



THE DEPARTMENT OF
AGRICULTURE & FOOD
AN ROINN TALMHAÍOCHTA AGUS BIA

HELPSHEET / TERMS & CONDITIONS

FOR THE

2005

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

AND FOR

**THE 2005 DISADVANTAGED
AREAS SCHEME, AND
OTHER 2005 EU
AREA BASED SCHEMES**

TELEPHONE CONTACT NUMBERS

THE SINGLE PAYMENT UNIT of the DEPARTMENT OF AGRICULTURE AND FOOD, situated at OLD ABBEYLEIX ROAD, PORTLAOISE, CO. LAOIS will process the application forms under the new Single Payment Scheme (SPS).

The AREA AID UNIT, which was based in Hume House, Ballsbridge, Dublin 4, and which dealt with Area Aid applications for many years up to 2004, will not be involved in the administration of the Single Payment Scheme in 2005.

Any queries relating to the 2005 Single Payment Scheme (SPS) should therefore be addressed to the Portlaoise Office of the Department of Agriculture and Food. Lo-Call Telephone numbers will be available for calling the Single Payment Scheme HELPLINE directly. Details of the Lo-call numbers will be published in the national and local press.

VIEW YOUR SINGLE PAYMENT SCHEME DETAILS ON THE INTERNET

The web-enabled functionality of the iMap system, which was developed for the Area Aid Unit, will continue to be made available to farmers, later in 2005, in the context of the Single Payment Scheme (SPS). Farmers who register for the service will be able to view maps of their holdings and access details of their land parcels, SPS application and SPS entitlements via the internet and the Department's website. Registration for this service is free and an application for registration can be made on-line through the Department's website at www.agriculture.gov.ie. If you apply for the service you will be sent a unique number (PIN) that will enable you to access your details on the Department's database.

For further information on how to register for this service, you should contact: E Services in the Department's Portlaoise Office, Lo call 1890 200 560.

INTRODUCTION

THE DECOUPLED EU SINGLE PAYMENT SCHEME (SPS) 2005 AND OTHER COUPLED AREA - BASED SCHEMES

GENERAL BACKGROUND TO THE SINGLE PAYMENT SCHEME

The Single Payment Scheme (SPS) is being introduced in 2005 as part of the new measures agreed in the reform of the Common Agricultural Policy. As the Livestock Premia Schemes, the Arable Aid Scheme, and the Seed Production Aid Scheme have been fully decoupled from production in Ireland with effect from 1 January 2005, the new Single Payment Scheme will replace those Schemes from 2005 onwards. The following Livestock Premia Schemes have been replaced: Special Beef Premium, 1st and 2nd age ; Special Beef Premium - Bulls ; Suckler Cow Premium; Ewe Premium; Supplementary Ewe Premium (Rural World) ; Slaughter Premium; Extensification Payments ; and National Envelope Top-Ups relating to the Ewe Premium, Dry Heifer, Calved Heifer and Slaughtered Heifers.

The Dairy Premium, which was introduced in 2004, will be decoupled from the milk quota and added to the Single Payment from 31 March 2005.

The Dried Fodder Scheme has been partially decoupled (50%) with effect from 1 January 2005. 50% of the aid is therefore included in the Single Payment Entitlements and will be paid on application for the Single Payment Scheme in 2005. Application for that part of the Dried Fodder Scheme that is not decoupled must **be made separately to the Department as in previous years.**

The Department will need to know the use of each land parcel in order to ensure that eligibility conditions are met, to verify crop usage, to ensure that setaside obligations are met, to verify that the national level of Permanent Pasture is maintained and that Cross Compliance measures between Schemes are respected.

Payments under the Disadvantaged Areas Scheme (formerly the Headage Payments Scheme), the Rural Environment Protection Scheme (REPS), the Afforestation Premium Scheme and farm support schemes such as Installation Aid and On-Farm Investment, are not included in the Single Payment Scheme and those schemes will continue in place as before.

In general, the Single Payment Scheme is applicable to farmers who actively farmed during all or any of the three reference years 2000, 2001, and 2002, who were paid Livestock Premia and/or Arable Aid payments in one or more of those years and who, or whose successors, will farm in 2005 Single Payment Scheme. The scheme will also cater for other farmers – new entrants, farmers affected by force majeure etc.

THE NATIONAL RESERVE

A National Reserve has been established in accordance with EU Regulations, and is provisionally based on 3% of the value of Entitlements established for farmers who were farming during the reference period (2000-2002). *It has been decided that this reduction would also cover allocation of Entitlements to farmers in excess of the National Ceiling.* Farmers in the following categories were automatically entitled to apply for an allocation of payment entitlements from the National Reserve.

- Farmers who inherit, lease or otherwise receive free of charge or for a nominal consideration, from a farmer who retired or died before the 16 May closing date for receipt of Single Payment applications in 2005, a holding that was leased to a third party during the reference period 2000, 2001 and 2002.
- Farmers who made investments in production capacity or purchased or leased land (long-term) before 19 October 2003 and farmers who leased land long-term between the end of the reference period and 19 October 2003 where the lease conditions cannot be adjusted.
- Farmers who participated in a National Programme of conversion of production during the reference period or before 19 October 2003.

Dairy farmers who, because of force majeure, were unable to fill all or part of their milk quotas during the 2004/2005 milk quota year will, subject to the Department's approval, be entitled to temporarily lease all or part of their quota and benefit from the decoupled Dairy Premium on the temporary leased quota. The Entitlements granted to such farmers will be allocated from the National Reserve.

The National Reserve will also be used for granting payment Entitlements, or enhanced payment Entitlements to:

Young farmers who satisfy certain specified criteria and who entered farming for the first time after 31 December 2002 or who, while farming in 2002, did not receive any direct payments in that year.

