry Spreading (LESS), Non-productive investments (NPIs) and landscape actions will be made as set out by DAFM.

ACRES participants with results-based actions must have their land assessed and have valid scorecards submitted by an Approved ACRES advisor in years 1, 3 and 5 of their ACRES contract or, alternatively, may opt to score in years 2 and 4 instead of years 3 and 5. Such a decision is on the basis that all results-based fields are scored; it is not possible to select rescoreing of an individual field. It should be noted, therefore, that ACRES Tranche 1 participants may indicate on the 2024 BISS application if they wish to have their lands scored in 2024. Prior to so indicating, a farmer should consult their ACRES advisor before committing to have lands assessed to ensure that the advisor is in a position to do the assessment.

In addition to the mandatory scoring in Years 1, 3 and 5 participants may opt to have their lands assessed and associated scorecards submitted in all years of the contract. An ACRES participant should, however, consult their ACRES advisor before opting for this to ensure that the capacity exists to score all of the required lands. It is important that an ACRES participant consult their ACRES advisor before committing to have lands assessed in any year other than Years 3 and 5 of their contract.

The claimed area of parcels in the ACRES section of the BISS application is deemed to be the area claimed for payment. The payment area for ACRES actions will be capped in line with the claimed area at the time of the ACRES application, however for area-based actions undertaken in split parcels that were subsequently re-digitised, the lower of the Eligible Hectare or the Claimed Area for the new LPIS in the BISS application for the first year of the ACRES contract will set the baseline for payments for that particular parcel for the duration of the contract. For Linear and unit-based actions, the units approved in the ACRES Scheme contract will set the baseline for payments for the duration of the contract. For the purpose of ACRES, payments will not increase with an increase in claimed area. If the claimed area reduces, payments will adjust in accordance with the reduced area and remain so for the remainder of the scheme, unless reduced again subsequently.

Where a parcel is split, the area must be digitised as a LPIS parcel. The new digitised parcels must be claimed in BISS for the following and subsequent years before the contract can be processed for payment.

Participants in the ACRES Co-operation approach may only select Non-Productive Investments and Landscape Actions within LPIS parcels that are claimed on their annual BISS application.

## **Late applications**

The 2024 BISS application is also the application for ACRES payments in 2024. Where the BISS application is submitted after the closing date for receipt of applications under the BISS scheme and attracts a late submission penalty, the payment claim under the ACRES Scheme shall also have the same level of penalty for late submission applied.

## **Inspections**

ACRES participants will be subject to inspections. Farmers in applying agree to permit officials or agents of the Department to carry out on-farm inspections without prior notice and without prejudice to public liability. To facilitate checks and on-farm inspections, farmers shall co-operate with Department staff, reply in full to all queries and provide any documentary evidence that may be requested in relation to their ACRES participation. 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 farmer, the application shall be rejected unless the Department determines an instance of force majeure or exceptional circumstances.

## **Penalties**

- Failure to comply with ACRES Terms and Conditions will result in an appropriate penalty/sanction.
- Penalties will apply to certain specific breaches of ACRES and are set out in Annex 5 of the ACRES Terms and Conditions for the Tranche under which the participant was approved into the Scheme.
- Interest payable at the rate provided for under Statutory Instrument Number 497 of 2022 European Communities (Recovery Of Amounts) (Amendment) Regulations 2022 (or any subsequent updated legislation), may be applied to monetary penalties. Where applicable, interest will be calculated for the period elapsing between the payment deadline provided in the notification of the repayment obligation to the farmer, and either repayment or deduction.
- ACRES Penalty amounts may be deducted from future payments due to the beneficiary.
- Where monetary penalties are not paid or recovered within the period requested, the Department may take whatever action is deemed necessary for their recovery.

- In all cases the Department reserves the right to review files to establish whether a breach of ACRES conditions has occurred, which may lead to an appropriate sanction in line with the penalty schedule or termination of contract.
- Penalties may also apply resulting from the application of Administrative and Compliance Checks and Conditions of Payment.
- Where an area-based penalty is being applied, IACS rules apply.

Note: ACRES participants who have results-based actions only, that is have no general actions selected on their land, will not see the ACRES tab within the BISS application screens, as there are no mapped actions included in the application. It does not in any way affect the foregoing requirements in relation to ACRES and BISS. Annual claims for payment for ACRES results-based payments will be made by submitting a completed scorecard by the date to be advised.



## Suckler Carbon Efficiency Programme (SCEP)

Payments will be made on a per eligible hectare basis subject to a maximum payment which is calculated as follows:

- Participants set their programme reference number at the beginning of the programme in 2023. Each year of the programme, the participant can set their yearly reference number. The applicant can reduce the reference number by up to 20% of the previous year's reference number or where the participant had set the yearly reference number below the programme reference number in a previous year, they can go back up to the programme reference number set at commencement of the programme.
- The yearly reference number is divided by 1.5 to give a maximum payable area (MPA). For example, a farmer with a yearly reference number of 10 will have a MPA of 6.67 hectares.
- In order to avail of the full payment, an applicant must have at least enough determined eligible forage hectares on their BISS application each year to match their MPA. If the determined eligible forage area is less than the MPA but 80% or above, the payment will be based on this eligible forage area.
- If the determined eligible forage hectares in any year is less than 80% of the maximum payable area, the applicant can continue participation in SCEP but will not be paid for the year(s) that the land determined was less than 80% of the MPA.
- SCEP participants should ensure that the declarations in relation to parcel use and crop category on their 2024 BISS applications are correct.
- Provided that all requirements of the programme are met, a payment of €225 applies for the first 15 hectares and a payment of €180 applies for the remaining hectares up the maximum payable area.

## General Rules for Red Clover Silage Measure (RCSM)

### Introduction

The Red Clover Silage Measure (RCSM) aims to incentivise farmers to sow a mix of Red Clover and other species of clover and grass, which will allow for a more environmentally friendly production system. The measure will provide a financial contribution to participating applicants to offset part of the cost that farmers incur in the establishment of these swards, with the payment of up to €300 per hectare for the establishment of Red Clover Silage swards sown between the 16th July 2023 and 15th July 2024. The measure is expected to expand the area already established under earlier pilot programmes and to take advantage of the environmental benefits these swards provide. The measure is funded by the Irish Exchequer and notified under Agricultural Block Exemption Regulation.

### Who is eligible to apply?

To receive a support under Red Clover Silage Measure, eligible applicants must:

- Be a holder of a registered herd number or have applied for a herd number on or before 15th May 2024.
- Meet the definition of an “active farmer”, see Section 10 for further details.
- Submit a valid 2024 BISS and other area-based schemes application declaring their land located within the jurisdiction of Ireland, where the Red Clover Silage sward will/has been sown.
- Declare at least 1 ha of Red Clover Silage (RCS Measure) in BISS.
- Sow the Red Clover Silage sward mix at the recommended seeding rates of at least 30kg/ha, by 15th July 2024. The Red Clover Silage sward must be successfully established by 30th September 2024.
- The seed mixture must include 4kgs of Red Clover for each 12kg pack. The balance of the seed mixture must contain either Perennial Ryegrass or Hybrid Ryegrasses and may contain some White Clover. All varieties of Perennial Ryegrasses and any White Clover varieties included in the Red Clover Silage mixture must be included on the DAFM Grass and White Clover Recommended List Varieties for Ireland 2024. Only seed purchased after the 15th July 2023 and before or on 15th July 2024, can receive aid under this measure.

The area claimed can be made up of multiple parcels, sub-divisions or plots. If the claim is on a subdivided parcel, the applicant may be requested to submit Geotagged photos to confirm the cropping boundaries. Under this measure, Red Clover Silage swards are not permitted to be sown on Commonage land, Natura 2000 sites, NHA designated land, Environmentally Sensitive Permanent Grassland or within archaeological monument buffer zones. Areas declared and claimed as sown under the 2022 or 2023 measures are ineligible for payment.

The payment is €300 per hectare, up to a maximum of 20 ha per measure per applicant. In the event of oversubscription of the measure, a reduced payment rate on a per hectare basis will apply as appropriate.

The applicant may be requested to upload some or all the following:

- At least one of the official seed labels from the packs of purchased seed showing the composition of the red clover silage mixture.
- Invoices/ receipts/ statements for the purchase of the seed.

All Invoices/ receipts/ statements should be original, on headed paper and at least include the name, address, phone number and VAT number/Tax Reference Number TRN of the Agri-retailer/Co-op. In addition, the receipt must indicate -

- the name and address of the approved applicant
- the invoice number and date
- the quantity and weight of the bags of seed purchased.
- all invoices must be marked paid.

The Department reserves the right to request alternative evidence with regard to any invoice/receipt/statement submitted with a payment claim directly from the applicant or from a third party. If requested, an applicant must submit proofs of payment that are acceptable to the Department. These proofs will consist of copies of bank statements of the applicant's bank account showing relevant entries and/or copies of the two sides of encashed cheques. Applicant may also be requested to supply additional information like a)-geo-tagged photos(b)-contractor receipts.

## General Rules for the Multi-Species Swards Measure (MSSM)

### Introduction

The Multi-Species Swards Measure (MSSM) aims to incentivise farmers to sow Multi-Species swards, which will reduce reliance on nitrogen fertilisers and promote a more sustainable method of farming. The measure will provide a financial contribution to participating applicants to offset part of the cost that farmers incur in the establishment of these swards, with the payment of up to €300 per hectare for the establishment of Multi-Species Swards sown between the 16th July 2023 and 15th July 2024. Research involving Multi-Species Swards has demonstrated significant advantages associated with their use and to help realise these advantages there is a need to expand the area already established under the previous Multi-Species Sward programmes. The measure is funded by the Irish Exchequer and notified under Agricultural Block Exemption Regulation.

## Who is eligible to apply?

To receive a support under Multi-Species Swards Measure, eligible applicants must:

- Be a holder of a registered herd number or have applied for a herd number on or before 15th May 2024.
- Meet the definition of an “active farmer”, see Section 10 for further details.
- Submit a valid 2024 BISS and other area-based schemes application declaring their land located within the jurisdiction of Ireland, where the Multi-Species Swards sward will/has been sown.
- Declare at least 1 ha of Permanent Pasture (MSS measure) or Grass Year 1 (MSS measure) in BISS.
- Sow the Multi-Species Swards at the recommended seeding rates of at least 30 kg/ha by 15th July 2024. The Multi-Species Swards sward must be successfully established by 30th September 2024. The multi-species sward mixture must include 6 species and the inclusion rates listed below for each 12kg pack, is the minimum requirement. The species mix sown must at least contain the minimum quantities per hectare set out below. If desired additional species may be added in line with good agricultural practices for the establishment of multi-species swards. DAFM recommends that the total seeding rate should not exceed 35kgs/ha.

Plant Species	Weight per pack (kg)	Minimum amount per hectare (kg)
Perennial Ryegrass (PRG)	6.6	16.50
Timothy / other non-PRG grass	0.7	1.75
White Clover	1.5	3.75
Red Clover	1.5	3.75
Plantain	1.0	2.50
Chicory	0.7	1.75
<b>Total</b>	<b>12.0</b>	<b>-</b>

Only seed purchased after the 15th July 2023 and before or on 15th July 2024, can receive aid under this measure. Applicants participating in the Agricultural Practice 8 Eco-Scheme-Sowing a Multi-Species Sward are eligible to participate in the Multi-Species Sward Measure but will only be eligible where the Multi-Species Swards Measure is adopted in different parcel(s) to Eco-Scheme Agricultural Practice 8.

All varieties of Perennial Ryegrasses and any White Clover varieties included in the Multi-Species Swards mixture must be included on the DAFM [Grass and White Clover Recommended List Varieties for Ireland 2024](#).

The area claimed can be made up of multiple parcels, sub-divisions or plots. If the claim is on a subdivided parcel, the applicant may be requested to submit Geotagged photos to confirm the cropping boundaries. Under this measure, Multi-Species Swards are not permitted to be sown on Commonage land, Natura 2000 sites, NHA designated land, Environmentally Sensitive Permanent Grassland or within archaeological monument buffer zones. Areas declared and claimed as sown under the 2022 or 2023 measures are ineligible for payment.

The payment is €300 per hectare, up to a maximum of 20 ha per measure per applicant. In the event of oversubscription of the measure, a reduced payment rate on a per hectare basis will apply as appropriate.

The applicant may be requested to upload some or all the following:

- At least one of the official seed labels from the packs of purchased seed showing the composition of the Multi-Species mixture.
- Invoices/ receipts/ statements for the purchase of the seed.

All Invoices/ receipts/ statements should be original, on headed paper and at least include the name, address, phone number and VAT number/Tax Reference Number TRN of the Agri-retailer/Co-op. In addition, the receipt must indicate -

- the name and address of the approved applicant
- the invoice number and date
- the quantity and weight of the bags of seed purchased.
- all invoices must be marked paid.

The Department reserves the right to request alternative evidence with regard to any invoice/receipt/statement submitted with a payment claim directly from the applicant or from a third party. If requested, an applicant must submit proofs of payment that are acceptable to the Department. These proofs will consist of copies of bank statements of the applicant's bank account showing relevant entries and/or copies of the two sides of encashed cheques. Applicant may also be requested to supply additional information like a) geo-tagged photos(b) contractor receipts.

## 9. Herd number and Farm Partnerships

Applicants are required to be a holder of a registered herd number or have applied for a herd number on or before 15 May 2024.

### Herd number

Where a farmer is changing the registration details of the herd number, the application should be made to the Department's Regional Veterinary Office on or before 15 May 2024. Location and contact details for the Department's Regional Veterinary Offices is available at <https://www.gov.ie/en/organisation-information/9dc27-contact-us/#regional-veterinary-offices-rvos>. If your herd number application is approved, the changes will be applied from date of receipt of application.

If your herd number application is not processed before the application deadline you still need to apply for BISS Online. You can do this through a FAS approved advisor or by contacting the Direct Payments Helpdesk on 057 8674422.

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.

Where there is a change to a Herd number, you may also need to re-register for Online Services.

Where a farmer's herd number is no longer active, it will not be possible to apply online. The farmer will be given a message to this effect on the BISS Home Page. In these circumstances arrangements should be made with the Department's Regional Veterinary Office to have the herd number reactivated.

Please note a facility to submit an application requesting the Transfer of Entitlements from an expired herd number is available by using the online application facility on Agfood.ie. To do this, applicants will need to register first at [www.agfood.ie](http://www.agfood.ie) or contact Agfood Online Services Helpdesk in the Department's Cavan Office, Lo call 049 4368288 /email [agfood@agriculture.ie](mailto:agfood@agriculture.ie).

If making an application in the estate of a deceased person, contact should be made with the Department's Inheritance Enquiry Unit, Eir Building, Knockmay Road, Portlaoise, Co Laois, R32 YK81, 057 8689995 or [inheritance@agriculture.gov.ie](mailto:inheritance@agriculture.gov.ie)

### Registered Farm Partnerships

Farm partnerships involve the coming together of two or more farmers (including those persons who have acquired the relevant agriculture qualification) to operate the farm business as a single entity. Among the benefits of creating a farm partnership are improved efficiency, a better work life balance and greater economies of scale at farm level. Within

family farms the creation of a farm partnership often allows parents and children to begin the process of intergenerational transfer.

In order to encourage the development and maintenance of such partnerships, the Department and the Revenue Commissioners operate a series of incentives. These include the granting of an enhanced 50% stock tax relief to members of registered farm partnerships; the recognition of such arrangements in the calculation of payments under the Pillar I and Pillar II Schemes; and the introduction of a Support for Collaborative Farming Grant Scheme for brand new farm partnerships.

However, to be eligible for these incentives, farm partnerships must be placed on the Department's Register of Farm Partnerships.

Those wishing to have their farm partnership placed on the Register should submit their application to the Department's Registered Farm Partnership Unit - see Department's website: [www.gov.ie/registerafarmpartnership](http://www.gov.ie/registerafarmpartnership)

Please note that all applications to place farm partnerships on the Department's Register must have been received by the Registered Farm Partnership Unit, by **Friday 09 February 2024** to ensure an RFP number is issued in time to apply for BISS by the 15 May 2024 deadline.

Once farm partnerships are placed on the Register, they will receive a registered Farm Partnership Number (RFP). This RFP should be used when applying for all Department support schemes.

It is important to note that if any or all of the partners use a FAS approved advisor to submit their applications, the Nominated Person (Precedent Partner) in the farm partnership should contact the advisor to organise the new login facilities.

Please note that a Registered Farm Partnership can only submit a BISS and other area-based schemes application through the Department online facility and should only use the RFP Number when submitting the application. **Individual members of the Partnership should not apply under their own herd number.**

### Registered Farm Partnerships and BISS

A farm partnership is a legal business arrangement where two or more individuals come together combining their respective resources to achieve mutual benefits. Members of a farm partnership who own individual sets of entitlements receive a combined payment. For the purpose of payment and usage of entitlements, where a partnership exists with multiple herd numbers, the eligible land declared by each individual partner may only support the entitlements held by that partner.

Where entitlements exist and the partnership formation has involved a change of ownership/name of a herd number, it is necessary for the parties involved to submit a 2024 online Transfer of Entitlement application. The closing date for submission of the application is 15 May 2024.

Capping of BISS payments and CRISS hectare limit will apply at the herd level within partnerships.

### Registered Farm Partnerships and ANC

Applicants who are partners in a farm partnership can, subject to conditions outlined below, continue to benefit individually under the ANC Scheme based on the area of ANC land they contribute to the partnership.

Applicants registered under Farm Partnership Registration are required to submit one 2024 BISS and other Area-based Schemes application form through the Departments online facility. In order to be considered under the ANC scheme at an individual level each partner should individually declare all land farmed by them within the partnership.

All partners who declare designated ANC lands at individual level will be considered under the ANC scheme.

Individual maximum land thresholds will be applicable to each individual partner in respect of designated ANC lands declared.

Thereafter, scheme eligibility requirements in respect of the 28 consecutive weeks stock retention period and the annual average stocking density must be met at overall partnership level in respect of all forage hectares.

NOTE: Where the overall partnership holding fails to meet scheme eligibility requirements in respect of either the 28 consecutive weeks stock retention period or the annual average stocking density, no payment will be due to the partnership or any partners in respect of forage hectares. Only one payment under ANC will issue to the Partnership. All payments due to the individual partners will be combined into a single payment, which will issue to the partnership.

### Registered Farm Partnerships and Eco-Scheme

Partnerships are eligible to apply for relevant agricultural practices in the Eco-Scheme. However, where a partnership applies for Eco, they must meet the required commitments across the entire holding of the partnership.



## Recognised Share Farming Arrangements

Share Farming Arrangements are recognised by the Department of Agriculture, Food and the Marine for the purpose of Crop Diversification element of GAEC 7 obligations.

Share farming is where two or more people carry on farming businesses under an agreed arrangement on the same land without forming a partnership or company. All the farmers involved share the associated benefits and the risks.

In order to avail of Share Farming, all parties must register their interest with DAFM by completing the Share Farming Application Form. This form is available on the DAFM website under *Schemes and Payments – Share Farming* along with the Terms and Conditions of the Share Farming Arrangements.

As part of the registration process, applicants are required to provide copy of the Share Farming Agreement which must at a minimum specify that all parties to the share farming arrangement are responsible (fully or partially) for both inputs and outputs of the enterprise. Thereafter the Department may formally recognise a share farming arrangement on submission of a completed BISS application, the share farming agreement, and any other necessary supporting documentation.

For the purpose of GAEC 7 Crop Diversification, the number and percentage of crops will be calculated using details of crops sown by all parties to the agreement.

In addition, any issues relating to the eligibility of the land declared by the share farming arrangement will be dealt with at the level of the arrangement. Non-compliance with the Conditionality requirements may be assessed at the level of each individual member of the share farming arrangement provided the non-compliance can be established at that level.

- Where a party to the agreement is selected for inspection, all parties to the agreement will be selected for inspection.
- Where a Conditionality penalty is applicable to one or more of the parties to the share farming agreement, this penalty will be applicable to all parties to the agreement.

## 10. Active Farmer

The “active farmer check” is to ensure the person receiving the scheme payments, is the person farming the land being claimed.

There are different ways that an applicant can satisfy the “active farmer check”, such as:

- Meeting a minimum stocking level of 0.10 livestock units per hectare (equivalent to at least 1 ewe per hectare), or
- Other farming activities e.g. producing crops, cutting hay/silage, topping, maintaining landscape features, etc.

Further information on stocking requirements is outlined in **Annex 4**.

If a farmer is deemed to be inactive, no CAP payments will be made.

If the applicant is a grassland farmer, the Department will check if they have satisfied the minimum stocking rate of 0.10 livestock units per forage hectare<sup>1</sup>, in 2023. Further information in relation to the stocking rate levels are set out in Annex 4.

If an applicant does not meet the minimum stocking rate in 2023, the applicant could choose to:

- a) Meet the minimum stocking rate in 2024 e.g. if they plan to buy stock in 2024. Applicants would then be using the current year, instead of the previous year, for the stocking rate check in future years. However, opting for the current year for the stocking rate check may result in scheme payments not issuing until March 2024,
- b) Provide evidence of making hay/silage or topping e.g. a receipt from a contractor in the applicant's name or a GEOTAG photo demonstrating the activity,
- c) Provide evidence of landscape feature maintenance e.g. a receipt from a contractor in the applicant's name or a GEOTAG photo demonstrating the activity, and/or
- d) Provide receipts for seed, fertiliser, pesticides, etc. in the applicant's name.

If an applicant is not a grassland farmer, the Department may request evidence of the agricultural activity declared on their Basic Income Support for Sustainability (BISS) application. To be deemed active, they may need to do the following:

- a) Provide evidence of planting or harvesting crops e.g. a receipt from a contractor in the applicant's name or a GEOTAG photo demonstrating the activity,

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<sup>1</sup> A lower stocking rate may apply based on environmental grounds.

- b) Provide evidence of landscape feature maintenance e.g. a receipt from a contractor in the applicant's name or a GEOTAG photo demonstrating the activity, and/or
- c) Provide receipts for seed, fertiliser, pesticides, etc. in the applicant's name,
- d) Provide a copy of a valid share farming agreement.

If an applicants' agricultural activity does not fit into any of the above categories, a free text box will also be presented on the Basic Income Support for Sustainability (BISS) application to allow the applicant to indicate what agricultural activity they are undertaking on their holding. This information will be reviewed by the Department and further information may be requested.

## 11. Land Parcel Identification System

The Land Parcel Identification System (LPIS) is the mapping system used by the Department to record and manage all land declarations under the various area-based schemes.

The LPIS is based on reference parcels which correspond with the land holdings of applicants. LPIS reference parcels can contain multiple fields, and where necessary for scheme purposes, individual reference parcels may be created to identify lands that are part of a specific scheme measure, for example ACRES actions.

In order to manage and validate the areas submitted for payments, reference parcels can only be created / updated once they meet the following conditions:

- The boundary of the reference parcel must correspond with clearly defined topographical features on the ground, for example hedgerows, stone walls, permanent fencing etc.
- In circumstances where there is no clearly visible physical boundary on the imagery but where a boundary exists on the ground, then other reference sources can be provided by applicants to validate their requests, for example folio maps. This typically will arise in cases of unenclosed lands, particularly commonages, but also callow type land.
- Individual reference parcels cannot contain land that is both owned and / or rented leased.

Request to merge parcels will not be carried out in the following circumstances:

- Where the individual reference parcels are in different ACRES measures
- Parcels in Co-operation Zones and where the applicants are in ACRES
- Where one or more of the parcels is under a live forestry contract

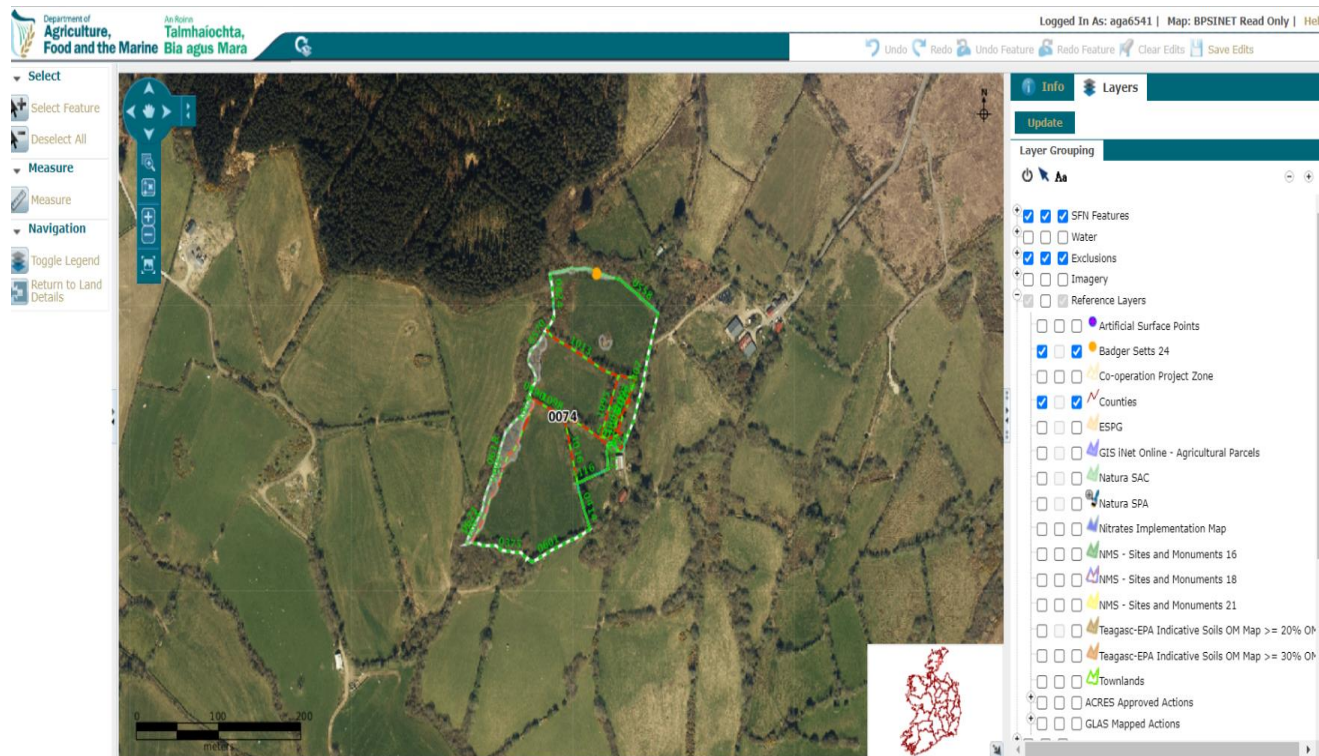
Where an applicant has multiple crops within individual fields, then individual agricultural parcels / temporary sub-divisions should be created rather than individual reference parcels. Typically, this will be required for tillage farmers where there is more than one crop within a field.

However, in some situations the creation of multiple temporary sub-divisions may be impractical where the individual areas involved are small. This can typically occur with

market garden situations where a number of different vegetable types are grown. In this situation it is advisable simply claim the single crop type “Mixed Cropping” instead of declaring a multitude of sub-divisions.

## Badger Setts Maps

Please note that for 2024, maps show the location of any badger setts identified by the DAFM wildlife unit or uploaded by farmers on the DAFM badger app Report Badger Sett available on [www.bovinetb.ie](http://www.bovinetb.ie) (locations correct as per 31/12/2023). These setts, where identified are denoted by an orange dot (please see screenshot below). Farmers are advised to ensure that livestock are prevented from accessing these setts or the immediate area surrounding these setts through appropriate fencing to reduce the risk of transmission of bovine TB from badger to cattle. Please be aware that the purpose of the fencing is to keep cattle away from the badger setts, and not to fence badgers in. In addition please be aware that both badgers and their setts are protected under the Wildlife Acts, and interfering with either is an offence.



## 12. Land Availability

### Land at Disposal

Lands declared by a farmer must be at the farmers disposal. The land may be owned, leased, rented or there may be alternative contractual agreements in place to allow the land to be declared. Evidence of the land being at a farmer's disposal may be requested in certain circumstances, for example where the land has been declared by two farmers i.e. a dual claim.

If, in keeping with an applicant's standard farming practice, they enter into leases or letting agreements for any of the lands declared on their 2024 BISS application, they must be in a position to provide verifiable evidence if requested that the land is available to them for the required period as set out under the "Land Availability Rule" below.

There must be independent and suitable access for animals and/or machinery for the farming enterprise being conducted. Independent access means access by public or private roadway or by a defined right of way. Access over adjoining landowners land, or over land which is subject to a lease or rental agreement to another person, is not acceptable.

### Commonage

Farmers who wish to declare commonage must be able to provide evidence of their right to declare the land. The type of evidence that is acceptable depends on the type of commonage being declared. For example, in the case of a registered share in a commonage, the relevant folio from Land Registry, showing the share in the lands would be deemed acceptable.

It is important to note that to claim grazing rights on a commonage, in the case of an appurtenant grazing right, you must also be claiming the relevant lowland. Typically, an appurtenant grazing right is one where the right to graze commonage is directly associated with specific lowland. The right to graze in general cannot be separated from the lowland.

### The Land Availability Rule

**To claim payment under the 2024 BISS, all of the hectares of land declared by the farmer to support their claim (owned, rented-in and leased-in) must be subject to an agricultural activity from the beginning of the year until after 31 May 2024 or from before 31 May 2024 to 31 December 2024.**

Lands that the farmer declares as being at their disposal must be maintained as agricultural land for the 2024 calendar year or planted under the Afforestation Grant and Premium Scheme in 2024. If the farmer becomes aware that a land parcel or any part thereof is

going to be used for a non-agricultural purpose during 2024 (for example, the transfer of a house site, extending the farmyard, etc.), this land has to be excluded from the BISS application. Farmers can apply to have a land parcel or parcels deleted from their application after the closing date for receipt of amendments (31 May 2024), if they become aware that the land parcel or parcels in question are going to be used for non-agricultural activity during 2024. This facility only applies if the farmer has not been notified of any irregularities by the Department of Agriculture, Food and the Marine or they have not been notified or became aware of an on-the-spot inspection or an on-the-spot inspection does not reveal any non-compliances for the parcel(s) concerned.

**In the case of the ANC scheme, the land must be available to the farmer for the entire calendar year. An eleven-month conacre agreement will be deemed to also be eligible but the farmer may be deemed responsible for breaches of the conditionality requirements for the entire calendar year.**

Where an applicant has indicated in their application that lands will not be available for the full calendar year, the required stocking rate density will be recalculated on a pro rata basis with reference to the period for which the lands are available.

Payments under the Schemes set out above may only be made, where the Department is satisfied that the applicant is a farmer who is engaged in an agricultural activity during the 2024 Basic Income Support for Sustainability Scheme year.

Landowners submitting new parcels as part of a BISS application, which include lands have been converted from forest lands to other land uses will be required to demonstrate that the forest removal is in compliance with the requirements of the Forestry Act 2014 and the EU Deforestation Regulation (EU) 2023/1115. Landowners may be subject to prosecution if forests have been removed without a felling licence as required under the Forestry Act 2014.

**Parcels that have been converted from forest lands to other land uses and satisfies the EU Deforestation Regulation, and where the landowner has planted an alternative area of forest as a condition of a valid felling licence, will be considered eligible for BISS.**

### Short Term Grazing Agreements

A short-term grazing agreement is where lands are rented from one farmer to another for part of the year and it typically involves two different farmers using the land within the calendar year. The farmer who declares the land on the BISS form and who farms the land on 31 May is the one eligible to receive area based payments.

In the case of short-term grazing agreements entered into after 31 May 2024 it should be noted that this land will not be eligible for ANC to either party to the agreement.

In order for the land subject to the short-term grazing agreement to be considered for the purposes of the Nitrates calculation, the transferee must forward a completed Record 5 Form and a copy of the agreement to the Department of Agriculture, Food and the Marine, Nitrates Section, Water & Air Quality Division, Johnstown Castle, Co Wexford by 31 December 2024. Where a farmer 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 at the time of the inspection, if requested. A copy of the 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, Food and the Marine.

**For the purposes of the Nitrates Regulations, the reference area declared by you on your Basic Income Support for Sustainability Scheme application will be used to calculate compliance with the Nitrates Regulations (SI 113 of 2022 as amended). The Explanatory Handbook for Good Agricultural Practices for the Protection of Water Regulations 2022 provides 'Helpsheets' to allow a farmer check their compliance with the Nitrates Regulations. This handbook is available on the DAFM website: -**

**[www.gov.ie/nitrates](http://www.gov.ie/nitrates)**



## 13. Land Eligibility

For the purposes of BISS and other area-based schemes, an eligible hectare is an **agricultural area** that is used for an **agricultural activity**.

### Agricultural Area

An Agricultural Area is comprised of arable land, permanent crops and permanent grassland, along with agroforestry systems.

Arable land is land used for crop production with a full list of crops available in Annex 1. Permanent Grassland is land used to grow grasses or herbaceous forage including heather and rushes and Permanent Crops are lands that yield repeated harvests, for example willow.

Non-agricultural areas are ineligible for payment irrespective of the activity being carried out. Non-agricultural areas include the following:

- Artificial areas such as roads, paths, buildings, farmyards, quarries
- Waterbodies such as streams, lakes, and ponds greater than 0.2 ha.
- Sand
- Areas predominately used as sports fields, golf courses, pitch and putt courses.

### Agricultural Activity

An agricultural activity includes the production of agricultural products, such as livestock or growing crops (including by the way of paludiculture) or can involve the maintenance of the agricultural area.

An agricultural activity will be determined by the characteristics of the agricultural area. Clear and obvious signs of a maintenance activity within the agricultural parcel must exist that make it suitable for grazing or cultivation, without preparatory action going beyond the use of usual agricultural methods and machinery. This can include the following:

- Topping
- Mulching
- Controlled Burning
- Spraying

This may also include clear and obvious signs of on-going maintenance activities on the Landscape Features that exist within the agricultural parcel. This can include the following:

- Hedge cutting
- Ditch cleaning

Once evidence of on-going maintenance is visible the height of permanent grassland within the agricultural parcel is not relevant.

In order to determine that an agricultural activity is being carried out so that the lands are eligible for payment, the Minister may have regard to whether the lands are fenced in a manner appropriate to the nature of the agricultural activity. For example for livestock farming appropriate fencing means stockproof fencing that adequately controls and separates animals from adjoining holdings.

## **Controlled Burning**

Under Section 40 of the Wildlife Act, 1976, as amended by the Wildlife (Amendment) Act 2000, growing vegetation cannot be burnt between 1 March and 31 August of any given year (the closed period), on any land not yet cultivated.

Where land has been burned between 1 March and 31 August, it is not in a state suitable for grazing or cultivation and therefore is not eligible for the remainder of the year.

**In circumstances where lands are burnt during the closed period, but where the applicant has not been responsible for setting the fire or engaging another party to do so, DAFM may consider an application under Force Majeure. See Section 17 for further details. Where an applicant submits clear evidence to demonstrate that they are not responsible DAFM may consider removing any penalties or in duly justified situations the lands may be considered eligible under Force Majeure.**

Lands will remain eligible where controlled burning has been carried out at the right time of the year in full compliance with all relevant environmental legislative requirements and any other lawful requirements, having first consulted with and notified the Gardaí and the local fire service. In the case of Natura lands (lands designated as SAC and/or SPA), prior approval must be obtained through the Activities Requiring Consent (ARC) system as implemented by NPWS.

Further information in relation to burning is included in Annex 3.

## **Activity every second year**

In certain circumstances eligible agricultural area's may be used for agricultural activities only every second year. This can occur in respect of cases for environmental, biodiversity or climate related reasons.

In circumstances where an applicant wishes for an activity every second year to be considered, they may have to provide evidence, setting out the basis for this approach. It may be considered in situations such as SAC or SPA lands where a reduced level of agricultural activity would assist in protecting/improving the habitat present on the holding.

## Predominant Activity

The agricultural activity must be the predominant activity on the area. Where non-agricultural activities also occur, that area shall be considered to be used predominately for agricultural activities provided that the agricultural activities are carried out for more than 50% of the calendar year and can be exercised without being significantly hampered by the intensity, nature, duration and timing of the non-agricultural activities.

## Administrative Checks

A selection of claimed parcels will be subject to administrative checks each scheme year to verify the activity of the parcel. Applicants may be asked to provide evidence of the agricultural activity, this might be in the form of a geotag photograph, receipts from hay sales, contractor receipts etc.

Applicants may also be asked when submitting their 2024 BISS application to indicate the agricultural activity taking place on the parcel in the scheme year.

**Where the activity is being carried out by a third party the parcel will be deemed ineligible for payment.** The onus will be on the applicant to prove that an agricultural activity is taking place and they are responsible for said activity.

**Where the agricultural activity cannot be verified the parcel will be deemed ineligible.**

## Other Eligible Areas

An eligible hectare is firstly an **agricultural area** that is used for an **agricultural activity**, but it can also contain other areas as set out below.

## Designated Landscape Features

Hedgerows, including trees in a line, drains, ponds (to a maximum of 0.2ha), Designated Habitat (former REPS 4A habitats) and National Monuments are all known as Designated Landscape features and are all eligible for payment and are considered part of the eligible hectare. For more information on Designated Landscape Features see Section 14.

## Other Landscape Features

Other landscape features such as stone walls can be considered part of the eligible hectare.

## Beneficial Features

Other beneficial features, such as scrub and rock may occupy up to 50% of the reference parcel. These features can be scattered throughout the reference parcel or can be confined to a particular area within the parcel.

Any artificial features (roadways etc.) plus any waterbodies (rivers, streams etc.) must be deducted in full. However, beneficial features will be deemed part of the eligible hectare once they are less than 50% of the reference parcel area minus deductions for any artificial features and waterbodies.

The main beneficial features are set out below:

- Scrub
- Trees
- Woodland
- Habitat
- Rock

Where beneficial features are present, they **MUST** continue to be redlined out by the applicant or their FAS advisor on their behalf. Once that is done, there are three possible categories that a parcel can be placed in.

Parcel Reductions		
Category	% Beneficial	Reduction to be applied
1	0 up to 50	0
2	50 up to 70	Area Identified
3	70 up to 100	100

**The above categories apply to Permanent Grassland only. Arable lands and Permanent Crops where the percentage exceeds 50% are deemed ineligible.**

An exemption to this will be applied in the Burren/Aran, which are unique karst limestone regions.

Sample calculations can be seen in the **Land Eligibility Guide**, which is available on the Department's website. [gov - Land Eligibility \(www.gov.ie\)](http://www.gov.ie)

## **Environmental Commitments**

Where lands are part of any scheme designed, managed and monitored by a national body with the intention of contributing to the national environmental, biodiversity and climate related objectives, then the lands will remain eligible even if, as a result of scheme requirements, the lands no longer comply with the base definition of eligibility.

Furthermore, eligibility will also be maintained as a result of the undertaking of activities, for environmental, biodiversity or climate related reasons duly justified by a competent individual, even when the lands are not part of a specific scheme. In circumstances where an applicant wishes to be considered, they will have to provide evidence, setting out the basis for this approach and may require the 'Stocking Rate Derogation Assessment Form' to be completed, where stocking rates are significantly reduced or where no stock will be permitted to access the lands over many years. See Annex 4 – Stocking Rate Check for more details, in particular the implications for Minimal Stocking rate for Active Farmer, Eco Scheme, Organics and ANC. The derogation may be considered in situations such as SAC or SPA lands where a reduced level of agricultural activity would assist in protecting/improving the habitat present on the holding. For example, hen-harrier nesting sites.

## **Forestry Eligibility**

Lands afforested under the Afforestation Grant and Premium Scheme and Native Tree Area Scheme are considered an eligible hectare.

If you are in receipt of aid under the Afforestation Grant and Premium Scheme (including the FEPS, the Native Woodland Establishment Scheme, the Agroforestry or the Forestry for Fibre Scheme) or the Native Tree Area Scheme you are obliged to declare all the land parcels on your holding on your 2024 BISS application.

All land parcels in receipt of payment under the Afforestation Grant and Premium Scheme (including the FEPS, the Native Woodland Establishment Scheme the Agroforestry or the Forestry for Fibre Scheme) or the Native Tree Area 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 2024 will be eligible to draw down a BISS payment in 2024 provided that the afforested land meets the following requirements:

- The area must have given a right to payment under the Basic Payment Scheme

- Farmers who wish to benefit from the BISS Payment on afforested land, must be the person or persons named as forestry scheme beneficiary, or joint beneficiary. This means that you must be the person or persons eligible for payment of the forestry premium in the relevant year  
Please note this also applies to members of the same family.
- The afforested land meets all the requirements of the Afforestation Grant and Premium Scheme (including the FEPS, the Native Woodland Establishment Scheme the Agroforestry or the Forestry for Fibre Scheme).
- Eligible Forestry parcels that are declared on BISS applications to activate entitlements will also be subject to conditionality requirements.

**Farmers who plant land parcels under an Afforestation measure in 2024 before submitting their BISS application should declare the land as Forestry 2024.**

Once the period of premia payments under your Afforestation measure has concluded, these parcels will remain eligible for BISS once you maintain your mandatory commitment to that particular Afforestation measure by complying with the provisions set out in the Forestry Act 2014. This includes Agroforestry.

However, where an applicant engages in agroforestry outside of the Afforestation Grant and Premium Scheme, the lands will remain eligible provided that the following conditions are met:

- A stocking rate of 400 - 1000 trees per hectare (equal spacing) is acceptable
- A tree-to-tree width of 20 metres is required
- Acceptable broadleaf species will include oak, sycamore and cherry. Other species, including conifers can be considered on a site-by-site basis.
- Grazing by sheep or young domestic stock is permitted during the spring and summer months for the first 6-8 years, depending on tree growth, but trees must be protected, and tree shelters checked regularly.
- Thereafter, when tree shelters are replaced with plastic mesh, larger animals may be introduced.
- Silage and hay production is permitted. It is important that appropriate machinery is used when cutting silage and/or hay so as to ensure that the trees are not inadvertently damaged.
- Where a lower stocking density (i.e. <400 trees per hectare) the land will be classified as permanent grassland / arable / permanent crops.

## Reference Areas

The Eligible Hectare (EH) value at reference parcel level is the eligible area for payment purposes.

The LPIS parcel information is also used as the basis for the stocking rate calculation for Nitrates and for Active Farmer, ANC and Eco scheme (Ag Practice 2 & 3). The EH value will not always be used for this purpose. To get a more accurate reflection of the available nutrient area at reference parcel level a **reference area** will be calculated. This is the total area of the parcel with any non-productive areas deducted. For example, a parcel of 10 ha with 2 ha of scrub would have an EH value of 10 ha, but a reference area of 8 ha. For the calculation of stocking rates at holding level the reference area will be used for the crops listed in Annex 1 and marked with a 'Y' under the Reference Area column.

Sample calculations can be seen in the **Land Eligibility Guide**, which is available on the Department's website . [gov - Land Eligibility \(www.gov.ie\)](http://gov.ie/Land-Eligibility)

## 14. Conditionality

Conditionality sets the baseline requirements for farmers in receipt of CAP payments and replaces the “cross compliance” requirements in the previous CAP. Conditionality consists of Statutory Management Requirements (SMRs) and Good Agricultural and Environmental Condition (GAEC) standards as detailed in Annex III of EU Regulation 2021/2115 in respect of the following specific areas;

- the climate and the environment, including water, soil and biodiversity of ecosystems,
- public health and plant health, and
- animal welfare.

The conditionality requirements are implemented in two ways:

1. Statutory Management Requirements (SMRs) - these refer to the legislative requirements concerning the climate and the environment, public health and plant health, and animal welfare. These are laid down in legislation and are applicable to all farmers - not just those participating in CAP interventions.

The SMRs under Conditionality are;

- SMR 1 Water Abstraction and Protection of waters against pollution caused by phosphates
- SMR 2 Protection of waters from pollution caused by nitrates
- SMR 3 Conservation of wild birds
- SMR 4 Conservation of natural habitats and of wild flora and fauna
- SMR 5 Food and feed hygiene
- SMR 6 Restrictions on the use of substances having hormonal or thyrostatic action and beta-agonists in farm animals

- SMR 7 Proper and safe use of plant protection products
  - SMR 8 Sustainable use of plant protection products
  - SMR 9 Minimum standards for the protection and welfare of calves
  - SMR 10 Minimum standards for the protection and welfare of pigs
  - SMR 11 Minimum standards for the protection and welfare of animals kept for farming purposes
2. Good Agricultural and Environmental Condition (GAEC) - these refer to a range of standards concerning soil, climate change mitigation, habitats, and water. There are nine GAECs in the agreed Regulation. These apply to all farmers receiving CAP support and have been tailored to Ireland based on farm size, farm structures and the specific characteristics of the areas concerned, including soil and climatic condition, existing farming systems and land use.