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

The Department is also examining the possibility of granting enhanced entitlements from the National Reserve to Sheep farmers with commonage land who were prevented from expanding production during the period 1999 – 2002 pending the publication of commonage framework plans.

Farmers who receive Entitlements from the National Reserve may not sell, lease out or otherwise transfer, (except in cases of inheritance) any of their Entitlements which they received from the National Reserve, for a period of 5 years starting from the year of allocation. Successful applicants under the National Reserve must continue to engage in an agricultural activity for a minimum period of 5 years.

Entitlements allocated from the National Reserve are subject to Modulation deductions in the same way as other Entitlements.

Farmers who have applied for an allocation of payment entitlements from the National Reserve are advised to submit a valid Single Payment Scheme application in 2005 on which they declare all land available to them, in order to activate any entitlements which may be allocated from the reserve. Where, with the exception of cases of force majeure, a valid 2005 SPS application form is not received from an applicant for an allocation from the National Reserve, no Entitlements will be allocated from the National Reserve and any existing Entitlements will be surrendered to the National Reserve.

PROVISIONAL STATEMENTS OF ENTITLEMENTS

Provisional STATEMENTS OF ENTITLEMENTS under the Single Payment Scheme were issued to most farmers over the last number of months. A further summarised STATEMENT OF ENTITLEMENTS has been issued to you to facilitate your completion of your SPS application form.

PLEASE NOTE: EXCEPT IN CASES OF FORCE MAJEURE, WHERE A VALID SINGLE PAYMENT SCHEME APPLICATION IS NOT SUBMITTED BY THE 16 MAY 2005 CLOSING DATE (OR BY THE 10 JUNE LATEST DATE FOR ACCEPTANCE OF LATE APPLICATIONS WITH PENALTY), ENTITLEMENTS WILL BE LOST TO THE NATIONAL RESERVE.

TYPES OF ENTITLEMENTS

1) STANDARD ENTITLEMENTS

Standard Entitlements will be the most common entitlements, as they will be allocated to farmers who received Arable Aid payments, or farmers who declared forage area and received livestock premium payments during the reference period.

Dairy farmers with livestock premia or arable aid entitlements who qualify for the decoupled Dairy Premium in 2005 will have the unit value of their Livestock Premia and/or Arable Aid entitlements increased in 2005 to include the de-coupled Dairy Premium entitlements. Dairy farmers who have not had any Livestock Premia and/or Arable Aid entitlements established during the Reference period and who qualify for the decoupled Dairy Premium in 2005 will establish a number of Entitlements equal to the declared number of eligible hectares owned in 2005.

Deductions

There is also a national ceiling for the total value of Entitlements for each of the years up to 2012. The national ceiling for direct payments in Ireland for 2005 is €1,260 million. If this ceiling is exceeded, a linear reduction must be applied to respect the ceiling.

For the purposes of establishing the National Reserve, all Entitlements are subject to a linear percentage reduction of up to 3%. Payment Entitlements will also be reduced for Modulation by varying amounts in each year to 2012. The Modulation reduction in 2005 is 3%. In 2006 the reduction will be 4% and the reduction from 2007 to 2012 will be 5%.

2) SETASIDE ENTITLEMENTS

Where a farmer was subject to the obligation to set aside part of his/her holding, in the reference period 2000 –2002, he/she shall be subject to an obligation to set aside land under the Single Payment Scheme. The farmer will have received set- aside Entitlements equal to the average number of compulsory setaside hectares during the reference period. Even where land in forestry was used historically to meet obligatory setaside requirements during the reference period and only the forestry premium was payable to the applicant, setaside Entitlements have been established with a value equal to €383.04 /ha.

setaside Entitlements are separate to ordinary payment Entitlements and must be activated each year before any other payment Entitlements. If a farmer has Setaside Entitlements, he/she is obliged to set aside the appropriate number of hectares even if the farmer is no longer involved in crop production. Where a farmer transfers Setaside Entitlements, the setaside obligation continues to apply.

Any Setaside Entitlement accompanied by a hectare eligible for setaside shall give right to the payment of the amount fixed by the Setaside Entitlement. Farmers must set aside from production the hectares eligible for Setaside Entitlements. Setaside Entitlements must be claimed each year on the SPS application form before any other entitlements can be claimed. If Setaside Entitlements are not claimed and have not been sold or leased out, penalties may be applied to payments under the Single Payment Scheme and those Entitlements may even be lost to the National Reserve if not established within a three-year period beginning in 2005. Setaside Entitlements that revert to the National Reserve will lose their setaside obligation.

For every Setaside Entitlement that a farmer holds, an equivalent hectare of arable land must be correctly set aside.

Full details of the land that is eligible for activating and using Setaside Entitlements is set down later in this publication under the heading "REQUIREMENTS TO SATISFY SETASIDE PROVISIONS UNDER THE SINGLE PAYMENT SCHEME"

3) ENTITLEMENTS SUBJECT TO SPECIAL CONDITIONS

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

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

during the 2000 to 2002 reference period but who were not obliged to submit an Area Aid application and who have no lands (hectares) to declare in 2004 and/or 2005. Alternatively, these Entitlements have been established for farmers who farm a relatively small number of eligible hectares and are entitled to a large Single Payment that results in the unit value of each Entitlement exceeding an upper limit per Entitlement of €5,000.

Farmers who submitted an Area Aid application in 2004 will be granted Standard Entitlements based on the number of hectares declared in 2004 provided that the value of the Entitlements does not exceed €5,000.

It will be possible for farmers who were allocated Special Condition Entitlements to convert these Entitlements to Standard Entitlements by farming and declaring a sufficient number of hectares in 2005. Those farmers who did not submit an Area Aid application in 2004, and who are farming forage lands in 2005, should submit details of the area (hectares) being farmed in 2005 on their 2005 Single Payment application form. The Entitlements of these farmers will then be converted from Special Condition Entitlements to Standard Entitlements provided that the value of the entitlements does not exceed €5,000 per Entitlement.

Where a farmer who has been allocated Special Condition Entitlements does not hold (farm) any lands in 2005, he or she should apply for payment in respect of the Special Condition Entitlements by completing the 2005 Single Payment application form and by shading the circle at 4. on the front page of the SPS application form. Farmers whose Entitlements

are greater than €5,000 per hectare, based on the areas declared in 2004 or 2005, will be granted Standard Entitlements in respect of the hectares declared at the maximum provided (€5,000) and will also be granted Special Condition Entitlements at a unit value of €5,000 per Entitlement or part thereof in respect of the remainder of the Single Payment. Such farmers should also apply for payment in respect of their Special Condition Entitlements in the manner outlined above.

The Special Condition Entitlements are subject to the following conditions:

The farmer must maintain at least 50% of the agricultural activity exercised in the reference period. The agricultural activity will be expressed in Livestock Units (LU) and will be based on the average number of animals in receipt of payments under the above-mentioned Schemes during the 2000 to 2002 reference period. The calculation of the Livestock Units for the purposes of establishing the agricultural activity shall be based on the following conversion table;

Male bovine animals and heifers older than 24 months, Suckler and dairy cows;	1.0 LU
Male bovine animals and heifers from 6 to 24 months;	0.6 LU
Sheep;	0.15 LU
Goats;	0.15 LU

Male and female bovine animals less than 6 months; these will be converted to LU by using a coefficient of 0.2;

Milk quota; the milk quota divided by the national average milk yield or the individual farmer's milk yield if it is higher.

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

The agricultural activity during each year of payment shall be deemed to be respected during a period to be determined by the Department of Agriculture and Food or at certain dates to be determined by the Department. The Department will issue the detailed rules applying to Special Condition Entitlements to each farmer who still holds these Entitlements following the processing of the 2005 Single Payment application forms.

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

Payments in respect of Special Conditions Entitlements are subject to the same deductions as set out above under Standard Entitlements.

4) NATIONAL RESERVE ENTITLEMENTS

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

ENTITLEMENTS FOR FARMERS WHO DID NOT SUBMIT AN AREA AID APPLICATION IN THE REFERENCE PERIOD OR IN 2004

A number of farmers received direct payments in the Reference period without the requirement to submit an Area Aid application form. While every effort was made to encourage these farmers to submit an application form in 2004, there are still farmers for whom a reference quantity of Aid has been calculated (the average of payments during the Reference period) but the Department cannot establish the number of Entitlements to be issued in these cases as no details of land are available.

Any farmer in this situation should submit a Single Payment Scheme application in 2005 and the number of Entitlements can then be established based on the land held and declared in 2005.

There is also a number of dairy farmers who did not receive any direct payments in the reference period but who, by way of application under the Dairy Premium Scheme, will be eligible for the Single Payment. If these farmers did not submit an Area Aid application during the reference period or in 2004, they should submit a Single Payment Scheme application and apply for the 2005 Dairy Premium Scheme on that application. In these circumstances, the number of Entitlements allocated under the Dairy Premium Scheme in 2005 may be based on the land owned by the dairy farmer concerned.

TRANSFER OF ENTITLEMENTS BY WAY OF SALE OR LEASE

Single Payment Entitlements can be sold with or without land but can only be sold without land if 80% have been used for one scheme year. Entitlements not activated in 2005 will be surrendered to the National Reserve where the holder does not submit an SPS application form by 10 June 2005.

Entitlements cannot be leased without land. They can only be leased out if accompanied by at least an equivalent number of hectares of eligible land.

Entitlements can only be transferred to another farmer who will farm within the same Member State except in cases of transfer by inheritance. They must be used by a farmer within the Member State in which they were established.

Private Contract Clause

A Lease Agreement, in place by 30 April 2005 at the latest, may be considered as a lease of Entitlements with land if a clause is included in the lease agreement indicating that the farmer intends to lease Entitlements with the land.

Entitlements must be activated before they can be used.

In the case of Entitlements that are sold or leased with land, or transferred by way of Gift/Inheritance before 30 April 2005, it will be necessary for the vendor/lessor/transferrer to activate these Entitlements for 2005 by submitting a valid Single Payment Scheme application by 16 May 2005, shading the circle at 5. on the front page of the SPS application form. The lessor/vendor/transferrer should not declare the land parcels that are the subject of the sale/lease/transfer on the back page of the Single Payment application form.

In order to use the leased/purchased/transferred Entitlements in 2005, the lessee/purchaser/inheritee must also submit a valid Single Payment Scheme application in 2005. The lessee/purchaser/inheritee should include the details of the transferred land parcels as part of his/her holding on the back page of the Single Payment Scheme application form.

BOTH PARTIES TO THE LEASE/SALE/TRANSFER MUST ALSO COMPLETE AND SUBMIT THE SPECIFIC APPLICATION FORM FOR THE TRANSFER OF ENTITLEMENTS ALONG WITH THE COMPLETED SINGLE PAYMENT SCHEME APPLICATION. A COPY OF THE LEASE AGREEMENT OR THE CONCLUDED SALE CONTRACT OR DEED OF TRANSFER, AS APPROPRIATE, MUST ALSO BE SUBMITTED WITH THE COMPLETED TRANSFER OF ENTITLEMENTS FORM. IT IS A REQUIREMENT THAT BOTH PARTIES SUBMIT THE TRANSFER OF ENTITLEMENTS FORM AND SUPPORTING DOCUMENTATION WITH THEIR INDIVIDUAL SPS APPLICATION FORMS.