The GAECs under Conditionality are;

- GAEC 1 Maintenance of permanent grassland based on a ratio of permanent grassland in relation to agricultural area.
- GAEC 2 Protecting Peatlands and Wetlands. (not applicable in 2024)
- GAEC 3 Burning of arable stubble is not allowed, except for plant health reasons.
- GAEC 4 Establishment of buffer strips along water courses.
- GAEC 5 Tillage management, to reduce the risk of soil degradation and erosion.
- GAEC 6 Land management practices to reduce the risk of soil degradation and erosion.
- GAEC 7 Crop rotation in arable land.
- GAEC 8 Minimum share of agricultural area (4%) devoted to non-productive areas or features, retention of landscape features, ban on cutting hedges and trees during the bird breeding and nesting season & measures for avoiding invasive plant species.
- GAEC 9 Protection of Environmentally Sensitive Permanent Grasslands in Natura 2000 sites.

Further information in relation to Conditionality in general, is available from the Department of Agriculture, Food and the Marine website at [gov.ie](https://www.gov.ie) - [Conditionality \(www.gov.ie\)](https://www.gov.ie) and in Section 16 Control System and Penalties.



## GAEC 7 Crop Rotation and Diversification in Arable Lands except crops grown under water

GAEC 7 is concerned with improving soil quality and health and reducing the dependency of chemical pesticides through control of weed, pest and disease spread.

It aims to achieve this through the application of Crop Rotation and Crop Diversification on all holdings with Arable lands except those where crops are grown under water.

The two implementing aspects of GAEC 7 are:

**1. Crop Diversification (CD)** *this was previously part of BPS Greening 2015-2022 and seeks to provide environmental benefits on arable holdings.*

- In 2023 - Ireland availed of an EU Commission derogation from CD
- Period 2024 – 2027 - Crop diversification is applicable to all eligible arable holdings.

**2. Crop Rotation (CR)** *seeks to improve soil quality and health.*

Crop Rotation and Crop Diversification applies to holdings with arable lands which fall into the following categories:

- Farms with 10 hectares or more of arable land.
- Farm holdings comprising of Arable and Grassland production where less than 75% of the eligible area of the farm is in Permanent Grassland.
- Farm holdings comprising of mixed crops where less than 75% of the arable land is used for land lying fallow, temporary grassland, grassland production, leguminous (protein) crops or a combination.
- Farm holdings comprising of Non-Organic and Organic lands with Arable crops on both the organic and non-organic lands. In these cases Crop rotation and Crop diversification applies to the non-Organic lands only.

### Crop Rotation

**Less than 10 ha** - no crop rotation required.

**Greater than 10 ha** - at least two different arable crops at parcel level over a four year period.

**Greater than 10 ha and less than 50 ha** - Only where at least 50% is sown in Barley - **no crop rotation obligation.**

## **Crop Diversification**

**No Arable land** – no Crop Diversification required.

**Less than 10 ha** – no Crop Diversification required.

**Greater than 10 ha and less than 30ha** – 2 crops where the main crop is less than 75%

**Greater than 30 ha** – 3 crops, main crop less than 75% of the arable area, 2 main crops less than 95% of the arable area of the holding

## **Alternative to Crop Rotation/Diversification**

Where a farmer is unable to meet the obligations of crop rotation and diversification, they may seek an alternative to these obligations by growing catch crops on their arable parcels.

**All Hectares** grow a Catch crop on more than **50% of the total arable area** each year.

Catch crop must be planted before 15 Sept and keep in place until after 1 Dec

**All parcels** must be sown in a catch crop over 4-year cycle (2023 – 2026)

*\* Acres Catch crops will **not** count towards GAEC 7 requirement (please refer to the Conditionality Guide and GAEC 7 Guide available on the DAFM website)*

## **GAEC 8 Landscape Features**

**Hedgerows, trees in a line, drains/ditches**, designated habitats (former REPS 3, 4 and 4A Habitats), archaeological sites, **national monuments and small ponds (to a maximum of 0.2 hectares).**

Hedgerows, trees in a line, , drains/ditches, designated habitats (former REPS 3, 4 and 4A Habitats), archaeological sites, national monuments and small ponds to a maximum of 0.2ha are designated as Landscape Features under GAEC and are eligible for payments

under the BISS and other area based schemes. Under GAEC 8 beneficiaries are obliged to retain designated landscape features.

### **Hedgerows, trees in a line and drains/ditches**

Hedgerows, trees in a line and drains/ditches have been designated as landscape features under Good Agricultural and Environmental Condition since 2009. This means that it is not normally necessary to make deductions to parcel areas to account for these features, but they must be retained. The only exception to this is where hedgerows have not been maintained and where the average width exceeds 7 metres, or where individual bulges are in excess of 12 metres. In such circumstances the feature no longer qualifies as a hedgerow but will be considered an area of scrub.

A hedge or hedgerow is a line of shrubs and/or tree species, generally 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 may have been 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/or briars 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 Conditionality 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 BISS and ANC. Consequently, appropriate deductions must be made to exclude them from the claimed area of a parcel.

### **Exceptional Circumstances for Designated Landscape Features**

Designated landscape features are eligible for BISS and other area related payments and cannot be removed apart from certain limited exceptional circumstances. The following limited exceptional circumstances that a landscape feature can be removed are

detailed in the table below. This only applies to hedges, line of trees, open drains and ditches.

Exceptional Circumstance:	Conditions:
1) Building work	<ul style="list-style-type: none"> <li>• Farmyard expansion.</li> <li>• Widening gaps to facilitate access for larger machinery.</li> </ul>
2) Road Safety issues	<ul style="list-style-type: none"> <li>• Where an unacceptable level of risk has been identified by the Local Authority, the National Roads Authority, or the Gardai etc., e.g., laneway is too narrow for modern machinery/commercial vehicles.</li> </ul>
3) Farm Safety issues	<ul style="list-style-type: none"> <li>• Machinery access.</li> <li>• A hedgerow in a field with a gradient in excess of 15% in arable land or 20% in grassland as flagged on the BISS map layer can be demonstrated to cause an unacceptable level of risk to current farming practice e.g., farmer wants to plough a field to put into tillage for the first time and it would necessitate turning on a steep hill. This must take account of whether the hedgerow lies with or across the contour.</li> </ul>

In all circumstances above, the exemption is limited to the minimum length necessary. Removal of Landscape Features are not allowed apart from in defined exceptional circumstances outlined in the table above.

Where this is allowed it must be replaced in advance by twice the length in a like for like fashion, otherwise sanctions will be applied. Replacement requirements must still be met, or further sanctions will be applied.

Where, in exceptional cases/circumstances, it is necessary to remove a hedgerow, the applicant must plant in advance of the removal of the old hedgerow a new hedgerow and where this occurs from 1st January 2023 be of twice the proposed removal length and

must be as close as possible, within the farm/holding as declared on the applicant's BISS application, of the removed feature.

Hedgerows cannot be removed between 1 March and 31 August. In the case of land designated as SAC or SPA, hedgerows or drains cannot be removed without the prior approval of the National Parks and Wildlife Service. Hedgerows are field boundaries and as such are protected by the Environmental Impact Assessment (Agriculture) Regulations 2011 and 2017.

Hedgerow species used must be traditional to the area and cannot include amenity species such as laurel or conifers. A hedgerow or line of trees planted in front of another hedgerow or planting a line of trees, or planting a grove of trees, is not considered fulfilling the replacement requirement. Every effort must be made to protect the newly created landscape feature e.g., fencing from cattle. Failure to abide by these rules will result in a Conditionality penalty and remedial action such as replanting of the failed new landscape feature.

Where it has been detected that a landscape feature has been removed/damaged prior to 2024, a sanction may be applied in the year in which the non-compliance occurred. In addition to the application of the sanction, a new hedgerow, line of trees or drain/ditch of equal length to the feature removed, must be planted or dug within 12 months. Otherwise, a further Conditionality sanction will be applied.

Where new hedgerows are planted or drains dug to replace hedgerows or drains removed, these become landscape features once the old hedgerow or drain is removed and consequently must be retained. Hedgerows or lines of trees planted under AEOS/GLAS/ACRES/Eco-schemes are additional and cannot be accepted as replacement hedgerows for hedgerows removed.

### **Removal of Trees and Scrub**

Before any tree or trees are felled, removed, or caused to fall, it is important to note that a tree felling licence may be required. In addition, land parcels described as “scrub” in the context of BISS may include trees and the entire area could be considered forestry under the Forestry Act, 2014. Landowners wishing to fell trees or clear scrub are strongly advised to contact the Forestry Division in the Department, to ensure a valid tree felling licence is in place before any work begins. See also <https://www.gov.ie/treefelling/> for further information and requirements in relation to tree felling activities. The felling of a tree or trees or scrub that may be considered forestry, without a valid tree felling licence, could result in prosecution and will result in a BISS penalty.

### **Maintenance of Hedgerows**

It should 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. Failure to abide by these dates will lead to a sanction under GAEC.

### **Designated Habitat**

If you previously participated in REPS and you wish to retain your former REPS 4a habitats you can continue to declare them as Designated Habitats. In this way the areas continue to be eligible for BISS, but the habitat becomes a landscape feature under Conditionality. The area must be retained as a habitat, consequently the fence must remain in place to exclude livestock and no agricultural activity can be conducted on these areas. If the habitats are found to be removed sanctions will be applied under GAEC and the habitat will have to be reinstated. Where, in exceptional circumstances only, it is necessary to remove a designated habitat for example a farmyard expansion, the farmer may do so provided a replacement designated habitat of at least the same size, is created in advance of the removal of the old designated habitat on the farmers holding. The area chosen for the replacement designated habitat must be an agricultural area which does not contain any ineligible features and must be declared as a separate parcel.

### **National Monuments**

In 2015 all archaeological sites and monuments were designated as Landscape Features and therefore are protected and cannot be removed. Sanctions will be applied under GAEC where a site or monument has been interfered with or removed. The farmer is responsible for determining if there are any sites or monuments on the parcels, he/she are applying on or farming before carrying out any reclamation/improvement works on the land. Details of archaeological sites and monuments are available from the National Monuments Service - <https://www.archaeology.ie/>

### **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 Conditionality controls. It is your responsibility to establish if any of the eligible land on which you are applying for payment is in a SPA or SAC and that you are aware of the particular requirements attaching. Should you need further information on this you can contact the National Parks and Wildlife Service. Their website is [www.npws.ie](http://www.npws.ie)

### **Overgrazing of Land**

Where land is overgrazed which is likely to lead to soil erosion this practice will be considered a breach of GAEC as part of Conditionality and sanctions may apply depending on the extent, severity and permanence of non-compliance.

Further information in relation to landscape features and Conditionality in general, is available from the Department of Agriculture, Food and the Marine website at [gov.ie - Conditionality \(www.gov.ie\)](http://gov.ie - Conditionality (www.gov.ie).).

### **Environmental Impact Assessment (Agriculture) Regulations 2011 & Environmental Impact Assessment (Agriculture) (Amendment) Regulations 2017**

These regulations apply to three different types of activities;

- Restructuring of rural land holdings i.e., removal of field boundaries
- Commencing to use uncultivated land or semi natural areas for intensive agriculture
- Land drainage works on land used for agriculture

Should you intend to undertake any of these activities you must refer to the EIA Guidance document at: <https://www.gov.ie/eia-agriculture/> to determine whether you are required to make an application for screening to DAFM. Further information is available at <https://www.gov.ie/dafm/> or from EIA Section, Johnstown Castle 076 1064 415.

## **15. Late Applications and Amendments**

### **Late Applications**

There is a 25-calendar day period after the 15 May closing date for the acceptance of late applications and any necessary supporting documentation. However, deductions to payments at a rate of 1% per working day in respect of BISS will apply to late applications which are received during this period (see table following). Except in cases of force majeure / exceptional circumstances, applications can be accepted after this 25-calendar day period but will be subject to late application penalties.

The same rate of deduction will apply to Eco scheme, CRISS, CIS-YF, Protein Aid, ANC, ACRES and SIM and to SCEP. Payment under any of these Schemes cannot be made in 2024 unless a valid 2024 BISS application is submitted.

## Deductions for Late Applications

Day	Date	Month	% Reduction to apply per working day	No of Calendar days	Day	Date	Month	Reduction to apply per working day	No of Calendar days
Wednesday	15	May	Closing Date	N/A					
Thursday	16	May	1%	1	Wednesday	29	May	10%	14
Friday	17	May	2%	2	Thursday	30	May	11%	15
Saturday	18	May	2%	3	Friday	31	May	12%%	16
Sunday	19	May	2%	4	Saturday	01	June	12%	17
Monday	20	May	3%	5	Sunday	02	June	12%	18
Tuesday	21	May	4%	6	Monday (Bank Holiday)	03	June	12%	19
Wednesday	22	May	5%	7	Tuesday	04	June	13%	20
Thursday	23	May	6%	8	Wednesday	05	June	14%	21
Friday	24	May	7%	9	Thursday	06	June	15%	22
Saturday	25	May	7%	10	Friday	07	June	16%	23
Sunday	26	May	7%	11	Saturday	08	June	16%	24
Monday	27	May	8%	12	Sunday	09	June	16%	25
Tuesday	28	May	9%	13	Monday	10	June	100%	



## Amendments

### **Amendments up to 31 May 2024 (no penalty)**

Amendments to 2024 BISS and other area-based schemes applications, including the addition of parcels/plots, may be made online up to 31 May 2024 (without a penalty). If an applicant needs to amend an incorrectly claimed area or need to add parcels/plots to their 2024 application, this amendment must be submitted via the online system by the 31 May 2024 deadline. Amendments should be completed fully and accurately as they will become part of your 2024 BISS Application. Where a new plot is added, a map outlining the boundaries of that plot should be submitted to the Department through the online map editing system. This also applies where any other supporting documentation, for example, evidence of Commonage rights, is required.

### **Amendments after 31 May 2024 (late amendments)**

Late Amendments with additional parcels/plots or amended claimed areas will be accepted online up to and including 10 June 2024 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. The 10 June 2024 is the last date for amendments with penalty less than 100%.

### **Other Amendments (no penalty)**

An applicant 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 2024 closing date for Amendments provided;

- the Department has not notified you about any issues concerning your 2024 BISS application,
- you have not been notified of an on-the-spot inspection,
- an on-the-spot inspection does not reveal any non-compliances for the parcel(s) concerned,
- you have not been either fully or partially paid under the BISS in respect of 2024

An applicant can correct obvious/innocent errors at any time after the 31 May 2024 closing date for Amendments.

You may also change a declared crop use, with or without an AMS notification up to midnight 15 September 2024. Where changing a tillage crop use without an AMS notification you will be required to provide supporting evidence. This can take the form of seed receipts which can be uploaded to your agfood.ie account, or geotag photo's which can be emailed to [geotag@agriculture.gov.ie](mailto:geotag@agriculture.gov.ie)

## 16. Control System and Penalties

It is important that applicants meet all the eligibility requirements for the BISS and other area-based schemes they have applied to participate in. The Department will undertake controls to ensure that all requirements are adhered to and non-compliances are identified. The controls include preliminary checks, administrative checks, on-the-spot checks and Area Monitoring.

### Preliminary checks

Preliminary checks allow for preliminary checks of BISS and other area-based schemes applications for any non-compliance in the areas of over-claims, dual claims and overlaps. Farmers are notified via the online system and offered the opportunity to rectify any such non-compliance with no penalty applied where the non-compliance is fully rectified by 21 June 2024.

The purpose of preliminary checks is to enhance the correctness of BISS and other area-based schemes applications with the aim of lowering reductions and administrative penalties. Full administrative checks are still required before payment issues.

If a non-compliance identified by the preliminary checks is not fully rectified by the deadline, then penalties may be applied following full administrative checks.

### How will farmers be notified of preliminary checks?

Where a preliminary check identifies a dual claim, over-claim or overlap, the applicant will be notified on the BISS online system. Applicants and advisors should check the correspondence section of the BISS online account. Where an applicant is signed up for text message alerts, a text will issue to advise them that they have a notification on their BISS account.

Where an applicant has applied online through a FAS approved advisor, the advisor will be notified through their BISS online account in respect of any of his/her clients where a preliminary check has identified a dual claim, over-claim or overlap. Applicants who have applied through an advisor will also get a text message alert where they are signed up for this service.

### What should I do if I get a notification arising from a preliminary check?

When a notification/text message alert of a preliminary check is received, the applicant should:

- Log into your BISS online account to read the notification. There will be a clear indication of notification in the centre of the BISS home screen.

- Applicants who have applied through a FAS approved advisor, should contact their advisor in relation to responding to the preliminary check.

Applicants may wish to retain their original claim, or to amend their claim in light of the preliminary check notification.

For example, where a preliminary check highlights a dual claim the response can either:

- Confirm that the farmer asserts the right to claim the dual claimed parcel, or
- Withdraw the relevant parcel without penalty where the land may have been inadvertently claimed.

### **How do I respond to a preliminary check?**

Where preliminary checks have identified an over-claim, overlap or dual claim, this will be clearly signalled on the home screen of the BISS online application system.

A farmer or advisor can click the “View Preliminary Checks” button to see the detail in each case. It is important to note that:

- A preliminary check can only be responded to once.
- In each instance, the farmer/advisor will be given the opportunity to either amend his/her original claim to take account of the preliminary check or to maintain the original claim. There will be instances where it is valid to maintain the original claim – for example, in the instance of a possible over-claim identified, where an area of scrub has been removed and brought back into agricultural use with a resultant increase in eligible area.
- Where a response to a preliminary check is sufficient to fully rectify the issue at hand, no penalty will apply.

Further administrative checks will still need to be carried out on all applications and thus further issues and reductions/penalties may arise later in the process in respect of any application.

### **Administrative checks**

The Department will carry out administrative checks on all applications. Applicants may be asked to provide further information demonstrating, to the Department’s satisfaction, that the eligibility requirements have been met. Applicants should provide this information within any timeframes that are stipulated to help avoid delays with their payment. If applicants do not provide this information, the Department may process the application on the information available and the application may be rejected. Specific administrative checks will be carried out at scheme level. The Department may request proof of compliance with the requirements prior to payment issuing, where relevant. The following

non-exhaustive list of methods may be used by the Department as a means of assuring compliance:

- Geo-tagged photographs using AgriSnap™
- Receipts for work carried out e.g. chopping and incorporation in the case of SIM
- Request for receipts e.g. seed purchase receipts, contractor receipts etc.

## Inspections

In addition to administrative checks, the Department may also carry out On-the-Spot Checks to ensure that all scheme requirements have been met. The cases selected for inspection will be a combination of random and risk based.

In submitting a BISS and other area-based schemes application, applicants agree to permit officials or agents of the Department to carry out on-farm inspections, with or without prior notice and where notified, at any reasonable time(s). On-farm inspections may be announced or unannounced and without prejudice to public liability. In the main, inspections will be notified in advance. Where inspections are not notified, where appropriate, the inspector will explain to the applicant or their advisor, the inspection procedure adopted and satisfy himself/herself that the applicant or their representative fully understands it. If the farmer cannot be present, they can be represented by a person of their choice.

When notified of an on-farm inspection, the applicant should arrange to be present for the inspection or have a representative nominated in their place to assist the inspecting officer. If farmers are farming land other than that indicated on the 2024 application, they must bring it to the attention of the inspecting officer on the day of the inspection.

Any non-compliances identified during the inspection will be notified to applicants following the inspection. Every inspection will be the subject of a control report and the applicant, or their representative will be given an opportunity to sign the report indicating their presence at the inspection, if they are so present at the inspection, and to add their observations if they so wish. Signing this document does not imply that the applicant or their representative accepts the inspection findings. The applicant has a number of review/appeal options available should they wish to avail of them. Please see Review and Appeal Section for further details.

To facilitate checks and on-farm inspections, farmers shall fully co-operate with Department staff, and reply fully to all queries including providing any documentary evidence or geo-tagged photographs that may be requested in relation to their application. Applicants may also be asked to provide copies of receipts during on farm inspections or electronically. If required, the farmer must ensure that cattle are presented in suitable handling facilities which ensure that ear tags can be read in a safe and efficient manner. Failure to do so may lead to loss of all payment. An inspection may involve, where

necessary, measurement of areas and checks for the crop declared. If an on-farm inspection cannot be carried out through the fault or action of the applicant or their representative, the application shall be rejected resulting in no payment, unless the Department determines an instance of force majeure or exceptional circumstances.

The Department of Agriculture, Food and the Marine, as the EU accredited Paying Agency, will have primary responsibility to ensure that the required level of Conditionality inspections are carried out and for fixing any sanctions to be applied. In general, the rate of on-farm inspection required for Conditionality is at least 1% of those farmers applying under the BISS and other Area Based schemes.

### Area Monitoring System

The Area Monitoring System will be used (AMS) to ensure that the eligibility conditions of all area based schemes have been met in 2024. AMS is defined as the regular and systematic observation, tracking and assessment of agricultural activities and practices on agricultural areas by Copernicus Sentinel Satellite data or other data with at least equivalent value. It will be complimented with follow up checks on the ground by an inspector, if needed, to provide further clarification and this may include the inspector taking Geotagged photographs. Separately the Department may also send you a notification request asking you to submit geotagged photographs using AgriSnap™ as part of the checks process.

. AMS has potential significant benefits for farmers. These include a reduction in the number of on-farm inspections and the introduction of warning alerts to farmers which will help to minimise the occurrence of non-compliances. Such alerts will facilitate farmers to implement appropriate changes at application level to ensure continued compliance with scheme requirements and avoid penalties.

### How AMS works

The AMS will interpret Sentinel satellite imagery to provide decisions on agricultural activity on all declared land parcels of which there are approximately 1.3 million parcels in Ireland.

Parcels monitored by AMS will have colour coded results; Green, Yellow or Red. Parcels flagged by AMS as green and yellow parcels will allow payments as these parcels give a degree of confidence that the land detail in the farmers application has been verified by AMS.

Parcels in error will result in a red AMS status. This may be due to:

- Presence of artificially sealed surfaces such as a house, farm roadway or farm building.
- Presence of ineligible land use e.g., ineligible crop type for the scheme.

- Change in the category of agricultural area whether it is arable land, permanent crop or permanent grassland e.g. Spring Barley declared on application, but a different crop usage was identified by AMS.

It is extremely important that maps and crop declarations are correct in the BISS and other area-based schemes application. Applicants and their advisor should take the time to double check the application for each land parcel you submit to:

1. Ensure that the correct crop has been claimed,
2. That any ineligible features (e.g. farm roadway) within the parcel have been correctly delineated, and
3. That the correct area has been claimed

Failure to do the above will likely lead to delayed and/or reduced payments in 2024.

### **What does an AMS notification mean?**

When a red parcel is identified, a notification will be issued to the applicant on their BISS online account. This provides the applicant with an opportunity to rectify the issue within a specific timeframe.

. Failure to respond may result in a delay or reduced payments in any area-based scheme in 2024.