The Transfer of Entitlements Form is available from the Single Payment Unit, Local Offices of the Department or the Department's website at www.agriculture.gov.ie or from TEAGASC.

CONSOLIDATION OF ENTITLEMENTS

In certain defined circumstances, a farmer may apply to consolidate his/her Entitlements on fewer hectares than were available to that farmer during the reference period. To avail of this provision, a farmer must declare all the land available to him/her in 2005 on a valid 2005 Single Payment Scheme application form. Only Standard Entitlements may be consolidated.

The number of hectares declared on the 2005 SPS application form must be less than the number of Standard Entitlements allocated in the first year of operation of the Single Payment Scheme.

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

- the afforestation of land;
- the sale of land to a public authority for non-agricultural purposes (this will include lands compulsorily purchased for road development etc);
- lands leased in during all or part of the reference period (2000-2002) and the lease agreement has expired or will expire prior to 16 May 2005;
- lands rented in during all or part of the reference period and the rental agreement has expired or will expire prior to 16 May 2005.

A farmer who declares fewer hectares on his/her 2005 Single Payment Scheme application form than the average he/she farmed during the reference period, solely because he/she voluntarily sold or leased out land, will not be eligible for

consolidation of entitlements. If a farmer meets one of the criteria for eligibility for consolidation and also has voluntarily sold or leased out land and has not replaced it, the land sold or leased out will be added to the area declared for the purpose of determining the number of consolidated entitlements. In such a case all consolidated entitlements will not be used in the year of consolidation and the unused entitlements will be surrendered to the National Reserve.

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

A specific application form for the consolidation of Entitlements, along with the detailed rules attaching to Consolidation, has been published and is available from the Single Payment Unit, Department of Agriculture and Food, Government Buildings, Portlaoise, Co. Laois or from Local Offices of the Department, or the Department's website at www.agriculture.gov.ie or from TEAGASC. These forms are also available from the Area Aid Unit at Lo-call 1890-200-504.

If a farmer wishes to apply for Consolidation in 2005, the completed application form, along with any supporting documentation, must be submitted along with the completed 2005 Single Payment Scheme application form by the closing date of 16 May 2005.

OTHER MEASURES THAT WERE PUT IN PLACE FOR SPECIFIC CIRCUMSTANCES

Apart from the National Reserve, a number of other measures were put in place by the Department in the run-up to the introduction of the Single Payment Scheme. These measures were introduced with a view to addressing specific farming circumstances as in the following cases.

FORCE MAJEURE/EXCEPTIONAL CIRCUMSTANCES DURING THE REFERENCE PERIOD

Farmers who felt that their production was adversely affected by force majeure/exceptional circumstances during any or all of the reference years were advised to apply to have their Entitlements revised in accordance with the provisions of the Regulations. Examples of force majeure/exceptional circumstances included the following:

- (a) death of farmer;
- (b) long term professional incapacity of farmer;
- (c) severe natural disaster affecting the agricultural lands;
- (d) accidental destruction of farm buildings;
- (e) outbreak of epizootic disease affecting the applicant's livestock;
- (f) other exceptional circumstance not covered in (a) to (e) above.

The deadline for applications under this measure has elapsed.

Force Majeure/Exceptional Circumstances Dairy Premium

Dairy farmers who considered that they would not be in a position to utilise all or part of their milk quota during the 2004/2005 milk quota year were advised to apply under this measure on the grounds that the operation of their dairying enterprise (milk production) was adversely affected by force majeure/ exceptional circumstances. Farmers who successfully applied under this measure received approval to temporarily lease that part of their milk quota that they could not utilize in 2004/2005. Such dairy farmers were eligible to benefit from the decoupled Dairy Premium on the milk quota, including the temporary leased quota.

The force majeure/exceptional circumstances in this case had to relate specifically to the applicant's dairying enterprise.

The deadline for applications under this measure has elapsed.

FARMERS WHO COMMENCED FARMING DURING THE REFERENCE PERIOD

Applications under this measure were invited from farmers who commenced farming for the first time in 2000-2002 and who did not have any agricultural activity at his/her own risk or did not have control of a legal entity exercising an agricultural activity in the five years preceding the start of their new agricultural activity. Such farmers could have applied to have their Entitlements based on the average of the years they were farming during the reference period.

The deadline for applications under this measure has elapsed.

Inheritance/Gift

i) A farmer who inherited a holding or part of a holding during the reference period and who also commenced farming during the reference period was allowed, in addition to applying under the measure outlined immediately above, to also apply to be considered under this arrangement in the context of the land inherited. In this case, the Department calculated the applicant's reference amount under both measures and the applicant was granted the more advantageous reference amount.

ii) Any farmer who inherited all or part of a holding since the beginning of the reference period from another farmer who was in receipt of direct payments during the reference period was advised to apply to have those direct payments transferred to him/her.

This is an on-going measure.

Mergers

Farmers who merged two or more separate farms into one single farm (e.g. formation of partnership) are obliged to have their Entitlements amalgamated or combined. Under EU Regulations, the new holding must be controlled in terms of management, benefits and financial risks by the farmers who originally managed the individual holdings.

This is an on-going measure.

Farmers who merge two or more separate farms into one single farm should apply under this measure within one month of the date of the merger.

Scissions (division of holding)

This measure was put in place for any farmer who divided a holding into two or more separate farms and who wished to have the Entitlements for the new distinct holdings established separately. Under EU Regulations, it is required that the farmer originally managing the holding must control one of the new farms, in terms of management, benefits and financial risks.