### **How will farmers be notified of AMS notifications?**

Where a red parcel is identified, the applicant will be notified on the BISS online system. Applicants and advisors should check the correspondence section of the BISS online account. Where an applicant is signed up for text message alerts, a text will issue to advise them that they have a notification on their BISS account.

Where an applicant has applied online through a FAS approved advisor, the advisor will be notified through their BISS online account in respect of any of his/her clients where a red parcel has been identified. Applicants who have applied through an advisor will also get a text message alert where they are signed up for this service.

### **Will all farmers get an AMS notification?**

No. An action is only required of farmers/advisors where a potential issue is identified i.e., AMS has identified a red parcel. If a farmer's parcel(s) are deemed to be green and/or yellow throughout the AMS monitoring process, they will not receive any AMS notifications.

### **What should I do if I get an AMS notification?**

A AMS notification can only be responded to once.

When an AMS notification/text message alert is received, the applicant should:

- Log into your BISS online account to read the notification. There will be a clear indication of notification in the centre of the BISS home screen. Access to the AMS screen is available through the BISS online account. Access to view the map associated to the parcel is available through the view map icon.
- Applicants who have applied through a FAS approved advisor, should contact their advisor in relation to responding to the AMS Notification

Applicants can agree or disagree with the AMS finding.

### A. Agree

If the parcel use detected by AMS does not match the use declared by the farmer - Click agree – select the correct parcel use and input a note. A geotagged image is also required, The Departments AgriSnap™ app **must** be used to submit geotagged imagery for AMS.

If the issue relates to potential ineligible feature(s) - When agreed, tick Agree, tick request eligible area change and input a reason for the change. For example – remove house site. Click edit map and update the associated map.

### B. Disagree

If the parcel use detected by AMS does not match the use declared by the farmer - Click disagree, Other and input a note. A geotagged image is also required, The Departments AgriSnap™ app **must** be used to submit geotagged imagery for AMS.

If the issue relates to potential ineligible feature(s) - Click disagree – select a reason from the list provided. A geotagged image is also required, The Departments AgriSnap™ app **must** be used to submit geotagged imagery for AMS.

## Timescale for AMS Notification

AMS notifications will issue to applicants from June 2024.

Responses dates to AMS notification will be included in each AMS notification..

Applicants have the option to withdraw or partially withdraw the parcel from their aid application up to these dates also.

## Retroactive Recovery and Retrospection

The Land Parcel Identification System (LPIS) is the land parcel database that underpins all area-based schemes including the Basic Income Support for Sustainability. The database contains information on over 1.3 million parcels representing the land holdings of over 130,000 farmers. The Department, as Competent Authority, is obliged to maintain and update the LPIS. The information on the LPIS is updated in the following ways:

- Information provided by the farmer at the time of application and/or through amendments,
- Information gathered from the Area Monitoring System, geo-tag photos and ground inspections,
- The review of land parcel orthophotography (aerial photography) carried out by the Department as the accredited paying agency.

It is important that the LPIS is accurate from the applicant's perspective to ensure that there is no risk of an area over declaration penalty. In addition to the Area Monitoring System (AMS), a Member State is obliged to review the eligibility status of all parcels on the LPIS as and when new ortho-photos become available, and this may involve ground verification checks. Recovery of undue payments (also referred to as retroactive recovery and retrospection) is provided for pursuant to Article 59(1)(e) of Regulation (EU) 2021/2116 and in accordance with Article 30 of Commission Implementing Regulation (EU) 2022/128. It refers to a process of examining land parcels in previous years to determine whether ineligible features/ areas identified in a current scheme year (by AMS/ground inspection/imagery review) are present in previous years. Where it can be established that such ineligible features/areas existed in previous years, there is a requirement to reduce the area and apply the relevant financial reduction and/or penalty to the herdowner.

Please note that changes to your land that may occur as a result of the above may also have an effect on the number of entitlements held by you. Please see information on Basic Income Support for Sustainability Entitlements.

## Penalties

Where applicants do not meet scheme requirements, their payments may be reduced and penalties applied. 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 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 in the year of application. If the difference is less than 3% of the area found, payment will be based on the determined area. 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.

Penalties will NOT be imposed on the BISS 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 farmer. If the declared area is subject to any reduction or exclusion, including a reduction of less than 3%, and the farmer 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.



## Over Declaration of Area

1. Where the area difference is less than or equal to 3%, or less than 2 hectares; The payment shall be based upon the determined area.
2. Where the area difference is greater than 3% or less than or equal to 3% but greater than 2 hectares; The payment shall be based on the determined area, with a penalty applied based upon 0.75 times the difference between the area declared and the area which is determined.

The penalty will not exceed 100% of the amount based on the area declared.

In the case of BISS, the lesser of Area Declared or Number of Entitlements held is used.

Over declaration penalties will apply to BISS and Protein Aid. Over declaration penalties may not apply for CRISS, ANC, SIM, CISYF, if the land found is greater than the maximum area for the scheme.

Please note the following specific points which apply to reductions and/or penalties determined under the ANC scheme:

- For ANC purposes a crop group is an area that benefits from the same rate of aid under the Areas of Natural Constraints Scheme. That means that the area declared as Category 1, Category 2 or Category 3 that are eligible for payment, are separate crop groups and will be dealt with separately for the purposes of applying over-declaration penalties.
- For ANC a higher rate of aid is paid on the first 12 hectares of Category 1 lands, the first 10 hectares in Category 2 lands and the first 8 hectares in Category 3 lands. In the case of an over-declaration of any land Category, 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 or payment category concerned.
- For Island Farming Category, as there are three separate payment rates in respect of these areas, 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 in respect of the Island Land.

## Under Declaration of Area

Difference between land declared and what is, in actual fact, held (as a percentage of land declared) will be penalised under BISS and may also be applied to other schemes in a manner proportionate to the under declaration. The application of penalties in the case of the non-declaration of agricultural parcels are as follows:

Difference between land declared and what is actually held (as a % of land declared)	Size of Penalty
Up to 3% of the area declared	No penalty
More than 3% and up to 20%	1%
More than 20% and up to 50%	2%
More than 50%	3%

## Conditionality Penalties

All beneficiaries under BISS, Eco scheme, CRISS, CIS-YF, Protein Aid, ANC, SIM, and other Rural Development Measures such as SCEP, ACRES, Organic Farming Scheme and the Sheep Improvement Scheme must comply with the Statutory Management Requirements (SMRs) and Good Agricultural and Environmental Condition (GAEC) standards under Conditionality. Failure to do so may lead to a loss of payment under all of the above schemes.

Where applicable, breaches of Conditionality requirements recorded by Department staff will be cross reported to the relevant Control Authority. These bodies may also cross report breaches detected by them to the Department of Agriculture, Food and the Marine and such breaches may give rise to a Conditionality penalty which may apply to payments under schemes listed above.

If a beneficiary is found to be in breach of Conditionality through non-intentional non-compliance, the penalty will as a general rule be 3% but this may be reduced to 1% or increased to 5% of the total payments of the farmer taking into consideration the extent, severity and permanence of the non-compliance. In cases where a non-intentional non-compliance has grave or more serious consequences for the achievement of the standard concerned or constitutes a direct risk to public or animal health, the percentage reduction due to such non-compliance shall be at least 5% and may be up to 10%.

If 'reoccurrence', which is a repeated breach of the same requirement or standard within a consecutive period of three calendar years applies the percentage reduction shall be as a general rule 10%, however this may be reduced to 5% depending on the nature and circumstances of the case and taking into consideration extent, severity and permanence

of the non-compliance. Reoccurrence of breaches after this will be considered as intentional non-compliance.

Where the non-compliance is determined to have no or only insignificant consequences for the achievement of the objective of the standard concerned then tolerance may be applied with the applicant advised to carry out remedial actions if required. Where at a subsequent inspection, carried out within 3 calendar years, the minor non-compliance is not remedied a penalty of, as a general rule, 3% will apply.

Where the non-compliance is determined intentional non-compliance the reduction shall be at least 15% and may be higher (up to 100%) depending on the reoccurrence, extent, severity and permanence of the non-compliance found. For further details relating to the sanctions for breaches of Conditionality requirements please go to: [gov.ie - Conditionality \(www.gov.ie\)](http://gov.ie - Conditionality (www.gov.ie))

## Eco Scheme Penalties

In submitting an Eco-Scheme application, the applicant has committed to delivering two Agricultural Practices (or one enhanced Agricultural Practice). There are a few fundamental principles to the penalties;

- a. If the applicants fails to deliver one of the Agricultural Practices (and assuming they deliver the other in full), they will receive half the Eco-Scheme payment due and a 10% penalty will apply for the dropped action.
- b. If an applicant fails to deliver any Agricultural Practices, no Eco-scheme payment will issue, and a 20% penalty will apply.
- c. In the case of an *enhanced* Agricultural Practice *and where the participant falls below the requirement of the standard option*, no Eco-Scheme payment will issue, and a 20% penalty will apply.
- d. If an applicant incurs a 10% or 20% penalty, it is applied to the **overall** Eco-Scheme payment.

Eco Agricultural Practice	Calculation of the deduction
AP1 – Space for Nature	<p>Enhanced Option:</p> <ul style="list-style-type: none"> <li>• 10% tolerance applies <ul style="list-style-type: none"> <li>○ &gt;9% reduced pro-rata payment</li> <li>○ &lt;9% but &gt;7% - half payment for dropped action and 10% penalty</li> <li>○ &gt;6.3% but &lt; 7% - half payment for dropped action and 10% penalty and pro-rata reduction</li> <li>○ &lt;6.3% - no Eco-Scheme payment and 20% penalty</li> </ul> </li> </ul>

	<p>Standard Option:</p> <ul style="list-style-type: none"> <li>• 10% tolerance applies <ul style="list-style-type: none"> <li>○ &gt;6.3% but &lt;7% reduced pro-rata payment</li> <li>○ &lt;6.3% no payment and 10% penalty</li> </ul> </li> </ul>
AP2 – Extensive Livestock Production	<p>Enhanced Option:</p> <ul style="list-style-type: none"> <li>• 10% tolerance applies <ul style="list-style-type: none"> <li>○ &gt;1.2 LU/ha but &lt;1.33 LU/ha reduced pro-rata payment</li> <li>○ &gt;1.33 LU/ha but &lt; 1.4 LU/ha - half payment for dropped action and 10% penalty</li> <li>○ &gt;1.4 LU/ha but &lt;1.55 LU/ha- half payment for dropped action and 10% penalty and pro-rata reduction</li> <li>○ &gt;1.55 LU/ha - no Eco-Scheme payment and 20% penalty</li> </ul> </li> </ul> <p>Standard Option:</p> <ul style="list-style-type: none"> <li>• 10% tolerance applies <ul style="list-style-type: none"> <li>○ &gt;1.41 LU/ha but &lt;1.55 LU/ha- pro-rata reduction</li> <li>○ &gt;1.55 LU/ha – no payment and 10% penalty</li> </ul> </li> </ul>
AP3 – Limiting Chemical Nitrogen Usage	<p>10% tolerance on total chemical Nitrogen allowance:</p> <ul style="list-style-type: none"> <li>• If within tolerance a reduced pro rata payment will apply</li> <li>• &gt;10% chemical nitrogen usage above allowance, no payment and a 10% penalty will apply</li> </ul>
AP4 – Planting of Native Trees/Hedgerows	<p>Enhanced Option:</p> <ul style="list-style-type: none"> <li>• 10% tolerance applies <ul style="list-style-type: none"> <li>○ If within tolerance range – pro rata reduction applies</li> <li>○ If outside tolerance range but still above requirement for standard option – half payment for dropped action and 10% penalty</li> <li>○ If within tolerance for standard option – half payment for dropped action, 10% penalty and pro-rata reduction</li> <li>○ If exceeds tolerance for standard option, no payment and 20% penalty applied</li> </ul> </li> </ul> <p>Standard Option:</p> <ul style="list-style-type: none"> <li>○ 10% tolerance applies: <ul style="list-style-type: none"> <li>○ If within tolerance range – pro-rata reduction</li> <li>○ If outside tolerance range – no payment and 10% penalty</li> </ul> </li> </ul>

	<p>*Incorrect species planted will be treated the same as not planting.</p>
AP5 – GPS Fertiliser Spreader/Sprayer	<p>10% tolerance on the 100% spreading requirement applies:</p> <ul style="list-style-type: none"> <li>• If within 10% tolerance -pro rata reduced payment.</li> <li>• If outside 10% tolerance – no payment and 10% penalty</li> </ul>
AP6 – Soil Sampling and Appropriate Liming	<p>10% tolerance on number of soil samples taken and 10% tolerance on the 33% liming requirement applies:</p> <ul style="list-style-type: none"> <li>• Within tolerances – pro-rata reduction on payment</li> <li>• Outside tolerances – no payment and 10% penalty</li> </ul> <p>*No payment on this practice if the farmer is required to take S8 samples and takes S1 samples instead.</p>
AP7 – Planting of a Break Crop	<p>10% tolerance applies to the 20% break crop requirement:</p> <ul style="list-style-type: none"> <li>• If within tolerance range – pro-rata reduction in payment</li> <li>• If outside tolerance range – no payment and 10% penalty</li> </ul>
AP8 – Sowing of a Multi Species Sward	<p>10% tolerance applies to the 7% sowing requirement:</p> <ul style="list-style-type: none"> <li>• If within tolerance range – pro-rata reduction on payment</li> <li>• If outside tolerance range – no payment and 10% penalty</li> </ul> <p>If multi species mix planted does not meet prescribed seed mix, it will be deemed that measure wasn't delivered.</p>

### Eco-scheme penalty calculation examples

Farmer with 32 ha opts to deliver the standard option of AP1 and to do the standard option of AP4. Following verification and checks, it is determined the farmer did deliver

AP 1 (7.2% Space for Nature) but failed to deliver AP4 as did not plant the required number of trees (96) by 30 September 2023. Assuming the Eco-Scheme payment rate was €70 per hectare, the participant would have been expecting to receive €2,240 in total or €1,120 per agricultural practice. In accordance with fundamental principle (a) on the previous page, they will receive €1,120 for delivering AP1 minus a penalty of 10% of €2,240 which is €224, meaning the participant will receive a total Eco-scheme payment of €896.

In accordance with fundamental principle (b) on the previous page, if they had failed to deliver both AP1 and AP4 in this example, they would receive no Eco-Scheme payment of €2,240 and a penalty of 20% of that amount or €448 will be applied.

### **CIS-YF Penalties**

Where the applicant is deemed not to be meeting the eligibility requirements of the Scheme following an on-the-spot-check, they shall be excluded from receiving aid for the Scheme year concerned. In addition, a 100% penalty will apply which will be calculated on the basis of the payment the applicant would have received in the scheme year concerned.

### **Protein Aid Scheme Penalties**

Penalties will be applied in circumstances where the Scheme Terms and Conditions have not been complied with or has only been partially complied with.

### **SIM Penalties**

Penalties will be applied in circumstances where the action has not been completed or has only been partially completed. For example, straw has been chopped but has not been spread or incorporated.

As the Measure is for the chopping, spreading, and incorporating of the residue, where it is found that not all actions have been completed the determined area will be reduced to zero and no payment will issue.

### **Collection of outstanding debts**

Debts due to the Department arising from overpayments and/or penalties must be paid in full.

If alternative payment arrangements to clear outstanding debts in full are not in place, the Department will recoup the debts from any DAFM payments that become due.

Interest payable at the rate provided for under Statutory Instrument Number 497 of 2022 European Communities (Recovery of Amounts) (Amendment) Regulations 2022, may be

applied to debts due to the Department in respect of BISS and related area-based schemes. Where applicable, interest will be calculated for the period elapsing between the payment deadline provided in the notification of the (re)payment obligation to the farmer, and either repayment or deduction

Where debts in respect of penalties and/or overpayments are not paid or recovered within the period requested, the Department may take whatever action is deemed necessary for their recovery.

Joint applicants remain liable for each other's debts or as provided for in a signed partnership agreement.

### Statutory Instrument

The Minister for Agriculture, Food & the Marine has implemented Regulations, which will make it an offence for a farmer to knowingly make a false declaration. It is also an offence for a person to assist a farmer to commit an offence under the Regulations. Farmers should familiarise themselves with the European Communities (Direct Support Schemes) Offences and Control Regulations 2016, S.I. No 169 of 2016.

### Circumvention

In accordance with Article 62 of Regulation (EU) 2021/2116, no advantage provided for under the Basic Income Support for Sustainability and other area-based schemes will be granted to applicants where it is established that the conditions required for obtaining such an advantage were created artificially contrary to the objectives of the Regulations governing these Schemes. Applicants are reminded that no payment shall be made in such situations.

## 17. Force Majeure or Exceptional Circumstances

Force Majeure/Exceptional Circumstance (FM/EC) occur in unusual situations, are sudden and unforeseen and are outside the control of the applicant, the consequences of which, in spite of the exercise of all due care, could not have been avoided except at the cost of excessive sacrifice. An applicant may experience a FM/EC incident that impacts on their ability to meet the requirements for the BISS and area-based schemes. Cases of FM/EC are determined on an individual basis and require proof of the extenuating circumstances.

Without prejudice to the actual circumstances to be taken into consideration in individual cases the following categories of force majeure and exception circumstance may be recognised pursuant to Article 3 Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021:

- (a) a severe natural disaster or severe meteorological event gravely affecting the holding;
- (b) the accidental destruction of livestock buildings on the holding;
- (c) an epizootic, a plant disease outbreak or the presence of a plant pest affecting part or all of the beneficiary's livestock or crops;
- (d) expropriation of all or a large part of the holding if that expropriation could not have been anticipated on the day of lodging the application;
- (e) the death of the beneficiary;
- (f) long-term professional incapacity of the beneficiary.

### **Notifying a force majeure/exceptional circumstances event to DAFM**

Should an applicant consider FM/EC applies to their application because of any unforeseen event, the applicant is advised to contact the relevant scheme immediately for assistance (see contacts at Section 20).

For the Department to consider a case of FM/EC, the applicant should inform the Department in writing **within 15 working days of the date of being in a position to do so (if the application has been submitted) or at the same time as you submit your application online (if the application has not been submitted).**

The Department will look at each request on a case-by-case basis. Penalties will not normally apply, in the case where the FM/EC is accepted.

The applicant will have to prove that, despite taking all reasonable measures to counteract their effects, the FM/EC event prevented them from meeting their obligations. The



applicant must be able to provide information, supported by documentary evidence, of the steps taken to prevent or lessen the effect of these circumstances.

Force Majeure/Exceptional Circumstances may be considered in cases of late applications, late amendments and any situation that renders a portion of land non-agricultural **even if only for a short time.**

If for reasons of FM/EC some, or all, of an applicant's land is not available to you on 31 May or is ineligible for BISS or any other area-based scheme at any time during the year, the applicant should inform the Department when submitting the application or if the application has yet to be submitted, the applicant should inform the Department within 15 working days of the date of being in a position to do so.

If the Department is not informed, and it is later discovered that the land was taken out of production at any time during the year, the Department may consider that there is an over-declaration of land and apply a penalty to your claim.

Examples of eligible FM/EC events will be those that temporarily result in the land becoming a non-agricultural area. These may include:

- (i) Land vested by a utility for work where the land is returned to agricultural use after the work is complete, for example, pipe laying.

If an applicant's land has been purchased as part of a vesting order, the Department may accept FM/EC in relation to your claim for BISS for that year only.

FM/EC will be considered if you have signed an agreement, or are similarly committed to permitting work to take place but the consequences of not doing so would be that a vesting order would be applied. You will be required to provide evidence of when you are made aware of the work or the intention to apply for a vesting order.

- (ii) Eligible land which has been damaged as a result of an event, for example wildfire or floods.

If an applicant's land has been burned maliciously that you need to provide evidence that you reported this to an Garda Siochana.

Where an applicant considered the burning of the land may be as a result of Force Majeure or Exceptional Circumstances, they need to request that the Department considers the eligibility of the burned land under Force Majeure or Exceptional Circumstances. This must be done in writing either at the time of application via the notes section of the online application or within 15 working days of date of being in a position to do so.

Please note that force Majeure is assessed on a case by case basis.

## 18. Review and Appeal of Decisions

Requests for reviews of Department decisions can arise for many reasons. Reviews may arise from administrative checks, inspection findings or from the Area Monitoring System. The process provides in the first instance for an internal review within the Department followed by an external review by the Agriculture Appeals Office, if required.

### Internal Review

#### **Administrative Checks**

Where farmers are unhappy with the outcome of their scheme application or administrative checks requirements they may, in the first instance, seek in writing, a review of the decision. Reviews can be sought in the first instance from the manager of the particular scheme section scheme involved. Initial review requests should be addressed to: Decision maker name (usually HEO/Manager), Scheme name, Direct Payments Unit, Portlaoise, Co. Laois or by email to the relevant scheme section as outlined in the Contact Us Section of this publication.

#### **On the Spot Inspections including Conditionality Finding**

For the BISS and other area-based schemes, if an applicant is dissatisfied with the on-the-spot inspection findings, they can seek a review of the decision to the relevant District Inspector, as detailed in the inspection findings notification letter (FN letter).

#### **Area Monitoring System Finding**

Where an applicant is dissatisfied with the finding(s) result from area monitoring, they can seek a review of the findings as detailed in the notification. Initial review requests should be addressed to: Decision maker name (usually HEO/Manager), AMS Unit, Portlaoise, Co. Laois or by email as outlined in the Contact Us Section of this publication.

### Appeal

If the internal review of a decision by the Department does not resolve the position to the satisfaction of the applicant, appeals can be made to the Agriculture Appeals Office (AAO). The AAO provides an independent statutory appeals facility that provides an independent, impartial and free appeals service to applicants who are dissatisfied with decisions of the Department.

Appeals must be submitted using the prescribed Notice of Appeal Form to the AAO within three months of the date of letter of notification to the applicant of the final decision of the Department. The final decision letter must accompany the Notice of Appeal Form. In certain cases, where the Director considers it appropriate, this three-month deadline can be extended on a case-by-case basis. You can submit a Notice of Appeal form through our online facility at <http://www.agriappeals.gov.ie/agricultureappealsprocess/howtomakeanappeal/onlinenoticeofappealfaq/> or the form can be downloaded directly at [www.agriappeals.gov.ie/publications/appealproceduresandforms/](http://www.agriappeals.gov.ie/publications/appealproceduresandforms/) and sent to the Appeals office at the address below. The Notice of Appeal Form should set out all the grounds which are relied upon in the appeal (additional pages may be used where necessary) and a copy of the Department's decision letter which is appealed should be enclosed with the form along with any supporting documentation considered relevant to the appeal.

The Agriculture Appeals Act 2001, along with the Agriculture Appeals Regulations 2002 (as amended), sets down the functions of appeals officers, the decisions that may be appealed and the procedures to be followed in respect of agriculture appeals. From the date of receipt of all relevant documentation, the Appeals Office will aim to conclude its findings within a three-month period.

Full details of appeals procedures, including details of the Schemes covered are available on the Agriculture Appeals Office website at [www.agriappeals.gov.ie](http://www.agriappeals.gov.ie) or from the Department's local offices. Appeals should be submitted to; The Director, Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois R32 DTW5. E-mail; [appeals@agriappeals.gov.ie](mailto:appeals@agriappeals.gov.ie).

Where a farmer feels they have been treated unfairly by the Agriculture Appeals Office, they may make a complaint to the office of the Ombudsman at the following address: 6 Earlsfort Terrace, Dublin 2, D02 W773. Phone (01) 6395600.

## 19. Data Protection Notice

**General Data Protection information applicable to all Department of Agriculture, Food and the Marine customers is available here:**

<https://www.gov.ie/en/organisation-information/ef9f6-data-protection/>

**The following data is specific information in relation to the personal data processed for the Basic Income Support for Sustainability**

### **1. Information and Data Protection:**

The following information relates to the processing of personal data under the 'Basic Income Support for Sustainability'. This sets out the ways in which the Department of Agriculture, Food and the Marine (the Department) collects, stores and uses personal data. Such data may be received directly from data subjects, authorised agents acting on their behalf or indirectly from third parties where there is a legal basis to do so.

The rights of data subjects may be exercised pursuant to the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation and The Data Sharing and Governance Act 2019. Further information in respect of data protection may be accessed on the Department's website: <https://www.gov.ie/en/organisation-information/ef9f6-data-protection/>

### **2. Specified purpose:**

The personal data sought from, or previously furnished by applicants is required for the purpose of making an application to join this scheme or for ongoing processing of your application under relevant CSP schemes. Failure to provide all the personal data required to facilitate the processing of the application, under this scheme will result in the Department being unable to process the application further. Failure to provide certain information required under the terms and conditions of this scheme may result in the necessity to repay monies already paid under this scheme.

The purpose for the processing of personal data is to, among other things, receive, analyse and process data from applicants. To communicate with applicants and/or their authorised FAS advisors and where applicable other authorised third parties. To subsequently receive and process the data of the approved participants for the fulfilment of their applications and make payments to them.

The Department of Agriculture, Food and the Marine may also use data submitted in an application under this scheme for the purposes of facilitating the processing of an application for participation in other related area-based schemes operated by the Department or where a compatible purpose exist.

The following is a non-exhaustive list of the current schemes proposed, which is subject to amendment:

- Basic Income Support for Sustainability (BISS)
- Complementary Redistributive Income Support for Sustainability (CRISS)
- Complementary Income Support for Young Farmers (CIS-YF)
- Eco Scheme
- Coupled Income Support for Protein Aid
- Agri-Climate Rural Environment Scheme (ACRES)
- Straw Incorporation Measure (SIM)
- Organic Farming Scheme (OFS)
- Areas of Natural Constraints (ANC)
- Suckler Carbon Efficiency Programme (SCEP)
- Dairy Beef Welfare Scheme
- Sheep Improvement Scheme
- Knowledge Transfer Programme (KT)

The following is a non-exhaustive list of other area-based schemes, which is subject to amendment:

- Fodder Support Scheme
- Tillage Incentive Scheme
- Protein Aid Combi Crop Measure
- Shannon Callows Flood Scheme

The personal data sought from you, the applicant, is required for the purpose of making an application under the Basic Income Support for Sustainability Scheme, other related area-based schemes, and the transfer of payment entitlements. Failure to provide all the personal data required to determine eligibility and facilitate the processing of the application, including data testing, under the scheme will result in DAFM being unable to process the application.

The operation of this scheme may also result in the sharing of data, where required, within the Department. This is to facilitate, among other things, the fulfilment of the obligations placed on Member States, including Ireland, and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes. The use of the data in this way is considered compatible with its original purpose of collection.

In addition, the following divisions also process information obtained via the Basic Income Support for Sustainability application to facilitate compliance with both National and EU Regulations:

- Pesticide Division for the purpose of the collection of pesticide statistics as required under EU regulation 1185/2009.
- Water & Air Quality Division under Statutory Instrument S.I. No. 113 of 2022 [European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022] ;S.I. No.393 of 2022 [European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2022.; S.I. 716 of 2022 [European Union (Good Agricultural Practice for Protection of Waters) (Amendment)(No. 2) Regulations 2022 and S.I.62 of 2023 [European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2023
- ACRES under EU Regulation 2021/2115 of the European Parliament and of the Council.
- Teagasc for the purpose of facilitating the National Farm Survey and meeting Ireland's statutory obligation to provide data on farm output, costs and income to the European Commission in accordance with EU regulation 1217/2009.
- Animal Identification and Movement (AIM)
- Crop Policy, Evaluation and Certification Division
- ERAD Division
- Horticulture and Plant Health Division

### **3. Legal basis:**

Article 6(1)(c) of the General Data Protection regulation (GDPR) provides for processing of personal data where it is necessary for compliance with a legal obligation to which the controller is subject; while Article 6(1)(e) provides for processing of personal data where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The Basic Income Support for Sustainability is implemented pursuant to the CAP EU Regulations, including Regulations (EU) 2021/2115 and 2021/2116 of the European Parliament and of the Council as well as relevant secondary legislation, Ireland's CAP Strategic Plan, it's Strategic Environmental Assessment and Appropriate Assessment and is operated by the Department. Article 151 (1) of Regulation (EU) 2021/2115 and Article 101 of Regulation (EU) 2021/2116 (Processing and Protection of Personal Data), places a legal obligation on Member States to collect personal data to facilitate the implementation of the CAP Strategic Plan.

The Department may, for the purpose of aiding administrative efficiencies, use existing customer data for other purposes such as to claim and receive payments under CSP Schemes. The use of the data in this way is considered compatible with its original purpose of collection. Existing customer data means data that is submitted for the Basic Payment Scheme (BPS) and/or its successor scheme the Basic Income Support for Sustainability (BISS). BPS is implemented pursuant to EU Regulation 1306/2013, while BISS is implemented pursuant to Regulations (EU) 2021/2115 and 2021/2116 as well as relevant secondary legislation.

The proposed further processing of the personal data for the purpose of this scheme is considered compatible with its original purpose of collection, this includes the making of payments in respect of participation in schemes administered by the Department funded under the Common Agricultural Policy (CAP). This is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

#### **4. Recipients and data sharing:**

As noted in the “Specified purpose” section above, information and personal data provided as part of this scheme may be shared with other Divisions within the Department for the purposes of aiding administrative efficiencies when processing other related scheme applications. This sharing shall be done in compliance with the CSP legislative framework and relevant data protection legislation.

Personal data may also be sought from and made available to other Government Departments/Agencies/Local Authorities/contracted parties/LIFE Projects, but only where there is a valid legal basis to do so. Anonymised data may also be shared between public bodies to support the achievement of government objectives.

Where appropriate, a Data Sharing Agreement will be put in place. The purpose of this sharing of data is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This includes, but is not limited to management, control and audit purposes, monitoring and evaluation purposes, cross compliance controls, controls relating to the legislation underpinning cross compliance and all Rural Development measures, as required by Article 65 of Commission Implementing Regulation (EU) 809/2014 and for the performance of the CAP Strategic Plan as required by Article 128 of Regulation (EU) 2021/2115 of the European Parliament and of the Council. Also, personal data may be released as required by relevant Data Protection legislation and the Freedom of Information Act 2014.

Personal data may be used for, among other things, statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation and the legislative measures under the CSP. Data used for such purposes will be anonymised, as appropriate, to protect to the security and confidentiality of the data. The use of the data in this way may facilitate the Department in informing policy decisions into the future, which would benefit the Irish farmer and the Agriculture Sector.

Data may be released under The INSPIRE Directive (Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community Directive) came into force on 15 May 2007.

Personal data is also shared with Teagasc for the purpose of facilitating the National Farm Survey as per Regulation (EU Reg 1217/2009) and meeting Ireland's statutory obligation to provide data on farm output, costs and income to the European Commission.

The Department is also currently obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners, An Garda Síochana, and other bodies and this will take place in accordance with Data Protection legislation.

As part of this scheme, if approved into the scheme, you may be requested by the Department or relevant agents acting on its behalf, to supply data in relation to your participation to this Scheme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the CSP Regulations (e.g., EU Regulation 2021/2115 and EU Regulation 2021/2116). Not to supply such information may invalidate/cancel your application.

## **5. Publication of data**

Article 98 of Regulation (EU) 2021/2116 (Publication of information relating to beneficiaries) obliges Member States (MS) to publish beneficiaries' data in certain circumstances, but not where the amount is less than €1,250.

## **6. Transferred outside the EU:**

Personal data, in respect of an application under this scheme, will not be transferred outside of the EU.



## **7. Retention Period:**

Personal data in respect of an application under this scheme will be retained by the Department for 7 years plus the current scheme year. 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.

## **8. Data provision being statutory or contractual obligation:**

The data provided for this purpose is being requested under the requirements of the CAP (EU) Regulations 2021/2115, 2021/2116 including relevant secondary legislation, as well as the CAP Strategic Plan, its Strategic Environmental Assessment, and Appropriate Assessment. If the applicant chooses not to provide necessary relevant information their application for this scheme cannot be processed further.

## **9. Automated Decision Making, including profiling:**

Personal data provided in the submission of an application under this scheme will be processed automatically for the purpose of the efficient running of this scheme, and the timely payment of participants.

Automated decision making may be used for the purposes of selecting participants for inspection in accordance with the CSP legislative framework and relevant data protection law. Article 65 of Regulation (EU) 2021/2116, obliges member states including Ireland, to set up and operate an integrated administration and control system, which among other things, includes an area monitoring system for systematic observations and tracking of agricultural activities and practices.

## **10. Information from Third Party:**

Data may be provided to this Department by a third party on behalf of an applicant, for example a FAS Advisor, where it can be shown that authorisation has been given by the applicant for this to take place.

In addition, the Department may be in receipt of data from third parties, to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP) and other legislative provisions. This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

## **11. Technical information on data collected:**

Technical information on the cookies used on the Gov.ie website is available at the following link: <https://www.gov.ie/en/help/privacy-policy/?section=cookies>

## **The following data is specific information in relation to the personal data processed for the Areas of Natural Constraints scheme.**

### **1. Information and Data Protection:**

The following information relates to the processing of personal data under the 'Areas of Natural Constraints'. This sets out the ways in which the Department of Agriculture, Food and the Marine (the Department) collects, stores and uses personal data. Such data may be received directly from data subjects, authorised agents acting on their behalf or indirectly from third parties where there is a legal basis to do so.

The rights of data subjects may be exercised pursuant to the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation and The Data Sharing and Governance Act 2019. Further information in respect of data protection may be accessed on the Department's website: <https://www.gov.ie/en/organisation-information/ef9f6-data-protection/>

### **2. Specified purpose:**

The personal data sought from, or previously furnished by applicants is required for the purpose of making an application to join this scheme or for ongoing processing of your application under relevant CSP schemes. Failure to provide all the personal data required to facilitate the processing of the application, under this scheme will result in the Department being unable to process the application further. Failure to provide certain information required under the terms and conditions of this scheme may result in the necessity to repay monies already paid under this scheme.

The purpose for the processing of personal data is to, among other things, receive, analyse and process data from applicants. To communicate with applicants and/or their authorised FAS advisors and where applicable other authorised third parties. To subsequently receive and process the data of the approved participants for the fulfilment of their applications and make payments to them.

The Department of Agriculture, Food and the Marine may also use data submitted in an application under this scheme for the purposes of facilitating the processing of an application

for participation in other related area-based schemes operated by the Department or where a compatible purpose exist.

The following is a non-exhaustive list of the current schemes proposed, which is subject to amendment:

- Basic Income Support for Sustainability (BISS)
- Complementary Redistributive Income Support for Sustainability (CRISS)
- Complementary Income Support for Young Farmers (CIS-YF)
- Eco Scheme
- Coupled Income Support for Protein Aid
- Agri-Climate Rural Environment Scheme (ACRES)
- Straw Incorporation Measure (SIM)
- Organic Farming Scheme (OFS)
- Suckler Carbon Efficiency Programme (SCEP)
- Dairy Beef Welfare Scheme
- Sheep Improvement Scheme
- Knowledge Transfer Programme (KT)

The following is a non-exhaustive list of other area-based schemes, which is subject to amendment:

- Fodder Support Scheme
- Tillage Incentive Scheme
- Protein Aid Combi Crop Measure
- Shannon Callows Flood Scheme

The personal data sought from you, the applicant, is required for the purpose of making an application under the Areas of Natural Constraints Scheme. Failure to provide all the personal data required to determine eligibility and facilitate the processing of the application, including data testing, under the scheme will result in DAFM being unable to process the application.

The operation of this scheme may also result in the sharing of data, where required, within the Department. This is to facilitate, among other things, the fulfilment of the obligations placed on Member States, including Ireland, and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes. The use of the data in this way is considered compatible with its original purpose of collection.

### **3. Legal basis:**

Article 6(1)(c) of the General Data Protection regulation (GDPR) provides for processing of personal data where it is necessary for compliance with a legal obligation to which the controller is subject; while Article 6(1)(e) provides for processing of personal data where it is

necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The Areas of Natural Constraints scheme is implemented pursuant to the CAP EU Regulations, including Regulations (EU) 2021/2115 and 2021/2116 of the European Parliament and of the Council as well as relevant secondary legislation. Article 151 (1) of Regulation (EU) 2021/2115 and Article 101 of Regulation (EU) 2021/2116 (Processing and Protection of Personal Data), places a legal obligation on Member States to collect personal data to facilitate the implementation of the CAP Strategic Plan.

The Department may, for the purpose of aiding administrative efficiencies, use existing customer data for other purposes such as to claim and receive payments under CSP Schemes. The use of the data in this way is considered compatible with its original purpose of collection. Existing customer data means data that is submitted for the Basic Payment Scheme (BPS) and/or its successor scheme the Basic Income Support for Sustainability (BISS). BPS is implemented pursuant to EU Regulation 1306/2013, while BISS is implemented pursuant to Regulations (EU) 2021/2115 and 2021/2116 as well as relevant secondary legislation.

The proposed further processing of the personal data for the purpose of this scheme is considered compatible with its original purpose of collection, this includes the making of payments in respect of participation in schemes administered by the Department funded under the Common Agricultural Policy (CAP). This is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

#### **4. Recipients and data sharing:**

As noted in the “Specified purpose” section above, information and personal data provided as part of this scheme may be shared with other Divisions within the Department for the purposes of aiding administrative efficiencies when processing other related scheme applications. This sharing shall be done in compliance with the CSP legislative framework and relevant data protection legislation.

Personal data may also be sought from and made available to other Government Departments/Agencies/Local Authorities/contracted parties/LIFE Projects, but only where there is a valid legal basis to do so. Anonymised data may also be shared between public bodies to support the achievement of government objectives.

Where appropriate, a Data Sharing Agreement will be put in place. The purpose of this sharing of data is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This includes, but is not limited to management, control and audit purposes, monitoring and evaluation purposes, cross compliance controls, controls relating to the legislation underpinning cross compliance and all Rural Development measures, as required by Article 65 of Commission Implementing Regulation (EU) 809/2014 and for the performance of the CAP Strategic Plan as required by

Article 128 of Regulation (EU) 2021/2115 of the European Parliament and of the Council. Also, personal data may be released as required by relevant Data Protection legislation and the Freedom of Information Act 2014.

Personal data may be used for, among other things, statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation and the legislative measures under the CSP. Data used for such purposes will be anonymised, as appropriate, to protect to the security and confidentiality of the data. The use of the data in this way may facilitate the Department in informing policy decisions into the future, which would benefit the Irish farmer and the Agriculture Sector.

Data may be released under The INSPIRE Directive (Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community Directive) came into force on 15 May 2007.

Personal data is also shared with Teagasc for the purpose of facilitating the National Farm Survey as per Regulation (EU Reg 1217/2009) and meeting Ireland's statutory obligation to provide data on farm output, costs and income to the European Commission.

The Department is also currently obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners, An Garda Síochana, and other bodies and this will take place in accordance with Data Protection legislation.

As part of this scheme, if approved into the scheme, you may be requested by the Department or relevant agents acting on its behalf, to supply data in relation to your participation to this Scheme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the CSP Regulations (e.g., EU Regulation 2021/2115 and EU Regulation 2021/2116). Not to supply such information may invalidate/cancel your application.

## **5. Publication of data**

Article 98 of Regulation (EU) 2021/2116 (Publication of information relating to beneficiaries) obliges Member States (MS) to publish beneficiaries' data in certain circumstances, but not where the amount is less than €1,250.

## **6. Transferred outside the EU:**

Personal data, in respect of an application under this scheme, will not be transferred outside of the EU.

## **7. Retention Period:**

Personal data in respect of an application under this scheme will be retained by the Department for 7 years plus the current scheme year in line with the purpose 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.

#### **8. Data provision being statutory or contractual obligation:**

The data provided for this purpose is being requested under the requirements of the CAP (EU) Regulations 2021/2115, including relevant secondary legislation, as well as the CAP Strategic Plan, its Strategic Environmental Assessment, and Appropriate Assessment. If the applicant chooses not to provide necessary relevant information their application for this scheme cannot be processed further.

#### **9. Automated Decision Making, including profiling:**

Personal data provided in the submission of an application under this scheme will be processed automatically for the purpose of the efficient running of this scheme, and the timely payment of participants.

Automated decision making may be used for the purposes of selecting participants for inspection in accordance with the CSP legislative framework and relevant data protection law. Article 65 of Regulation (EU) 2021/2116, obliges member states including Ireland, to set up and operate an integrated administration and control system, which among other things, includes an area monitoring system for systematic observations and tracking of agricultural activities and practices.

#### **10. Information from Third Party:**

Information from third parties will be received under the Areas of Natural Constraints scheme from Horse Sport Ireland.

Data may be provided to this Department by a third party on behalf of an applicant, for example a FAS Advisor, where it can be shown that authorisation has been given by the applicant for this to take place.

In addition, the Department may be in receipt of data from third parties, to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP) and other legislative provisions. This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

#### **11. Technical information on data collected:**

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## **The following data is specific information in relation to the personal data processed for the Eco-Scheme.**

### **1. Information and Data Protection:**

The following information relates to the processing of personal data under the 'Eco-Scheme'. This sets out the ways in which the Department of Agriculture, Food and the Marine (the Department) collects, stores and uses personal data. Such data may be received directly from data subjects, authorised agents acting on their behalf or indirectly from third parties where there is a legal basis to do so.

The rights of data subjects may be exercised pursuant to the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation and The Data Sharing and Governance Act 2019. Further information in respect of data protection may be accessed on the Department's website: <https://www.gov.ie/en/organisation-information/ef9f6-data-protection/>

### **2. Specified purpose:**

The personal data sought from, or previously furnished by applicants is required for the purpose of making an application to join this scheme or for ongoing processing of your application under relevant CSP schemes. Failure to provide all the personal data required to facilitate the processing of the application, under this scheme will result in the Department being unable to process the application further. Failure to provide certain information required under the terms and conditions of this scheme may result in the necessity to repay monies already paid under this scheme.

The purpose for the processing of personal data is to, among other things, receive, analyse and process data from applicants. To communicate with applicants and/or their authorised FAS advisors and where applicable other authorised third parties. To subsequently receive and process the data of the approved participants for the fulfilment of their applications and make payments to them.

The Department of Agriculture, Food and the Marine may also use data submitted in an application under this scheme for the purposes of facilitating the processing of an application for participation in other related area-based schemes operated by the Department or where a compatible purpose exist.

The following is a non-exhaustive list of the current schemes proposed, which is subject to amendment:

- Basic Income Support for Sustainability (BISS)
- Complementary Redistributive Income Support for Sustainability (CRISS)
- Complementary Income Support for Young Farmers (CIS-YF)
- Coupled Income Support for Protein Aid
- Agri-Climate Rural Environment Scheme (ACRES)
- Targeted Agriculture Modernisation Schemes (TAMS)



- Straw Incorporation Measure (SIM)
- Organic Farming Scheme (OFS)
- Areas of Natural Constraints (ANC)
- Suckler Carbon Efficiency Programme (SCEP)
- Dairy Beef Welfare Scheme
- Sheep Improvement Scheme
- Knowledge Transfer Programme (KT)

The following is a non-exhaustive list of other area-based schemes, which is subject to amendment:

- Fodder Support Scheme
- Tillage Incentive Scheme
- Protein Aid Combi Crop Measure
- Shannon Callows Flood Scheme

The personal data sought from you, the applicant, is required for the purpose of making an application under the Eco Scheme. Failure to provide all the personal data required to determine eligibility and facilitate the processing of the application, including data testing, under the scheme will result in DAFM being unable to process the application.

The operation of this scheme may also result in the sharing of data, where required, within the Department. This is to facilitate, among other things, the fulfilment of the obligations placed on Member States, including Ireland, and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes. The use of the data in this way is considered compatible with its original purpose of collection.

### **3. Legal basis:**

Article 6(1)(c) of the General Data Protection regulation (GDPR) provides for processing of personal data where it is necessary for compliance with a legal obligation to which the controller is subject; while Article 6(1)(e) provides for processing of personal data where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The Eco-scheme is implemented pursuant to the CAP EU Regulations, including Regulations (EU) 2021/2115 and 2021/2116 of the European Parliament and of the Council as well as relevant secondary legislation, Ireland's CAP Strategic Plan, its Strategic Environmental Assessment and Appropriate Assessment and is operated by the Department. Article 151 (1) of Regulation (EU) 2021/2115 and Article 101 of Regulation (EU) 2021/2116 (Processing and Protection of Personal Data), places a legal obligation on Member States to collect personal data to facilitate the implementation of the CAP Strategic Plan.

The Department may, for the purpose of aiding administrative efficiencies, use existing customer data for other purposes such as to claim and receive payments under CSP Schemes. The use of the data in this way is considered compatible with its original purpose of collection. Existing customer data means data that is submitted for the Basic Payment Scheme (BPS) and/or its successor scheme the Basic Income Support for Sustainability (BISS). BPS is implemented pursuant to EU Regulation 1306/2013, while BISS is implemented pursuant to Regulations (EU) 2021/2115 and 2021/2116 as well as relevant secondary legislation.