This is an on-going measure.

Farmers who divide a holding into two or more separate farms should apply under this measure within one month of the date of the scission.

Applications under this measure will be assessed on the basis that conditions were not artificially created for the purpose of obtaining an advantage contrary to the conditions of the Single Payment Scheme.

SINGLE PAYMENT APPEALS COMMITTEE

Following notification of the outcome of their applications under the various measures already referred to above and/or the outcome of the review on their Statement of Provisional Entitlements, farmers are given the opportunity to appeal the decision to the Single Payments Appeals Committee established by the Minister. The appeal should be submitted on the appropriate form within fourteen days of the date of issue of the Department's decision.

A farmer who has a penalty imposed for a breach of Cross Compliance or in regard to the Single Payment Scheme generally may appeal to the Agriculture Appeals Office. The Minister intends to amend the current legislation to provide that farmers will have the right to an oral hearing and the right to be accompanied by a person of his or her choice at the hearing.

Appeals should be addressed to: Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co Laois Lo-Call: 1890-671671 Telephone: 0502-67167/67169

APPLICATION FORMS

Where it is indicated above that any of these special measures are on-going, specific application forms are available from the Department's Local Offices and the Single Payment Unit in Portlaoise. They can also be downloaded from the Department's website at www.agriculture.gov.ie

DEFINITIONS UNDER THE SINGLE PAYMENT SCHEME IN RELATION TO LAND

In order to draw down payment in respect of your Standard Entitlements, you must have an "eligible hectare" to accompany each Entitlement. An "eligible hectare" in this context includes land used to grow cereals, oilseeds, protein crops, sugar beet, maize, fodder beet, turnips, mangolds, kale, grass for silage or hay or grazing. It does not include land under permanent crops, forestry, fruit, vegetables and potatoes or any land used for non-agricultural purposes (golf courses, etc.).

The Permanent Crops referred to in the last paragraph are non-rotational crops (other than permanent pasture) that occupy the land for five years or longer and yield repeated harvests. Land under multi-annual crops, for example short rotation coppice and miscanthus sinensis, is eligible to activate entitlements only for the purposes of the Non-food use of setaside land and for the purposes of an application under the Energy Crops Scheme.

HECTARE ELIGIBLE FOR SETASIDE.

THE DEFINITION OF "ELIGIBLE LAND" UNDER THE OLD ARABLE AID SCHEME IS NOT RELEVANT TO THE SINGLE PAYMENT SCHEME. ELIGIBLE LAND UNDER THE OLD ARABLE AID SCHEME WAS BASICALLY LAND PLOUGHED FOR GROWING CERTAIN ARABLE CROPS IN THE PERIOD 1 JANUARY 1987 TO 31 DECEMBER 1991.

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

Land used as permanent pasture that was ploughed for re-seeding purposes only in the period 1998 – 2003 is not eligible for setaside. Land that was ploughed for crop production or was under setaside in 2004 but was not ploughed for crop production or was not under setaside from 1998 to the date for lodging Area Aid applications in 2003 will not be eligible to use Setaside Entitlements.

Land deemed eligible for using Setaside Entitlements will retain its eligibility for setaside into the future.

PERMANENT PASTURE.

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

Member States are obliged to ensure that the area of land that was under permanent pasture in 2003 is maintained at national level and does not decrease by more than 10% with reference to land that is not in permanent pasture.

For the purpose of establishing the reference ratio, land under permanent pasture is the land that was declared as forage/grass on the 2003 Area Aid application forms and has been consistently declared with the same use for a period of 5 consecutive years. Areas of permanent pasture in 2005 that were eligible for Arable aid in 2003 (declared as set-aside in 2003), will not be included in the Permanent Pasture calculation.

Land that was in permanent pasture in 2003 that has been afforested since 2003 will be discounted provided that such afforestation is compatible with the environment and does not include Christmas trees or other fast growing species cultivated in the short term.

Where it is established that the ratio between the land that was under permanent pasture in 2003 in relation to total agricultural area has decreased by 5% to the detriment of permanent pasture, a mandatory scheme for the prior approval for ploughing permanent pasture will be introduced. This measure will require that an area of land that was already ploughed must be re-seeded and maintained in grass for a period of five consecutive years.

Where it is established that the 10% ratio between permanent pasture and total agricultural area is breached or likely to be breached, a scheme will be put in place to provide for the re-conversion into permanent pasture, of land that was ploughed in the period since the closing date for receipt of area aid applications in 2003. From 2006 onwards a compulsory scheme for the re-conversion of land into permanent pasture may be put in place in any year.

THE 10-MONTH RULE

To claim payment under the 2005 Single Payment Scheme, all of the hectares of land used to support your claim (owned, rented and leased) must be available to you for at least a 10-month continuous period. A START DATE MUST BE GIVEN IN RESPECT OF EACH PARCEL OF LAND and this 10-month period must be within the period 1 September 2004 to 30 April 2005.

GENERALLY, ONLY ONE START DATE IS ALLOWED PER HOLDING i.e. THE SAME START DATE FOR EVERY PARCEL. HOWEVER, A FARMER WILL HAVE A CHOICE OF A SECOND START DATE AS NECESSARY FOR PARCELS IN THE FOLLOWING CIRCUMSTANCES:

- WHERE HE/SHE IS LEASING IN OR RENTING IN LAND;
- WHERE A LEASE OR RENTAL AGREEMENT ENDS AND THE OWNER GETS THE LAND BACK;
- WHERE HE/SHE IS PLANTING BOTH WINTER AND SPRING CROPS;
- WHERE HE/SHE INTENDS TO AFFOREST PART OF HIS/HER HOLDING IN 2005.