The proposed further processing of the personal data for the purpose of this scheme is considered compatible with its original purpose of collection, this includes the making of payments in respect of participation in schemes administered by the Department funded under the Common Agricultural Policy (CAP). This is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

#### **4. Recipients and data sharing:**

As noted in the “Specified purpose” section above, information and personal data provided as part of this scheme may be shared with other Divisions within the Department for the purposes of aiding administrative efficiencies when processing other related scheme applications. This sharing shall be done in compliance with the CSP legislative framework and relevant data protection legislation.

Personal data may also be sought from and made available to other Government Departments/Agencies/Local Authorities/contracted parties/LIFE Projects, but only where there is a valid legal basis to do so. Anonymised data may also be shared between public bodies to support the achievement of government objectives.

Where appropriate, a Data Sharing Agreement will be put in place. The purpose of this sharing of data is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This includes, but is not limited to management, control and audit purposes, monitoring and evaluation purposes, cross compliance controls, controls relating to the legislation underpinning cross compliance and all Rural Development measures, as required by Article 65 of Commission Implementing Regulation (EU) 809/2014 and for the performance of the CAP Strategic Plan as required by Article 128 of Regulation (EU) 2021/2115 of the European Parliament and of the Council. Also, personal data may be released as required by relevant Data Protection legislation and the Freedom of Information Act 2014.

Personal data may be used for, among other things, statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation and the legislative measures under the CSP. Data used for such purposes will be anonymised, as appropriate, to protect to the security and confidentiality of the data. The use of the data in this way may facilitate the Department in informing policy decisions into the future, which would benefit the Irish farmer and the Agriculture Sector.

Data may be released under The INSPIRE Directive (Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community Directive) came into force on 15 May 2007.

Personal data is also shared with Teagasc for the purpose of facilitating the National Farm Survey as per Regulation (EU Reg 1217/2009) and meeting Ireland's statutory obligation to provide data on farm output, costs and income to the European Commission.

The Department is also currently obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners, An Garda Síochana, and other bodies and this will take place in accordance with Data Protection legislation.

As part of this scheme, if approved into the scheme, you may be requested by the Department or relevant agents acting on its behalf, to supply data in relation to your participation to this Scheme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the CSP Regulations (e.g., EU Regulation 2021/2115 and EU Regulation 2021/2116). Not to supply such information may invalidate/cancel your application.

## **5. Publication of data**

Article 98 of Regulation (EU) 2021/2116 (Publication of information relating to beneficiaries) obliges Member States (MS) to publish beneficiaries' data in certain circumstances, but not where the amount is less than €1,250.

## **6. Transferred outside the EU:**

Personal data, in respect of an application under this scheme, will not be transferred outside of the EU.

## **7. Retention Period:**

Personal data in respect of an application under this scheme will be retained by the Department for 7 years plus the current scheme year in line with the purpose 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.

## **8. Data provision being statutory or contractual obligation:**

The data provided for this purpose is being requested under the requirements of the CAP (EU) Regulations 2021/2115, including relevant secondary legislation, as well as the CAP Strategic

Plan, its Strategic Environmental Assessment, and Appropriate Assessment. If the applicant chooses not to provide necessary relevant information their application for this scheme cannot be processed further.

#### **9. Automated Decision Making, including profiling:**

Personal data provided in the submission of an application under this scheme will be processed automatically for the purpose of the efficient running of this scheme, and the timely payment of participants.

Automated decision making may be used for the purposes of selecting participants for inspection in accordance with the CSP legislative framework and relevant data protection law. Article 65 of Regulation (EU) 2021/2116, obliges member states including Ireland, to set up and operate an integrated administration and control system, which among other things, includes an area monitoring system for systematic observations and tracking of agricultural activities and practices.

#### **10. Information from Third Party:**

Data may be provided to this Department by a third party on behalf of an applicant, for example a FAS Advisor, where it can be shown that authorisation has been given by the applicant for this to take place.

In addition, the Department may be in receipt of data from third parties, to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP) and other legislative provisions. This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

#### **11. Technical information on data collected:**

Technical information on the cookies used on the Gov.ie website is available at the following link: <https://www.gov.ie/en/help/privacy-policy/?section=cookies>

## **The following data is specific information in relation to the personal data processed for Protein Aid.**

### **1. Information and Data Protection:**

The following information relates to the processing of personal data under the 'Protein Aid'. This sets out the ways in which the Department of Agriculture, Food and the Marine (the Department) collects, stores and uses personal data. Such data may be received directly from data subjects, authorised agents acting on their behalf or indirectly from third parties where there is a legal basis to do so.

The rights of data subjects may be exercised pursuant to the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation and The Data Sharing and Governance Act 2019. Further information in respect of data protection may be accessed on the Department's website: <https://www.gov.ie/en/organisation-information/ef9f6-data-protection/>

### **2. Specified purpose:**

The personal data sought from, or previously furnished by applicants is required for the purpose of making an application to join this scheme or for ongoing processing of your application under relevant CSP schemes. Failure to provide all the personal data required to facilitate the processing of the application, under this scheme will result in the Department being unable to process the application further. Failure to provide certain information required under the terms and conditions of this scheme may result in the necessity to repay monies already paid under this scheme.

The purpose for the processing of personal data is to, among other things, receive, analyse and process data from applicants. To communicate with applicants and/or their authorised advisors and where applicable other authorised third parties. To subsequently receive and process the data of the approved participants for the fulfilment of their applications and make payments to them.

The Department of Agriculture, Food and the Marine may also use data submitted in an application under this scheme for the purposes of facilitating the processing of an application for participation in other schemes operated by the Department or where a compatible purpose exist.

The following is a non-exhaustive list of the current schemes proposed, which is subject to amendment:

- Basic Income Support for Sustainability (BISS)
- Complementary Redistributive Income Support for Sustainability (CRISS)
- Complementary Income Support for Young Farmers (CIS-YF)
- Eco Scheme
- Coupled Income Support for Protein Aid
- Agri-Climate Rural Environment Scheme (ACRES)

- Straw Incorporation Measure (SIM)
- Organic Farming Scheme (OFS)
- Areas of Natural Constraints (ANC)
- Suckler Carbon Efficiency Programme (SCEP)
- Dairy Beef Welfare Scheme
- Sheep Improvement Scheme
- Knowledge Transfer Programme (KT)

The following is a non-exhaustive list of other area-based schemes, which is subject to amendment:

- Fodder Support Scheme
- Tillage Incentive Scheme
- Protein Aid Combi Crop Measure
- Shannon Callows Flood Scheme

The personal data sought from you, the applicant, is required for the purpose of making an application under the “Protein Aid”. Failure to provide all the personal data required to determine eligibility and facilitate the processing of the application, including data testing, under the scheme will result in DAFM being unable to process the application.

The operation of this scheme may also result in the sharing of data, where required, within the Department. This is to facilitate, among other things, the fulfilment of the obligations placed on Member States, including Ireland, and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes. The use of the data in this way is considered compatible with its original purpose of collection.

### **3. Legal basis:**

Article 6(1)(c) of the General Data Protection regulation (GDPR) provides for processing of personal data where it is necessary for compliance with a legal obligation to which the controller is subject; while Article 6(1)(e) provides for processing of personal data where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The ‘Protein Aid’ is implemented pursuant to the CAP EU Regulations, including Regulations (EU) 2021/2115 of the European Parliament and of the Council as well as relevant secondary legislation. Article 151 (1) of Regulation (EU) 2021/2115 and Article 101 of Regulation (EU) 2021/2116 (Processing and Protection of Personal Data), places a legal obligation on Member States to collect personal data to facilitate the implementation of the CAP Strategic Plan.

The Department may, for the purpose of aiding administrative efficiencies, use existing customer data for other purposes such as to claim and receive payments under CSP Schemes. The use of the data in this way is considered compatible with its original purpose of collection.

Existing customer data means data that is submitted for the Basic Payment Scheme (BPS) and/or its successor scheme the Basic Income Support for Sustainability (BISS). BPS is implemented pursuant to EU Regulation 1306/2013, while BISS is implemented pursuant to Regulations (EU) 2021/2115 and 2021/2116 as well as relevant secondary legislation.

The proposed further processing of the personal data for the purpose of this scheme is considered compatible with its original purpose of collection, this includes the making of payments in respect of participation in schemes administered by the Department funded under the Common Agricultural Policy (CAP). This is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

#### **4. Recipients and data sharing:**

As noted in the “Specified purpose” section above, information and personal data provided as part of this scheme may be shared with other Divisions within the Department for the purposes of aiding administrative efficiencies when processing other related scheme applications. This sharing shall be done in compliance with the CSP legislative framework and relevant data protection legislation.

Personal data may also be sought from and made available to other Government Departments/Agencies/Local Authorities/contracted parties/LIFE Projects, but only where there is a valid legal basis to do so. Anonymised data may also be shared between public bodies to support the achievement of government objectives.

Where appropriate, a Data Sharing Agreement will be put in place. The purpose of this sharing of data is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This includes, but is not limited to management, control and audit purposes, monitoring and evaluation purposes, cross compliance controls, controls relating to the legislation underpinning cross compliance and all Rural Development measures, as required by Article 65 of Commission Implementing Regulation (EU) 809/2014 and for the performance of the CAP Strategic Plan as required by Article 128 of Regulation (EU) 2021/2115 of the European Parliament and of the Council. Also, personal data may be released as required by relevant Data Protection legislation and the Freedom of Information Act 2014.

Personal data may be used for, among other things, statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation and the legislative measures under the CSP. Data used for such purposes will be anonymised, as appropriate, to protect to the security and confidentiality of the data. The use of the data in this way may facilitate the Department in informing policy decisions into the future, which would benefit the Irish farmer and the Agriculture Sector.

Data may be released under The INSPIRE Directive (Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community Directive) came into force on 15 May 2007.

Personal data is also shared with Teagasc for the purpose of facilitating the National Farm Survey as per Regulation (EU Reg 1217/2009) and meeting Ireland's statutory obligation to provide data on farm output, costs and income to the European Commission.

The Department is also currently obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners, An Garda Síochana, and other bodies and this will take place in accordance with Data Protection legislation.

As part of this scheme, if approved into the scheme, you may be requested by the Department or relevant agents acting on its behalf, to supply data in relation to your participation to this Scheme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the CSP Regulations (e.g., EU Regulation 2021/2115 and EU Regulation 2021/2116). Not to supply such information may invalidate/cancel your application.

## **5. Publication of data**

Article 98 of Regulation (EU) 2021/2116 (Publication of information relating to beneficiaries) obliges Member States (MS) to publish beneficiaries' data in certain circumstances, but not where the amount is less than €1,250.

## **6. Transferred outside the EU:**

Personal data, in respect of an application under this scheme, will not be transferred outside of the EU.

## **7. Retention Period:**

Personal data in respect of an application under this scheme will be retained by the Department for 7 years plus the current scheme year in line with the purpose 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.

## **8. Data provision being statutory or contractual obligation:**

The data provided for this purpose is being requested under the requirements of the CAP (EU) Regulations 2021/2115, including relevant secondary legislation, as well as the CAP Strategic



Plan, its Strategic Environmental Assessment, and Appropriate Assessment. If the applicant chooses not to provide necessary relevant information their application for this scheme cannot be processed further.

#### **9. Automated Decision Making, including profiling:**

Personal data provided in the submission of an application under this scheme will be processed automatically for the purpose of the efficient running of this scheme, and the timely payment of participants.

Automated decision making may be used for the purposes of selecting participants for inspection in accordance with the CSP legislative framework and relevant data protection law. Article 65 of Regulation (EU) 2021/2116, obliges member states including Ireland, to set up and operate an integrated administration and control system, which among other things, includes an area monitoring system for systematic observations and tracking of agricultural activities and practices.

#### **10. Information from Third Party:**

Data may be provided to this Department by a third party on behalf of an applicant, for example from a DAFM approved advisor, where it can be shown that authorisation has been given by the applicant for this to take place.

In addition, the Department may be in receipt of data from third parties, to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP) and other legislative provisions. This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

#### **11. Technical information on data collected:**

Technical information on the cookies used on the Gov.ie website is available at the following link: <https://www.gov.ie/en/help/privacy-policy/?section=cookies>

## **The following data is specific information in relation to the personal data processed for the Straw Incorporation Measure.**

### **1. Information and Data Protection:**

The following information relates to the processing of personal data under the 'Straw Incorporation Measure'. This sets out the ways in which the Department of Agriculture, Food and the Marine (the Department) collects, stores and uses personal data. Such data may be received directly from data subjects, authorised agents acting on their behalf or indirectly from third parties where there is a legal basis to do so.

The rights of data subjects may be exercised pursuant to the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation and The Data Sharing and Governance Act 2019. Further information in respect of data protection may be accessed on the Department's website: <https://www.gov.ie/en/organisation-information/ef9f6-data-protection/>

### **2. Specified purpose:**

The personal data sought from, or previously furnished by applicants is required for the purpose of making an application to join this scheme or for ongoing processing of your application under relevant CSP schemes. Failure to provide all the personal data required to facilitate the processing of the application, under this scheme will result in the Department being unable to process the application further. Failure to provide certain information required under the terms and conditions of this scheme may result in the necessity to repay monies already paid under this scheme.

The purpose for the processing of personal data is to, among other things, receive, analyse and process data from applicants. To communicate with applicants and/or their authorised advisors and where applicable other authorised third parties. To subsequently receive and process the data of the approved participants for the fulfilment of their applications and make payments to them.

The Department of Agriculture, Food and the Marine may also use data submitted in an application under this scheme for the purposes of facilitating the processing of an application for participation in other schemes operated by the Department or where a compatible purpose exist.

The following is a non-exhaustive list of the current schemes proposed, which is subject to amendment:

- Basic Income Support for Sustainability (BISS)
- Complementary Redistributive Income Support for Sustainability (CRISS)
- Complementary Income Support for Young Farmers (CIS-YF)
- Eco Scheme
- Coupled Income Support for Protein Aid
- Agri-Climate Rural Environment Scheme (ACRES)

- Straw Incorporation Measure (SIM)
- Organic Farming Scheme (OFS)
- Areas of Natural Constraints (ANC)
- Suckler Carbon Efficiency Programme (SCEP)
- Dairy Beef Welfare Scheme
- Sheep Improvement Scheme
- Knowledge Transfer Programme (KT)

The following is a non-exhaustive list of other area-based schemes, which is subject to amendment:

- Fodder Support Scheme
- Tillage Incentive Scheme
- Protein Aid Combi Crop Measure

The personal data sought from you, the applicant, is required for the purpose of making an application under the “Straw Incorporation Measure”. Failure to provide all the personal data required to determine eligibility and facilitate the processing of the application, including data testing, under the scheme will result in DAFM being unable to process the application.

The operation of this scheme may also result in the sharing of data, where required, within the Department. This is to facilitate, among other things, the fulfilment of the obligations placed on Member States, including Ireland, and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes. The use of the data in this way is considered compatible with its original purpose of collection.

### **3. Legal basis:**

Article 6(1)(c) of the General Data Protection regulation (GDPR) provides for processing of personal data where it is necessary for compliance with a legal obligation to which the controller is subject; while Article 6(1)(e) provides for processing of personal data where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The ‘Straw Incorporation Measure’ is implemented pursuant to the CAP EU Regulations, including Regulations (EU) 2021/2115 of the European Parliament and of the Council as well as relevant secondary legislation. Article 151 (1) of Regulation (EU) 2021/2115 and Article 101 of Regulation (EU) 2021/2116 (Processing and Protection of Personal Data), places a legal obligation on Member States to collect personal data to facilitate the implementation of the CAP Strategic Plan.

The Department may, for the purpose of aiding administrative efficiencies, use existing customer data for other purposes such as to claim and receive payments under CSP Schemes. The use of the data in this way is considered compatible with its original purpose of collection.

Existing customer data means data that is submitted for the Basic Payment Scheme (BPS) and/or its successor scheme the Basic Income Support for Sustainability (BISS). BPS is implemented pursuant to EU Regulation 1306/2013, while BISS is implemented pursuant to Regulations (EU) 2021/2115 and 2021/2116 as well as relevant secondary legislation.

The proposed further processing of the personal data for the purpose of this scheme is considered compatible with its original purpose of collection, this includes the making of payments in respect of participation in schemes administered by the Department funded under the Common Agricultural Policy (CAP). This is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

#### **4. Recipients and data sharing:**

As noted in the “Specified purpose” section above, information and personal data provided as part of this scheme may be shared with other Divisions within the Department for the purposes of aiding administrative efficiencies when processing other related scheme applications. This sharing shall be done in compliance with the CSP legislative framework and relevant data protection legislation.

Personal data may also be sought from and made available to other Government Departments/Agencies/Local Authorities/contracted parties/LIFE Projects, but only where there is a valid legal basis to do so. Anonymised data may also be shared between public bodies to support the achievement of government objectives.

Where appropriate, a Data Sharing Agreement will be put in place. The purpose of this sharing of data is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This includes, but is not limited to management, control and audit purposes, monitoring and evaluation purposes, cross compliance controls, controls relating to the legislation underpinning cross compliance and all Rural Development measures, as required by Article 65 of Commission Implementing Regulation (EU) 809/2014 and for the performance of the CAP Strategic Plan as required by Article 128 of Regulation (EU) 2021/2115 of the European Parliament and of the Council. Also, personal data may be released as required by relevant Data Protection legislation and the Freedom of Information Act 2014.

Personal data may be used for, among other things, statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation and the legislative measures under the CSP. Data used for such purposes will be anonymised, as appropriate, to protect to the security and confidentiality of the data. The use of the data in this way may facilitate the Department in informing policy decisions into the future, which would benefit the Irish farmer and the Agriculture Sector.

Data may be released under The INSPIRE Directive (Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community Directive) came into force on 15 May 2007.

Personal data is also shared with Teagasc for the purpose of facilitating the National Farm Survey as per Regulation (EU Reg 1217/2009) and meeting Ireland's statutory obligation to provide data on farm output, costs and income to the European Commission.

The Department is also currently obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners, An Garda Síochána, and other bodies and this will take place in accordance with Data Protection legislation.

As part of this scheme, if approved into the scheme, you may be requested by the Department or relevant agents acting on its behalf, to supply data in relation to your participation to this Scheme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the CSP Regulations (e.g., EU Regulation 2021/2115 and EU Regulation 2021/2116). Not to supply such information may invalidate/cancel your application.

## **5. Publication of data**

Article 98 of Regulation (EU) 2021/2116 (Publication of information relating to beneficiaries) obliges Member States (MS) to publish beneficiaries' data in certain circumstances, but not where the amount is less than €1,250.

## **6. Transferred outside the EU:**

Personal data, in respect of an application under this scheme, will not be transferred outside of the EU.

## **7. Retention Period:**

Personal data in respect of an application under this scheme will be retained by the Department for 7 years plus the current scheme year in line with the purpose 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.

#### **8. Data provision being statutory or contractual obligation:**

The data provided for this purpose is being requested under the requirements of the CAP (EU) Regulations 2021/2115, including relevant secondary legislation, as well as the CAP Strategic Plan, its Strategic Environmental Assessment, and Appropriate Assessment. If the applicant chooses not to provide necessary relevant information their application for this scheme cannot be processed further.

#### **9. Automated Decision Making, including profiling:**

Personal data provided in the submission of an application under this scheme will be processed automatically for the purpose of the efficient running of this scheme, and the timely payment of participants.

Automated decision making may be used for the purposes of selecting participants for inspection in accordance with the CSP legislative framework and relevant data protection law. Article 65 of Regulation (EU) 2021/2116, obliges member states including Ireland, to set up and operate an integrated administration and control system, which among other things, includes an area monitoring system for systematic observations and tracking of agricultural activities and practices.

#### **10. Information from Third Party:**

Data may be provided to this Department by a third party on behalf of an applicant, for example from a DAFM approved advisor, where it can be shown that authorisation has been given by the applicant for this to take place.

In addition, the Department may be in receipt of data from third parties, to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP) and other legislative provisions. This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

#### **11. Technical information on data collected:**

Technical information on the cookies used on the Gov.ie website is available at the following link: <https://www.gov.ie/en/help/privacy-policy/?section=cookies>

## 20. Contact Us

Scheme	Telephone No	Email Address
Direct Payments Help Desk (BISS, CRISS)	057-8674422	<a href="mailto:DirectPaymentsCorrespondence@agriculture.gov.ie">DirectPaymentsCorrespondence@agriculture.gov.ie</a>
BISS Online Facility Assistance		<a href="mailto:BISSOnline@agriculture.gov.ie">BISSOnline@agriculture.gov.ie</a>
Eco-Scheme		<a href="mailto:ecoscheme@agriculture.gov.ie">ecoscheme@agriculture.gov.ie</a>
Transfer of Entitlements		<a href="mailto:transferofentitlements@agriculture.gov.ie">transferofentitlements@agriculture.gov.ie</a>
Usage of Entitlements		<a href="mailto:usageofentitlements@agriculture.gov.ie">usageofentitlements@agriculture.gov.ie</a>
National Reserve/Complimentary Income Support for Young Farmers (CIS-YF)		<a href="mailto:nationalresurveyfs@agriculture.gov.ie">nationalresurveyfs@agriculture.gov.ie</a>
Protein Aid Scheme		<a href="mailto:tillage@agriculture.gov.ie">tillage@agriculture.gov.ie</a>
Straw Incorporation Measure		<a href="mailto:tillage@agriculture.gov.ie">tillage@agriculture.gov.ie</a>
Areas of Natural Constraints (ANC)		<a href="mailto:anc@agriculture.gov.ie">anc@agriculture.gov.ie</a>
Sheep Improvement Scheme		<a href="mailto:sheepscheme@agriculture.gov.ie">sheepscheme@agriculture.gov.ie</a>
Suckler Carbon Efficiency Programme		<a href="mailto:SCEP@agriculture.gov.ie">SCEP@agriculture.gov.ie</a>
Beef Welfare Scheme		<a href="mailto:BWS@agriculture.gov.ie">BWS@agriculture.gov.ie</a>
Dairy Beef Scheme		<a href="mailto:dairybeef@agriculture.gov.ie">dairybeef@agriculture.gov.ie</a>
Beef Data and Genomics Programme		<a href="mailto:beef schemes@agriculture.gov.ie">beef schemes@agriculture.gov.ie</a>
Tillage Incentive Scheme		<a href="mailto:tis@agriculture.gov.ie">tis@agriculture.gov.ie</a>
Area Monitoring System		<a href="mailto:ams@agriculture.gov.ie">ams@agriculture.gov.ie</a>
Area Monitoring System for ACRES Notifications		<a href="mailto:amsacres@agriculture.gov.ie">amsacres@agriculture.gov.ie</a>
Inheritance Enquiry Unit	057-8689995	<a href="mailto:inheritance@agriculture.gov.ie">inheritance@agriculture.gov.ie</a>
Agricultural Appeals Office	057-8667167	<a href="mailto:appeals@agriappeals.gov.ie">appeals@agriappeals.gov.ie</a>
Farm Partnership Unit	01-6072857	<a href="mailto:farmpartnerships@agriculture.gov.ie">farmpartnerships@agriculture.gov.ie</a>
Financial Self-Services Helpline	049-4368271	<a href="mailto:paymentssection@agriculture.gov.ie">paymentssection@agriculture.gov.ie</a>
Agfood Helpline	049-4368288	<a href="mailto:agfood@agriculture.gov.ie">agfood@agriculture.gov.ie</a>

<b>Agri-Climate Environment (ACRES)</b>	<b>Rural Scheme</b>	053-9163425	For those in ACRES General approach: <a href="mailto:ACRES@agriculture.gov.ie">ACRES@agriculture.gov.ie</a> <a href="mailto:ACREStranche2@agriculture.gov.ie">ACREStranche2@agriculture.gov.ie</a>
<b>Targeted Agriculture Modernisation Schemes</b>			For those in ACRES Co-operation approach: <a href="mailto:ACRESCP@agriculture.gov.ie">ACRESCP@agriculture.gov.ie</a> <a href="mailto:ACRESNPI@agriculture.gov.ie">ACRESNPI@agriculture.gov.ie</a> <a href="mailto:tamsdocs@agriculture.gov.ie">tamsdocs@agriculture.gov.ie</a>
<b>Organic Farming Scheme</b>			<a href="mailto:organic@agriculture.gov.ie">organic@agriculture.gov.ie</a>
<b>Red Clover Silage Measure</b>			<a href="mailto:RCSM@agriculture.gov.ie">RCSM@agriculture.gov.ie</a>
<b>Multi-Species Measure</b>	<b>Swards</b>		<a href="mailto:MSSM@agriculture.gov.ie">MSSM@agriculture.gov.ie</a>

## Submission of documents to the Department

If it is necessary to submit documents such as equine passports or flock registers or documentary evidence in support of an appeal to the Department, you may be required to produce proof of postage.