In choosing the start date for a parcel, a person will need to be mindful of declarations that were made in respect of that parcel in 2004. In 2004, forage parcels had to be available and accessible for rearing animals for a seven months period commencing between 1 January 2004 and 31 March 2004. Care should be taken that there is no overlapping between the ending of the rental period for 2004 and the beginning of the ten months period for the 2005 Scheme year.

In the case of parcels declared in 2004 for Arable Aid, the ten months period for the 2005 Single Payment Scheme should not commence until after the date of harvesting of the 2004 crops. Also, in the case of rented or leased lands, there should

be no overlapping between the ending of a rental agreement or lease for 2004 and the commencement of the ten months period for 2005.

If you have planted winter crops for example, you may need to choose a Start Date of 1 September 2004 for the parcels concerned. This 10-month period would then finish on 30 June 2005. In the context of Setaside parcels, the Setaside conditions will continue to apply even after the 10-month period has elapsed in order to ensure that the full Setaside year is respected (15 January 2005 to 14 January 2006).

On the other hand, a January-February 2005 Start Date may be more suitable for parcels planted in the spring and perhaps for Forage parcels. This 10-month period would then finish in November - December 2005.

It may not be possible therefore, for the reasons outlined above, to automatically set 1 September 2004 as the 10-month start date for all parcels. FARMERS WHO INTEND TO AFFOREST PART OF THEIR HOLDING IN 2005 WILL NEED TO BE MINDFUL THAT THEY WILL ONLY BE FREE TO COMMENCE AFFORESTATION FROM 1 JULY 2005 ON PARCELS DECLARED UNDER THE 2005 SINGLE PAYMENT SCHEME WHERE THEY HAVE INDICATED A VALID START DATE OF 1 SEPTEMBER 2004.

Start dates can be changed in future years.

WHERE A START DATE IS NOT INDICATED IN COLUMN 8 OF THE 2005 SINGLE PAYMENT SCHEME ETC APPLICATION FORM IN RESPECT OF OWNED LAND, THE DEPARTMENT WILL FIX A START DATE OF 1 FEBRUARY 2005 (ENDING ON 30 NOVEMBER 2005).

IN THESE CIRCUMSTANCES, THE FARMER WILL BE OBLIGED TO RESPECT THIS START DATE. THIS START DATE OF 1 FEBRUARY 2005 MAY NOT COINCIDE WITH THE DATE OF A RENTAL/LEASING ARRANGEMENT, OR MAY NOT FIT IN WITH YOUR AFFORESTATION PLANS FOR 2005. **IT IS VITAL** THEREFORE THAT YOU FULLY COMPLETE COLUMN 8 WITH THE APPROPRIATE START-DATE.

IT IS VITAL THAT YOU ACTIVATE YOUR ENTITLEMENTS IN 2005

With the exception of cases of force majeure or exceptional circumstances, where a farmer does not submit a valid Single Payment Scheme application on or before 10 June, any Entitlements allocated to that farmer will be returned immediately to the National Reserve.

PENALTIES FOR LATE APPLICATIONS UNDER THE 2005 SINGLE PAYMENT SCHEME.

The closing date for lodging Single Payment Scheme application forms for 2005 is 16 MAY 2005.

There will be a 25-calendar day period, after 16 May, for the acceptance of late applications and any necessary supporting documentation.

HOWEVER, A PENALTY OF A 4% LOSS IN PAYMENTS PER WORKING DAY THAT THE APPLICATIONS ARE RECEIVED LATE WILL APPLY DURING THIS PERIOD – SEE TABLE BELOW. EXCEPT IN CASES OF FORCE MAJEURE, THERE WILL BE A TOTAL LOSS OF PAYMENTS AFTER THIS 25 CALENDAR DAYS PERIOD HAS ENDED. AND THE PAYMENT ENTITLEMENTS WILL BE FORFEITED TO THE NATIONAL RESERVE. IF THE 2005 APPLICATION IS FOR THE ACTIVATION ONLY OF ENTITLEMENTS, NO PENALTY WILL APPLY TO LATE APPLICATIONS.

DETAILS OF PENALTIES FOR LATE APPLICATIONS UNDER THE SINGLE PAYMENT SCHEME

Day	Date	Month	% Reduction to apply per working day	No of Calendar days
Monday	16	May	CLOSING DATE	
Tuesday	17	May	4%	1
Wednesday	18	May	8%	2
Thursday	19	May	12%	3
Friday	20	May	16%	4
Saturday	21	May	16%	5
Sunday	22	May	16%	6
Monday	23	May	20%	7
Tuesday	24	May	24%	8
Wednesday	25	May	28%	9
Thursday	26	May	32%	10
Friday	27	May	36%	11
Saturday	28	May	36%	12
Sunday	29	May	36%	13
Monday	30	May	40%	14
Tuesday	31	May	44%	15
Wednesday	1	June	48%	16
Thursday	2	June	52%	17
Friday	3	June	56%	18

Continued over leaf.

Day	Date	Month	% Reduction to apply per working day	No of Calendar days
Saturday	4	June	56%	19
Sunday	5	June	56%	20
Monday	6	June (BH)	56%	21
Tuesday	7	June	60%	22
Wednesday	8	June	64%	23
Thursday	9	June	68%	24
Friday	10	June	72%	25
Saturday	11	June	100%	26

PENALTIES FOR LATE APPLICATIONS IN 2005 FOR THE DISADVANTAGED AREAS SCHEME, THE EU ENERGY CROPS SCHEME AND THE EU PROTEIN CROPS PREMIUM SCHEME

Different arrangements for the acceptance of late applications and any necessary supporting documentation will apply to penalties in respect of claims under the Disadvantaged Areas Scheme, the EU Energy Crops Scheme in 2005 and the EU Protein Crops Premium Scheme in 2005 during this 25-calendar day period after the 16 May 2005 closing date.

A penalty of a 1% loss in payments per working day that the applications for these Schemes are received late will apply during this period – see Table below. After this 25 calendar days period has ended, applications cannot be accepted and there will be a TOTAL LOSS of payments under these Schemes in 2005.

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

HELPSHEET / TERMS & CONDITIONS

The Department of Agriculture and Food has prepared this document as a guide when completing your 2005 application form for the EU SINGLE PAYMENT SCHEME (SPS) 2005 AND OTHER EU AREA - BASED SCHEMES. This document also contains the TERMS AND CONDITIONS for the Schemes concerned in accordance with the relevant EU Regulations. This HELPSHEET/TERMS AND CONDITIONS should not be regarded as a legal interpretation of those EU Regulations. Full details of the relevant EU Regulations are listed later in this publication. When you sign and submit your 2005 application you are accepting that you are familiar with these Terms and Conditions and will adhere to them.

It is essential that you read carefully those Sections of this HELPSHEET/TERMS AND CONDITIONS that are relevant to your application. If you have any queries on any aspect of this HELPSHEET/TERMS AND CONDITIONS, do not hesitate to contact the Single Payment Unit directly at a telephone number listed in this publication. It is hoped that by following the guidelines set out in this HELPSHEET/TERMS AND CONDITIONS, your transition to the new Single Payment Scheme

will be as easy as possible and that application errors will be minimised. The 2005 applications can then be processed in good time to ensure that payments are not unnecessarily delayed.

ENCLOSURES

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

YOUR PRE-PRINTED 2005 SINGLE PAYMENT SCHEME etc APPLICATION FORM;

and

A PRE-ADDRESSED ENVELOPE FOR RETURNING YOUR APPLICATION BY SWIFTPOST (ALONG WITH ANY ASSOCIATED MAPS AND/OR OTHER SUPPORTING DOCUMENTS)

and

A SUMMARY OF THE MAIN POINTS RELATING TO THE SINGLE PAYMENT SCHEME.

SCHEMES FOR WHICH A SINGLE PAYMENT SCHEME APPLICATION IS REQUIRED

FARMERS WHO HAVE APPLIED OR WHO INTEND TO APPLY IN 2005 FOR ANY OF THE FOLLOWING SCHEMES MUST SUBMIT A SINGLE PAYMENT SCHEME APPLICATION:

SINGLE PAYMENT SCHEME;

DISADVANTAGED AREAS SCHEME;

DAIRY PREMIUM SCHEME;

ENERGY CROPS SCHEME;

PROTEINS PREMIUM SCHEME;

THE RURAL ENVIRONMENT PROTECTION SCHEME (REPS);

SCHEME OF INVESTMENT AID FOR FARM WASTE MANAGEMENT;

SCHEME OF INVESTMENT AID FOR THE IMPROVEMENT OF DAIRY HYGIENE STANDARDS;

SCHEME OF INVESTMENT AID IN ALTERNATIVE ENTERPRISES;

EARLY RETIREMENT SCHEME;

INSTALLATION AID SCHEME;

DRIED FODDER SCHEME;

AFFORESTATION PREMIUM SCHEME.

SPECIFIC REMINDERS

- A SINGLE PAYMENT SCHEME ETC APPLICATION MUST BE SUBMITTED IN ORDER TO APPLY FOR AID UNDER THE SINGLE PAYMENT SCHEME AND TO ACTIVATE AND USE STANDARD ENTITLEMENTS, SETASIDE ENTITLEMENTS, SPECIAL CONDITION ENTITLEMENTS AND NATIONAL RESERVE ENTITLEMENTS AND/OR TO ACTIVATE ENTITLEMENTS FOR THE PURPOSE OF TRANSFERRING THOSE ENTITLEMENTS.
- IF YOU HAVE BEEN ALLOCATED SETASIDE ENTITLEMENTS AND HAVE LAND ELIGIBLE FOR USING SETASIDE ENTITLEMENTS, YOU MUST USE THESE ENTITLEMENTS BEFORE YOU CAN USE ANY OTHER TYPE OF ENTITLEMENTS.
- IF YOU ARE A FARMER WHO, IN PREVIOUS YEARS, RECEIVED PREMIUM PAYMENTS ON LESS THAN 15 LIVESTOCK UNITS, YOU WERE NOT REQUIRED TO SUBMIT AN AREA AID APPLICATION FORM. IN ORDER TO ACTIVATE YOUR ENTITLEMENTS, YOU MUST SUBMIT A SINGLE PAYMENT SCHEME APPLICATION IN 2005 AND DECLARE ALL OF THE FORAGE AREA YOU HOLD.
- IF YOU WISH TO MAKE AN APPLICATION UNDER THE DISADVANTAGED AREAS SCHEME 2005, YOU MUST SHADE THE CIRCLE AT 7. ON THE FRONT OF THE SPS APPLICATION FORM. DETAILS OF THIS SCHEME ARE AVAILABLE IN THIS HELPSHEET. THE SINGLE PAYMENT SCHEME ETC APPLICATION FORM IS THE ONLY APPLICATION FORM FOR THIS SCHEME.
- IF YOU WISH TO MAKE APPLICATION UNDER THE EU DAIRY PREMIUM SCHEME IN 2005; YOU MUST SHADE THE CIRCLE AT 8. ON THE FRONT OF THE SPS ETC APPLICATION FORM. DETAILS OF THIS SCHEME ARE AVAILABLE IN THIS HELPSHEET. THE SINGLE PAYMENT SCHEME ETC APPLICATION FORM IS ALSO THE ONLY APPLICATION FORM FOR THIS SCHEME.
- SIMILARLY, IF YOU WISH TO MAKE AN APPLICATION UNDER THE EU ENERGY CROPS SCHEME IN 2005, OR UNDER THE EU PROTEIN CROPS PREMIUM SCHEME IN 2005, YOU MUST SHADE THE APPROPRIATE CIRCLE ON THE FRONT OF THE SPS APPLICATION FORM. DETAILS OF THESE SCHEMES ARE ALSO AVAILABLE IN THIS HELPSHEET. THE SINGLE PAYMENT SCHEME APPLICATION FORM IS ALSO THE ONLY APPLICATION FORM FOR THESE SCHEMES.