The only acceptable proof of postage is a Registered Post/Express post receipt. Therefore, please ensure that you retain and keep safe the express post/registered post receipt in case you need it at a later date.

Please ensure that you quote your herd number on all correspondence with the Department.



## 21. Annexes

### Annex 1 Crop Category

This section contains details of all crops and their eligibility for BISS and other Direct Payment schemes and ANC. It also indicates the crop status under the categories “Permanent Grassland”, “Permanent Crop” and “Arable”, along with the GAEC 8 / Space For Nature (SFN) status.

Eligible BISS: A 'Y' in this column indicates that the "crop" can be used to draw down payment under the BISS scheme in 2024. It also covers ECO scheme, CRISS, CIS-YF etc.

Eligible ANC: A 'Y' in this column indicates that the "crop" can be used to draw down payment under the ANC scheme in 2024.

Permanent Grassland: A 'Y' in this column indicates that the "crop" is considered part of a holding's permanent grassland area.

Permanent Crop: A 'Y' in this column indicates that the "crop" is considered a permanent crop.

Arable: A 'Y' in this column indicates that the "crop" is considered an arable crop. It includes all Tillage crops that are commonly sown in Ireland plus grass-based crops (Grass Year 1, 2...etc.).

GAEC8/SFN: A 'Y' in this column indicates that the “crop” can be used to count towards GAEC 8 and SFN contribution.

Crop	Eligible BISS	Eligible ANC	Permanent Grassland	Permanent Crop	Arable	GAEC 8 /SFN	Reference Area
Agroforestry (>400 trees per hectare)	Y	Y					
Agroforestry (<400 trees per hectare)	Y	Y					
Alfalfa	Y	Y	Y				Y
Apples	Y			Y			
Arable Habitat	Y				Y		
Arable Silage (Grass)	Y	Y			Y		Y
Arable Silage (No Grass)	Y	Y			Y		
Artichoke	Y			Y			
Asparagus	Y			Y			
Aubergines	Y	Y			Y		
Baby Leaf Spinach	Y	Y			Y		
Barley - Spring	Y	Y			Y		
Barley - Winter	Y	Y			Y		
Basil	Y	Y			Y		
Beans - Spring	Y	Y			Y		
Beans - Winter	Y	Y			Y		
Beetroot	Y	Y			Y		
Blackberries	Y			Y			
Blackcurrants	Y			Y			
Blueberries	Y			Y			
Borage	Y	Y			Y		
Broccoli - Spring	Y	Y			Y		
Broccoli - Winter	Y	Y			Y		
Brussel sprouts	Y	Y			Y		
Cabbage - Spring	Y	Y			Y		
Cabbage - Winter	Y	Y			Y		
Calabrese	Y	Y			Y		

Crop	Eligible BISS	Eligible ANC	Permanent Grassland	Permanent Crop	Arable	GAEC 8 /SFN	Reference Area
Camelina	Y	Y			Y		
Carrots	Y	Y			Y		
Cauliflowers - Spring	Y	Y			Y		
Cauliflowers - Winter	Y	Y			Y		
Celeriac	Y	Y			Y		
Celery - Spring	Y	Y			Y		
Celery - Winter	Y	Y			Y		
Cherries	Y			Y			
Chives	Y	Y			Y		
Clover	Y	Y	Y				Y
Copse						Y	
Coriander	Y	Y			Y		
Courgettes	Y	Y			Y		
Cranberries	Y			Y			
Cucumbers	Y	Y			Y		
Daffodils	Y	Y		Y			
Damsons	Y			Y			
Designated Habitat	Y					Y	
Dill	Y	Y			Y		
Endives	Y	Y			Y		
Environmental Mgt of Arable Fallow (ACRES)	Y	Y			Y		
Management of Environmental Fallow (Horticulture)	Y	Y			Y		
Extensively Grazed Pasture (ACRES)	Y	Y	Y				Y
Fallow	Y	Y			Y	Y	
Fennel	Y	Y			Y		
Flax	Y	Y			Y		

Crop	Eligible BISS	Eligible ANC	Permanent Grassland	Permanent Crop	Arable	GAEC 8 /SFN	Reference Area
Fodder Beet	Y	Y			Y		
Foliage	Y			Y			
Forage Rape	Y	Y			Y		
Forestry Ineligible	N			Y			
Forestry Eligible	Y						
Forestry 2023	N*			Y			
Forestry 2024	N*			Y			
Forestry Set-aside	Y			Y			
Garlic	Y	Y			Y		
Glasshouse	Y						
Gooseberries	Y			Y			
Grapes	Y			Y			
Grass Year 1	Y	Y			Y		Y
Grass Year 1 (MSS Eco-Scheme)**	Y	Y			Y		Y
Grass Year 2 (MSS Eco-Scheme)**	Y	Y			Y		Y
Grass Year 1 (MSS Measure)**	Y	Y			Y		Y
Grass Year 2 (MSS Measure)**	Y	Y			Y		Y
Grass Year 1 (MSS)**	Y	Y			Y		Y
Grass Year 2	Y	Y			Y		Y
Grass Year 2 (MSS)**	Y	Y			Y		Y
Grass Year 3	Y	Y			Y		Y
Grass Year 3 (MSS)**	Y	Y			Y		Y
Grass Year 4	Y	Y			Y		Y
Grass Year 4 (MSS)**	Y	Y			Y		Y
Grass Year 5	Y	Y			Y		Y

Crop	Eligible BISS	Eligible ANC	Permanent Grassland	Permanent Crop	Arable	GAEC 8 /SFN	Reference Area
Grass Year 5 (MSS)**	Y	Y			Y		Y
Habitat						Y	
Hemp for Food Use	Y	Y			Y		
Hemp for Industrial Use	Y	Y			Y		
Hops	Y			Y			
Horseradish	Y	Y			Y		
Kale	Y	Y			Y		
Kohl-rabi	Y	Y			Y		
Leeks – Spring	Y	Y			Y		
Leeks – Winter	Y	Y			Y		
Lettuce	Y	Y			Y		
Lilies	Y	Y			Y		
Linnet Habitat	Y	Y			Y		
Linseed	Y	Y			Y		
Loganberries	Y			Y			
Low Input Grassland (ACRES)	Y	Y	Y				Y
Low Input Peat Grassland (ACRES)	Y	Y	Y				Y
Lucerne	Y	Y	Y				
Lupins	Y	Y			Y		
Maize	Y	Y			Y		
Management of intensive grassland next to a watercourse (ACRES)	Y	Y	Y				Y
Mangolds	Y	Y			Y		
Marrows	Y	Y			Y		
Millet	Y	Y			Y		
Mint	Y			Y			
Miscanthus Sinensis	Y	Y		Y			

Crop	Eligible BISS	Eligible ANC	Permanent Grassland	Permanent Crop	Arable	GAEC 8 /SFN	Reference Area
Mixed Cropping	Y	Y			Y		
Mixed Cropping (Horticulture)	Y	Y			Y	Y	
Mushrooms	Y	Y			Y		
Mustard	Y	Y			Y		
Nursery	Y			Y			
Native Tree Area	Y					Y	
Oats – Spring	Y	Y			Y		
Oats – Winter	Y	Y			Y		
Oilseed Rape – Spring	Y	Y			Y		
Oilseed Rape – Winter	Y	Y			Y		
Onions	Y	Y			Y		
Orchard	Y					Y	
Other cut flower / bulb crops	Y	Y			Y		
Pak Choi	Y	Y			Y		
Parsley	Y	Y			Y		
Parsnips	Y	Y			Y		
Pears	Y			Y			
Peas	Y	Y			Y		
Peppers	Y	Y			Y		
Permanent Pasture	Y	Y	Y				Y
Permanent Pasture (MSS Eco-Scheme 2023)**	Y	Y	Y				Y
Permanent Pasture (MSS Eco-Scheme 2024)**	Y	Y	Y				Y
Permanent Pasture (MSS Measure)**	Y	Y	Y				Y
Permanent Pasture (MSS)**	Y	Y	Y				Y
Perpetual Spinach	Y	Y			Y		

Crop	Eligible BISS	Eligible ANC	Permanent Grassland	Permanent Crop	Arable	GAEC 8 /SFN	Reference Area
Planted Buffer Zone							
Plums	Y			Y			
Potatoes -Early	Y	Y			Y		
Potatoes -Maincrop	Y	Y			Y		
Potatoes – Seed	Y	Y			Y		
Protein/Cereal Mix 50/50	Y	Y			Y		
100% Protein	Y	Y			Y		
Pumpkins	Y	Y			Y		
Quinoa	Y	Y			Y		
Radish	Y	Y			Y		
Raspberries	Y			Y			
Red Clover	Y	Y					Y
Red Clover Silage (RCS Measure)	Y	Y				Y	Y
Redcurrants	Y			Y			
Reed Canary Grass	Y	Y		Y			Y
Rhubarb	Y			Y			
Riparian Buffer Zone – Arable (ACRES)	Y	Y			Y		
Riparian Buffer Zone – Grassland (ACRES)	Y	Y	Y				
Riparian Zone	Y	Y				Y	
Rocket	Y	Y			Y		
Rocky Outcrop							
Rosemary	Y			Y			
Rye	Y	Y			Y		
Sage	Y	Y			Y		
Salsify	Y	Y			Y		
Scallions	Y	Y			Y		
Scrub						Y	

Crop	Eligible BISS	Eligible ANC	Permanent Grassland	Permanent Crop	Arable	GAEC 8 /SFN	Reference Area
Shallot	Y	Y			Y		
Short Rotation Coppice	Y	Y		Y			
Soya Bean	Y	Y			Y		
Squash	Y	Y			Y		
Strawberries	Y	Y		Y			
Sugar Beet	Y	Y			Y		
Sunflower	Y	Y			Y		
Swede	Y	Y			Y		
Sweetcorn	Y	Y			Y		
Switchgrass	Y			Y			
Thyme	Y	Y			Y		
Tobacco	Y	Y			Y		
Tomatoes	Y	Y			Y		
Tree belts for ammonia capture from farmyards (ACRES)	Y	Y					
Triticale – Spring	Y	Y			Y		
Triticale – Winter	Y	Y			Y		
Tulips	Y	Y			Y		
Turnips	Y	Y			Y		
Vetch	Y	Y			Y		
Wheat – Spring	Y	Y			Y		
Wheat – Winter	Y	Y			Y		
White currants	Y			Y			
Wild Bird Cover	Y	Y			Y	Y	
Willow	Y	Y		Y			
Winter Bird Food Plot (ACRES)	Y	Y			Y		
Woodland						Y	



\*Forestry 2024 is eligible for BISS providing the conditions laid down are satisfied. See Afforestation Measures for more details. Once the conditions are satisfied, the Department will update the crop to Forestry Eligible.

\*\* There are multiple crop types for Multi Species Sward (MSS) in the case of Permanent Pasture and Grass Year 1-5. The MSS Measure should be selected where farmers are part of the stand-alone MSS measure. For those selecting Agricultural Practice 8 within the Eco-Scheme they should select MSS Eco-Scheme. For farmers sowing MSS outside of these schemes they can select MSS.

\*\*\*Parcels are displayed as Grass 1 – 5 and are outlined to help categorise temporary grassland and set out how many years a parcel has been in temporary grassland. The table below sets out the different scenarios.

Scenario	2018	2019	2020	2021	2022	2023	2024
1	Barley-Spring	Barley-Spring	Barley-Spring	Barley-Spring	Barley-Spring	Grass Year 1	Grass Year 2
2	Barley-Spring	Barley-Spring	Barley-Spring	Barley-Spring	Grass Year 1	Grass Year 2	Grass Year 3
3	Barley-Spring	Barley-Spring	Barley-Spring	Grass Year 1	Grass Year 2	Grass Year 3	Grass Year 4
4	Barley-Spring	Barley-Spring	Grass Year 1	Grass Year 2	Grass Year 3	Grass Year 4	Grass Year 5
5	Barley-Spring	Grass Year 1	Grass Year 2	Grass Year 3	Grass Year 4	Grass Year 5	Permanent Pasture

## Annex 2 EU and National Legislation / Definitions relevant to your application

Relevant legislation and definitions - EU Legislation relevant to your application and definitions relevant to your application

It should be noted that, while this Terms and Condition booklet has been prepared as a guidance to farmers, it should be recognised that Ireland's CAP Strategic Plan and 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 below. Any EU Council or Commission amendments made during 2024 will be communicated to farmers and will, where appropriate, also apply to 2024 applications. The complete EU legislation is available at <https://eur-lex.europa.eu>

### **Basic Regulations**

**REGULATION (EU) 2021/2115 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013

**REGULATION (EU) 2021/2116 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013

**REGULATION (EU) 2021/2117 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union

### **Commission Delegated Regulations**

Commission Delegated Regulation (EU) 2022/126 of 7 December 2021 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of intervention specified by Member States in their CAP

Strategic Plans for the period 2023 to 2027 under that Regulation as well as rules on the ratio for the good agricultural and environmental condition (GAEC) standard 1

Commission Delegated Regulation (EU) 2023/330 of 22 November 2022 amending and correcting Delegated Regulation (EU) 2022/126 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of intervention specified by Member States in their CAP Strategic Plans for the period 2023 to 2027 under that Regulation as well as rules on the ratio for the good agricultural and environmental conditions (GAEC) standard 1

Commission Delegated Regulation (EU) 2022/127 of 7 December 2021 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro

Commission Delegated Regulation (EU) 2023/1309 of 26 April 2023 amending Delegated Regulation (EU) 2022/127 as regards transitional rules and correcting that Regulation as regards certain provisions for the EAGF and the EAFRD

Commission Delegated Regulation (EU) 2023/1448 of 10 May 2023 amending Delegated Regulation (EU) 2022/127 as regards the payment of advances under the school scheme and correcting that Regulation

Commission Delegated Regulation (EU) 2023/57 of 31 October 2022 amending and correcting Delegated Regulation (EU) 2022/127 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council

Commission Delegated Regulation (EU) 2022/467 of 23 March 2022 providing for exceptional adjustment aid to producers in the agricultural sectors

Commission Delegated Regulation (EU) 2022/648 of 15 February 2022 amending Annex XI to Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the amount of Union support for types of intervention for rural development for financial year 2023

Commission Delegated Regulation (EU) 2022/1172 of 4 May 2022 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system in the common agricultural policy and the application and calculation of administrative penalties for conditionality

Commission Delegated Regulation (EU) 2023/744 of 2 February 2023 correcting Delegated Regulation (EU) 2022/1172 as regards transitional provisions to facilitate

conditionality and cross-compliance checks for certain area-based payments under the common agricultural policy

Commission Delegated Regulation (EU) 2022/1408 of 16 June 2022 amending Regulation (EU) 2021/2116 of the European Parliament and of the Council as regards the payment of advances for certain interventions and support measures provided for in Regulations (EU) 2021/2115 and (EU) No 1308/2013 of the European Parliament and of the Council

Commission Delegated Regulation (EU) 2022/2528 of 17 October 2022 amending Delegated Regulation (EU) 2017/891 and repealing Delegated Regulations (EU) No 611/2014, (EU) 2015/1366 and (EU) 2016/1149 applicable to aid schemes in certain agricultural sectors

Commission Delegated Regulation (EU) No 807/2014 of 11 March 2014 supplementing Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and introducing transitional provisions

Commission Delegated Regulation (EU) 2023/370 of 13 December 2022 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with regard to procedures, time limits for submission by Member States of requests for amendments of CAP Strategic Plans, and further cases for which the maximum number of amendments of CAP Strategic Plans does not apply.

Commission Delegated Regulation (EU) 2023/813 of 8 February 2023 amending Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards Member States' allocations for direct payments and the annual breakdown by Member State of the Union support for rural development.

### **Commission Implementing Regulations**

Commission Implementing Regulation (EU) 2023/130 of 18 January 2023 laying down rules for the implementation of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the annual performance report

Commission Implementing Regulation (EU) 2023/2141 of 13 October 2023 amending Implementing Regulation (EU) 2023/130 as regards the reporting of penalties for conditionality and Implementing Regulation (EU) 2021/2290 as regards the reporting of

advances in output indicators used for performance clearance and aggregated values of output indicators.

Commission Implementing Regulation (EU) 2022/129 of 21 December 2021 laying down rules for types of intervention concerning oilseeds, cotton and by-products of wine making under Regulation (EU) 2021/2115 of the European Parliament and of the Council and for the information, publicity and visibility requirements relating to Union support and the CAP Strategic Plans

Commission Implementing Regulation (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency.

Commission Implementing Regulation (EU) 2023/2155 of 17 October 2023 amending Implementing Regulation (EU) 2022/128 as regards certain reporting requirements for communications on EAGF in an electronic form.

Commission Implementing Regulation (EU) 2023/860 of 25 April 2023 amending and correcting Implementing Regulation (EU) 2022/128 as regards transparency, the management declaration, the coordinating body, the certification body, and certain provisions for EAGF and EAFRD

Commission Implementing Regulation (EU) 2023/2773 of 13 December 2023 correcting Implementing Regulation (EU) 2022/128 as regards certain provisions for EAGF and EAFRD for audit methods, the scrutiny of transactions and the management declaration.

Commission Implementing Regulation (EU) 2023/897 of 2 May 2023 amending Implementing Regulation (EU) 2021/128 setting the net balance available for EAGF expenditure.

Commission Implementing Regulation (EU) 2021/2290 of 21 December 2021 laying down rules on the methods for the calculation of the common output and result indicators set out in Annex I to Regulation (EU) 2021/2115 of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013

Commission Implementing Regulation (EU) 2021/2289 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the CAP Strategic Plans and on the electronic system for the secure exchange of information

Commission Implementing Decision (EU) 2022/696 of 29 April 2022 granting a derogation requested by Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

Commission Implementing Regulation (EU) 2022/1173 of 31 May 2022 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system in the common agricultural policy

Commission Implementing Regulation (EU) 2022/1317 of 27 July 2022 providing for derogations from Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the application of the standards for good agricultural and environmental conditions of land (GAEC standards) 7 and 8 for claim year 2023

Commission Implementing Regulation (EU) 2022/1475 of 6 September 2022 laying down detailed rules for implementation of Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the evaluation of the CAP Strategic Plans and the provision of information for monitoring and evaluation

Commission Implementing Regulation (EU) 2023/2157 of 17 October 2023 amending and correcting Implementing Regulation (EU) 2022/1475 as regards the description of the budget code structure and the type and format of information to be provided for monitoring and evaluation of the CAP Strategic Plans.

Commission Implementing Decision (EU) 2022/1864 of 5 October 2022 setting out the organisational structure and operation of the European CAP network and repealing Implementing Decision 2014/825/EU

Commission Implementing Regulation (EU) 2022/2344 of 29 November 2022 on the reimbursement, in accordance with Article 17(3) of Regulation (EU) 2021/2116 of the European Parliament and of the Council, of the appropriations carried over from financial year 2022.

Commission Implementing Regulation (EU) 2022/2532 of 1 December 2022 amending Implementing Regulation (EU) 2017/892 and repealing Regulation (EU) No 738/2010 and Implementing Regulations (EU) No 615/2014, (EU) 2015/1368 and (EU) 2016/1150 applicable to aid schemes in certain agricultural sectors.

Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation) Text with EEA relevance.

Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance.

Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)

Commission Implementing Regulation (EU) 2023/1072 of 1 June 2023 fixing the adjustment rate for direct payments pursuant to Regulation (EU) 2021/2116 of the European Parliament and of the Council in respect of the calendar year 2023.

COMMISSION IMPLEMENTING DECISION (EU) 2023/1408 of 3 July 2023 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)

Commission Implementing Regulation (EU) 2023/1508 of 20 July 2023 derogating in respect of the year 2023 from Article 44(2), second subparagraph of Regulation (EU) 2021/2116 of the European Parliament and of the Council as regards the level of advance payments for interventions in the form of direct payments and area-based and animal-based rural development interventions. Applies until 31 December 2023

Commission Implementing Regulation (EU) 2023/1619 of 8 August 2023 on temporary emergency measures derogating in respect of the year 2023 from certain provisions of Regulations (EU) No 1308/2013 and (EU) No 2021/2117 of the European Parliament and of the Council, to resolve specific problems in the fruit and vegetables and wine sectors caused by adverse meteorological events. Applies until 31 December 2023

Commission Implementing Regulation (EU) 2023/1620 of 8 August 2023 on temporary emergency measures derogating in respect of the year 2023 from certain provisions of Regulation (EU) 2021/2115 of the European Parliament and of the Council, to resolve specific problems in the fruit and vegetables sector caused by adverse meteorological events and measures linked to them. Applies until 31 December 2023.

### **Statutory Instruments.**

S.I. No. 639/2017 - European Union (Basic Payment Scheme Inheritance) Regulations 2017

S.I. No. 113 of 2014 – Control on Places where Horses are kept Regulations 2014

S.I. No. 473 of 2011 EUROPEAN UNION (ENVIRONMENTAL IMPACT ASSESSMENT AND HABITATS) REGULATIONS 2011

S.I. No. 456 of 2011 European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011

S.I. No. 407/2017 - European Communities (Environmental Impact Assessment) (Agriculture) (Amendment) Regulations 2017

S.I. No. 497/2022 - European Communities (Recovery of Amounts) (Amendment) Regulations 2022

S.I. No. 169/2016 - European Communities (Direct support schemes) Offences and Controls Regulations 2016

S.I. No. 193/2002 - Agriculture Appeals Regulations 2002

S.I. No. 113 of 2022 EUROPEAN UNION (GOOD AGRICULTURAL PRACTICE FOR PROTECTION OF WATERS) REGULATIONS 2022

S.I. No.393 of 2022 [European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2022,

S.I. No. 716 of 2022 [European Union (Good Agricultural Practice for Protection of Waters) (Amendment) (No.2) Regulations 2022,

S.I. No. 62 of 2023 [European Union (Good Agricultural Practice for Protection of Waters) (Amendment) (Regulations 2023,

S.I. 357 of 2011, European Communities (Equine) Regulations 2011



S.I. 189 of 2014 Equidea (Transfer of Ownership) Regulations 2014

S.I. 22 OF 2020 European Union (Food and Feed Hygiene) Regulations 2020

S.I. No. 628 of 2023 EUROPEAN UNION (CAP STRATEGIC PLAN, INFORMATION SHARING) REGULATIONS 2023

### **Statutory Mandatory Requirements (SMR's)**

Directive 2000/60/EC of 23 October 2000 of the European Parliament and of the council establishing a framework for community action in the field of water policy (OJ L 327, 22.12.2000, p. 1): Article 11(3), point (e), and point (h), as regards mandatory requirements to control diffuse sources of pollution by phosphates

Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p.1): Articles 4 and 5

Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7); Articles 3(1), Article 3(2), point (b), Article 4(1), (2) and (4)

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna (OJ L 206, 22.7.1992, p.7): Article 6(1) and (2)

Regulation (EC) No. 178/2002 of the European Parliament and the Council 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 31, 1.2.2002, p. 1): Articles 14 and 15, Article 17(1)<sup>2</sup> and Articles 18, 19 and 20

Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and beta- agonists, and repealing Directives 81/602/EEC, 881/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3): Article 3, points (a), (b), (d) and (e), and Articles 4, 5 and 7

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<sup>2</sup> As implemented in particular by:

– Article 14 of Regulation (EC) No 470/2009 and the Annex to Regulation (EC) No 37/2010,

– Regulation (EC) No 852/2004: Article 4(1) and Annex I part A (II 4 (g, h, j), 5 (f, h), 6; III 8 (a, b, d, e), 9 (a, c)),

– Regulation (EC) No 853/2004: Article 3(1), Annex III Section IX Chapter 1 (I-1 b, c, d, e; I-2 a (i, ii, iii), b (i, ii), c; I-3; I-4; I-5; II-A 1, 2, 3, 4; II-B 1(a, d), 2, 4 (a, b)), Annex III Section X Chapter 1(1),

– Regulation (EC) No 1831/2003: Article 5(1), (5) and (6), Annex I, part A (I-4 e, g; II 2 a, b, e), and Annex III (under the heading 'FEEDING', point 1 entitled 'Storage', first and last sentences, and point 2 entitled 'Distribution', third sentence), and

– Regulation (EC) No 396/2005: Article 18.

Regulation (EC) 1107/2009 of the European Parliament and the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11. 2009, p. 1): Article 55, first and second sentence

Directive 2009/128/EC of the European Parliament and the Council of 21 October 2009 establishing a framework for Community Action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71): Articles 5(2) and Article 8(1) to (5) Article 12 with regard to restrictions on the use of pesticides in protected areas defined on the basis of Directive 2000/60/EC and Natura 2000 legislation. Article 13(1) and (3) on handling and storage of pesticides and disposal of remnants

Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (OJ L 10, 15.1.2009, p. 7): Articles 3 and 4

Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5): Articles 3 and 4

Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes (OJ L 221, 8.8.1998, p. 23): Article 4

### **Other Relevant Legislation**

Freedom of Information Act 2014

The Wildlife Act 1976

Wildlife (Amendment) ACT, 2000 amending The Wildlife Act 1976

Forestry Act 2014 Number 31 of 2014

Agriculture Appeals Act, 2001 (Act No. 29 of 2001)

Data Protection Act, 1988 Number 25 of 1988

Data Protection (Amendment) Act 2003 – Number 6 of 2003

Data Protection Act 2018 – Number 7 of 2018

General Data Protection Regulation (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

Data Sharing and Governance Act 2019 Number 5 of 2019

Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of

certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (Text with EEA relevance)

Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005

Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008

Council Directive 2008/62/EC of 20 June 2008 providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties (Text with EEA relevance)

Directive 2007/2/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)

Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants

Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species

Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (Text with EEA relevance)

Regulation (EC) No 1185/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 November 2009 concerning statistics on pesticides

Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community

Regulation (EC) No 999/2001 of the European Parliament and the Council 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.

Regulation (EC) No 183/2005 of the European Parliament and the Council of 12 January 2005 laying down requirements for feed hygiene - OJ L35 of 08/02/2005.

Regulation (EC) No 853/2004 of the European Parliament and the Council of 29 April 2004 on the Hygiene of foodstuffs - OJ L226 of 25/6/2004.

Regulation (EC) No 853/2004 of the European Parliament and the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin - OJ L226 of 25/6/2004.

Regulation (EC) No 767/2009 of the European Parliament and the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC

Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed

## Annex 3 Burning of Growing Vegetation

### Burning of Growing Vegetation

Under Section 40 of the Wildlife Act, 1976, as amended by the Wildlife (Amendment) Act, 2000 growing vegetation cannot be burnt between 1 March and 31 August of any given year, on any land not yet cultivated.

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

- Under Section 39 of the Wildlife Act, 1976 (as amended), it is prohibited to burn any vegetation within one mile of a wood, without prior notification to the Gardaí and the owner of the wood.
- Under Section 74 of the Wildlife Act, 1976, (as amended), 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.

### Dial Before You Begin Burning

YOU MUST ALWAYS TELEPHONE THE REGIONAL FIRE CONTROL CENTRE BEFORE YOU BURN, STATING CLEARLY YOUR INTENTION TO CARRY OUT A CONTROLLED BURNING OPERATION, GIVING YOUR NAME, CONTACT TELEPHONE NUMBER, THE EXACT LOCATION AND EXPECTED DURATION OF THE PLANNED OPERATION FOR THE DAY IN QUESTION.

The Regional Fire Control Centres can be contacted via the normal Emergency Services telephone numbers:

999/112

DIAL WHEN YOU ARE FINISHED BURNING

TELEPHONE AGAIN WHEN OPERATIONS ARE COMPLETED AND ALL FIRES ARE FULLY EXTINGUISHED.

IF IN DOUBT, DO NOT BURN

The Department has produced a Prescribed Burning Code of Practice in order to provide guidance to landowners who use controlled burning as a land management tool and a shorter version issued to farmers in high fire risk areas throughout the country in 2013. Both publications are available on the Department's website at: <https://www.gov.ie/prescribedburning/> or from the Forestry Division Johnstown castle, Co Wexford.

If your land has been burned maliciously you need to provide evidence that you reported this to An Garda Síochana or your local Fire Service.

## Annex 4 Stocking Rate Check

The following section sets out the stocking rate check for the:

Scheme	Min	Max
Active Farmer Check	0.10 LU/ha	n/a
Eco-scheme (Ag practise 2)	0.10 LU/ha	1.4 LU/ha
Eco-scheme (Ag practise 2) Enhanced	0.10 LU/ha	1.2 LU/ha
Organic Farming Scheme	0.10 LU/ha	n/a
Areas of Natural Constraints	0.10 LU/ha	n/a

Satisfying a minimum stocking rate of 0.10 livestock units per eligible forage hectare (LU/ha) is one option available to applicants to satisfy the Active Farmer Check, see Section 10 for further options.

Specific stocking requirements apply for the Eco-Scheme Agricultural Practice 2 and this section should be read in conjunction with Section 2.

Applicants with non-tillage land must satisfy a minimum stocking rate of 0.10 LU/ha to be eligible for the Area of Natural Constraints Scheme and the Organic Farming Scheme, see Section 6 and the Organic Farming Scheme (OFS) Terms and Conditions for additional information.

### General requirements

- Stocking rate check will be based on the previous year, with the potential for the current year to be used. For example, if an applicant did not satisfy the stocking rate check in 2023, they could select to use 2024 instead but payments may not issue until March 2025. Applicants would then be using the current year, instead of the previous year, for the stocking rate check in future years.
- Retention period: Applicants must maintain their stocking rate (min 0.10 LU/ha and within max, if applicable) for a minimum of 28 consecutive weeks in the year selected.
- Stocking Density: Applicants must also maintain an annual average stocking rate calculated over the 12 months of the year selected.

- Only the following animals may be considered towards satisfying the stocking rate check, providing the relevant requirements are met - Cattle, Sheep, Goats, Horses, Donkeys and Deer. The relevant requirements and the livestock coefficients are set out below.
- Supporting documentation must be submitted for sheep, goats, horses and donkeys e.g. original flock register, certified copies of horse/donkey passports.
- The onus is on the applicant to submit correct and appropriate documentation. If insufficient/incorrect documentation is received, the application cannot be processed and may result in nonpayment.
- The land used in the stocking rate calculation is based on the reference area of the LPIS parcel, see Section 13, for further information.
- Applicants, using a FAS approved Advisor, can apply to derogate from the minimum 0.10 LU/ha requirement and the retention period, based on environmental grounds.

### **Stocking Retention Period**

Applicants must retain sufficient livestock to maintain the stocking density on their holding for a period of 28 consecutive weeks in the year selected.

For example, in 2024, applicants must maintain the minimum stocking level of 0.10 LU/ha for a period of 28 consecutive weeks between 01 January 2023 to the 31 December 2023 (the previous calendar year). If an applicant did not satisfy the stocking rates in 2023, they could select to use 2024 instead but payments may not issue until March 2025.

If an applicant selected Eco scheme Agricultural Practise 2, they must also maintain their stocking level below 1.4 LU/ha OR 1.2 LU/ha for 28 consecutive weeks.

### **Stocking Density Requirements**

In addition to meeting the 28 consecutive week retention period set out above, applicants must also maintain an annual average stocking rate calculated over the 12 months of the year selected.

Applicants must own, possess, hold and maintain the livestock required to maintain the minimum stocking levels set out above. Where it is established that an applicant does not own the animals used to calculate the minimum stocking density, the applicant will be deemed ineligible for payment.

If an applicant selected Eco scheme Agricultural Practise 2, they must also maintain their annual average stocking rate below 1.4 LU/ha OR 1.2 LU/ha over the 12 months of the year selected.

In cases where a holding has been restricted due to the presence of an animal disease (e.g. TB), applicants are required to meet the minimum required stocking density within 20 working days of the date of derestriction.

## **New Entrants**

For new entrants, where the allocation of a herd number is delayed beyond the 1 June 2024, the stocking density requirements will be calculated on a pro-rata basis from the date of allocation up to and including 31 December 2024.

Applicants are however required to meet the minimum required stocking density within 10 working days of receiving their herd number.

Supporting documentation must be submitted for sheep, goats, horses and donkeys e.g., original flock register, certified copies of horse passports

## **Specific Requirements applicable to eligible livestock**

### **Sheep / Goats**

Under EU Regulation 2016/429 all flock owners', sheep/goat keepers are obliged to count the sheep/goats present in their flock on their holding, record this number in the flock register and are legally obliged to return this number to this Department via the annual Sheep/Goat Census return.

Where flock owners do not have sheep/goats at the time of the Census but will have sheep/goats during the following year they must still complete and return the Census. Where, in such circumstances, a Census Return is not forwarded by the Department the onus is on the herd owner to source the form through their District Veterinary Office.

The closing date for the December 2023 Sheep/Goat Census was 31 January 2024 for paper census forms while the deadline for online census submission was 14 February 2024. **However, Sheep/Goat Census returns received up to 15 May 2024 will be considered as valid for satisfying the livestock requirements set out in this section.**



ANC/ASC applicants failing to submit a Sheep/Goat Census in line with the dates and conditions above will be deemed ineligible for the ANC/ASC schemes.

Two census year returns will be used to support stocking retention calculations. e.g., for 2023, census returns for December 2022 & December 2023 will be used. In cases where the census returns do not support the required stocking the applicant should submit a flock register.

In cases where it is necessary to submit a flock register to prove stocking density requirements **only the ORIGINAL flock register will be accepted**. Certified copies will not be accepted.

Flock Registers must be complete and contain records of all sheep/goat movements on the holding. This should include the total number of lambs born in 2023 and lambing dates (by each week).

## **Equines (Horse/Donkey)**

From January 2025, a valid equine census must be submitted for the year in question within the specified timelines.

All premises where horses and donkeys are kept must be registered with the Department of Agriculture, Food and the Marine, in accordance with S.I. No. 113 of 2014 Control on Places where Horses are Kept Regulations 2014.

All equines are required to have a valid passport in the applicant's name. Where an equine is purchased it must have a valid passport at the time of purchase and same must be updated to the applicant's name thereafter in accordance with the governing regulation.

Equines will only be accepted towards meeting the stocking requirements set out in this section from the date of registration or transfer of ownership.

**NOTE:** Applicants seeking to fulfil stocking density using either Horses or Donkeys, **must submit certified copies of the equine passports** to the Areas of Natural Constraints section in the Department's offices in Portlaoise.

Certified copies of the passports should only be submitted after the minimum 28 consecutive weeks stock retention period has been reached and after the annual total has been met.

For the purposes of satisfying these requirements, equine passports can be certified by a recognised FAS Advisor, a practising Solicitor or Commissioner for Oaths or a member of An Garda Síochána.

The Certified True Copies must contain the following information:

- Name of Horse/donkey (Name or Unnamed)
- Sex
- Date of Birth,
- Sire and Dam details
- Microchip Number/UELN Number
- Breeder information
- Ownership pages showing the applicant's name and address as the registered owner even if the ownership page is blank.

The certified true copies must be signed, stamped and dated.

Certified true copies are **ONLY** input onto the Department system up to the date of certification. If the annual total has not been met by this date, the applicant will not qualify for payment.

**If any of the above information is missing and is not certified or dated correctly, it will result in a delay in applicant's application being processed or an application being rejected. The applicant will be asked to arrange for new certified true copies to be completed.**

Details of equine animals used to fulfil stocking density requirements may be checked against records held on the Department's Animal Identification and Movement (AIM) System.

## **Horses – Inclusion of breeding enterprises**

While horses are not automatically eligible for the stocking density calculation, equine breeding enterprises continue to be eligible on the basis of the contribution they make to the local economy. Equine Breeding Enterprises are defined as follows: an applicant must, in the first instance, be an equine breeder and have bred a foal, in either 2022 or 2023, from a mare registered as on the applicant's holding in 2023, which was registered in a Stud Book approved by the Department of Agriculture, Food and the Marine, with pedigree recorded (sire and dam). Furthermore, the premises of all who meet this criteria must be registered with the Department of Agriculture, Food and the Marine, in accordance with S.I. No. 113 of 2014 Control on Places where Horses are Kept Regulations 2014.

Where these criteria are met, the following equines will then be eligible for inclusion in the stocking density calculation subject to adherence to S.I. 357 of 2011, European Communities (Equine) Regulations 2011 and S.I. 189 of 2014 Equidea (Transfer of Ownership) Regulations 2014:

- All equines aged one year to five years, (aged using 1 January), registered in a Stud Book approved by the Department of Agriculture, Food and the Marine, with pedigree recorded (sire and dam) and registered in the name of the applicant in accordance with EU Regulation 2015/262 and maintained on his/her holding;
- Breeding mares, registered as having been on the applicant's holding in 2023, which have bred a foal in either 2022 or 2023. Both the mare and the foal MUST be registered in a Stud Book approved by the Department of Agriculture, Food and the Marine.

**NB: Where horses from Equine Breeding Enterprises are used in calculating compliance with the minimum stocking density requirement the Department of Agriculture, Food and the Marine may directly verify the appropriate information in the relevant databases necessary to confirm that the eligibility of the animals.**

## **Donkeys**

Donkeys are eligible for inclusion in the stocking density calculation. They must be owned by the applicant who holds a valid passport with the donkey registered in the name of the applicant. All donkeys must be maintained on the applicants holding.

**IMPORTANT** – Only 50% of stocking density requirement can be fulfilled using donkeys. Applicants will be required to use other livestock to fulfil the other 50% requirement.

## **Deer**

While deer are eligible for inclusion in the stocking density calculation they will only be considered as eligible subject to an on-site inspection. Where an applicant seeks to satisfy the stocking requirements set out above during the current scheme year, the onus is on the applicant to request a deer inspection by the Department. It is preferable, for administration purposes, that such inspections be requested after 1 August 2024. To request a deer inspection, contact the Direct Payments Helpdesk on 057-8674422.

## **Dairy**

Dairy cows are eligible for inclusion in the stocking density calculation. Dairy breed shall mean any of the following breeds (as per AIM list of official breeds): Angler, Armoricaire, Ayrshire, Blue Albion, Bretonne Pie-Noire, Brown Swiss, Danish Red, Frisona Espagnola, Groninger Blaarkop, Guernsey, Holstein/Friesian, Jersey, Lithuanian Black and White, Malkekorthorn, Blended Milking Shorthorn, Normande, Norwegian Red, Reggiana, Swedish Red, Danish Red, Reggiana and Valdostana Nera. The dairy cow must also have

had at least one calf. If a dairy breed cow has not had at least one calf, the Bovine, Other Cows 2 years old and over coefficient of 0.8 livestock unit will apply.

## Livestock Unit Values

The Stocking Retention Period and Stocking Density Requirements set out above will be determined based on new livestock coefficients which will apply from the 01 January 2023.

Type of animal	Livestock Unit value	Proof required
Bovine, under 1 year old	0.4 livestock unit each	Up to date Herd Register. AIM compliance movements.
Bovine, 1 but less than 2 years old	0.7 livestock unit each	Up to date Herd Register. AIM compliance movements.
Bovine, Male, 2 years old and over	1.0 livestock unit each	Up to date Herd Register. AIM compliance movements.
Bovine, Heifers, 2 years old and over	0.8 livestock unit each	Up to date Herd Register. AIM compliance movements.
Bovine, Dairy Cows	1.0 livestock unit each	Up to date Herd Register. AIM compliance movements.
Bovine, Other Cows 2 years old and over	0.8 livestock unit each	Up to date Herd Register. AIM compliance movements.
Female or male horses	0.8 livestock unit each	Equine Passport in your name and in accordance with governing EU Regulation
Female or male donkeys	0.8 livestock unit each*	Equine Passport in your name and in accordance with governing EU Regulation
Female or male sheep	0.1 livestock unit each	Up to date Flock Register as per EU Regulation 2016/429. Sheep Census returned by deadline.
Female or male goats	0.1 livestock unit each	Up to date Flock Register as per EU Regulation 2016/429. Goat Census returned by deadline.
Female or male deer	0.3 livestock unit each	Inspection – on request – See above section on deer

\* **IMPORTANT** - Please note that only 50% of stocking density requirement can be fulfilled using donkeys. Applicants will be required to use other livestock to fulfil the other 50% requirement.

## Derogations for stocking rate

The minimum stocking level of 0.10 livestock units per forage hectare may be reduced to a lower stocking level based on the land type e.g. habitat types. In such cases the

requirement to maintain animals for at least 28 consecutive weeks 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.

In the case of commonage, the stocking density currently used in the calculation of the minimum stocking density for the holding is calculated using the most recent relevant stocking information available to the Department in respect of the commonage. The basis of these figures is the original Commonage Framework Plans (CFP). These figures were created with reference to the habitat types that are contained within the commonage. The minimum commonage stocking density may be subject to change. The Department may request or propose a review of this figure at any time. Any such review must be supported by an assessment completed by an approved FAS advisor.

Applicants can also apply to receive a derogation from the 28 consecutive weeks retention period.

Where an applicant believes that there are recognised constraints on their holding, applicants should have their land assessed by an approved FAS approved advisor and have them complete the “Parcel Assessment Form”, which is available on the Department’s website [gov.ie](http://gov.ie) - [Parcel Assessment Form \(www.gov.ie\)](http://www.gov.ie).

On receipt of the completed form, the Department will carry out a review of this assessment and may carry out a Rapid Field Visit to establish conditions. On completion of this review, and where the review supports the assessment of the land submitted, a reduced stocking rate or derogation from the 28 consecutive weeks will be applied to the land in question.

## Annex 5 Crops – Space for Nature

### Fallow

- The land must be either arable or grassland.
- The lands must not be used for production from 1 March in the year in which the farmer selects this as a qualifying feature for GAEC 8 and Eco-Scheme Space for Nature and 28 February of the following year.
- The Fallow Lands must not be in receipt of any other Government Support from for example schemes such as ACRES.
- A crop cannot be harvested, or the land cannot be grazed during this period.
- The land must be maintained in good condition and can be topped between 1 September and 28 February.
- No fertiliser either organic or inorganic or plant protection products can be applied in the periods set out above.
- For the purposes of GAEC 8 and Eco-Scheme Space for Nature, each hectare of fallow land is equivalent to 1 hectare of Space for Nature.
- Where a parcel has been subdivided for Fallow, either crop or feature area will be applied, whichever is the most beneficial.
- Whole parcels declared as Fallow will receive a crop area and each hectare is equivalent to 1 hectare of Space for Nature.

### Wild Bird Cover

- There is no restriction on what the preceding parcel usage was – i.e., can have been grass or arable in the preceding year.
- The Wild Bird Cover must not be in receipt of any other Government Support such as ACRES and must be sown by 31st May in the year in which the farmer selects this as a qualifying feature for GAEC 8 and Eco-Scheme Space for Nature.
- A crop cannot be harvested, or the land cannot be grazed from the time the crop is planted (31st May at the latest) up to 1 January of the following year.
- No fertiliser either organic or inorganic or plant protection products can be applied in the periods set out above.
- For the purposes of GAEC 8 and Eco-Scheme Space for Nature, each hectare of Wild Bird Cover is equivalent to 1 hectare of Space for Nature.
- Where a parcel has been subdivided for Wild Bird Cover, either crop or feature areas will be applied, whichever is the most beneficial.
- Whole parcels declared as Wild Bird Cover will receive a crop area and each hectare is equivalent to 1 hectare of Space for Nature.