- IF YOU HAVE SINGLE PAYMENT ENTITLEMENTS BASED ON PARTICIPATION IN THE EU GRASS SEED PRODUCTION SCHEME DURING THE SPS REFERENCE PERIOD, YOU MUST SUBMIT A SINGLE PAYMENT SCHEME APPLICATION IN 2005 IN ORDER TO ACTIVATE THESE ENTITLEMENTS.
- 50% OF THE DRIED FODDER SCHEME HAS BEEN DECOUPLED FROM PRODUCTION. IF YOU RECEIVED PAYMENTS UNDER THE DRIED FODDER SCHEME IN THE REFERENCE PERIOD, SINGLE PAYMENT ENTITLEMENTS HAVE BEEN ESTABLISHED FOR YOU IN RESPECT OF 50% OF THE AVERAGE PAYMENT MADE DURING THAT PERIOD. YOU MUST THEREFORE SUBMIT A SINGLE PAYMENT SCHEME APPLICATION IN 2005 IN ORDER TO ACTIVATE THESE ENTITLEMENTS. IF YOU WISH TO APPLY FOR AID IN RESPECT OF THE COUPLED 50%, YOU MUST ALSO SUBMIT THE SPECIFIC DRIED FODDER SCHEME APPLICATION TO THE DEPARTMENT AS IN PREVIOUS YEARS.

CLOSING DATE FOR APPLICATIONS

Applicants must ensure that their completed 2005 SPS application form is received in THE SINGLE PAYMENT UNIT, DEPARTMENT OF AGRICULTURE AND FOOD, OLD ABBEYLEIX ROAD, PORTLAOISE, CO. LAOIS or in any Local Office of the Department no later than 5.30 pm on MONDAY, 16 MAY 2005.

POSTING YOUR APPLICATION

In the event that the Department does not receive your completed 2005 SPS application, which you sent by post, you will be required to produce the SWIFTPOST RECEIPT as proof of postage.

Only the Swiftpost receipt from your Post Office will be acceptable as proof of posting. Please also keep a photocopy of your completed application form and supporting documentation for reference.

SIGN YOUR APPLICATION FORM

Your SPS Application cannot be accepted if you do not sign it. Where the application is made on behalf of more than one person, all parties must sign the application form. Where the application is made on behalf of a company or other legal entity, please enter the official status of the signatory, for example Company Secretary etc.

RETURN THE ORIGINAL SPS APPLICATION FORM

Complete and return your pre-printed application form. Do not submit a photocopied form. Remember however to keep a photocopy of the completed form, and any supporting documentation, for your own reference. Please note that your pre-printed 2005 SPS application form is bar-coded and pre-printed with details relating to you and is therefore for your use or for use by successors only.

Blank non-personalised 2005 SPS application forms and continuation sheets are available from the Single Payment Unit, Local Offices of the Department of Agriculture and Food, TEAGASC and on the Department's website at www.agriculture.gov.ie

USE THE ENCLOSED PRE-ADDRESSED ENVELOPE TO POST YOUR 2005 SPS APPLICATION FORM.

The pre-printed Swiftpost receipt which you will receive from your Post Office on payment of the Swiftpost postage fee will be your proof of date of posting. This is particularly important in the light of the penalties for late applications outlined above.

KEEP YOUR SWIFTPOST RECEIPT SAFELY.

ONE APPLICATION ONLY

You may submit one SPS application only. This must include details of all the land parcels on your holding in 2005 wherever in the State those parcels are located and irrespective of whether the parcels are associated with more than one Herd Number.

HERD NUMBER

PROCESSING OF APPLICATIONS WILL BE DELAYED IF THE HERD NUMBER SUBMITTED ON THE SPS APPLICATION FORM IS NOT VALID, OR WHERE THE SINGLE PAYMENT UNIT IS NOT INFORMED OF THE ISSUE OF A REPLACEMENT HERD NUMBER DURING THE YEAR.

The Herd Number pre-printed on your Application form is the valid Herd Number at the date of printing. If your Herd Number has changed, please strike through the pre-printed Herd Number and write in your new Herd Number.

Should your Herd Number change after the submission of the 2005 SPS application, you should immediately write to the Single Payment Unit with details of your new Herd Number.

If a pre-printed SPS application form is issued in the name of a person who is now deceased, and the same Herd Number is now registered under a new name, the new applicant under this Herd Number should amend the pre-printed Name (and Address if necessary) on the front page of the SPS form.

In the case of a first - time applicant for aid in 2005, please state clearly on the application form that an application has been made to the Department's Local Veterinary Office for a Herd Number. Details of the new Herd Number should be submitted to the Single Payment Unit as soon as it is available.

NOTICE REGARDING PRE-PRINTED FORMS

DETAILS ARE PRE-PRINTED AS A SERVICE TO APPLICANTS. THE ONUS RESTS WITH THE APPLICANT TO EXAMINE THE PRE-PRINTED DETAILS CAREFULLY AND TO ENSURE THAT THEY ARE CORRECT.

Responsibility rests with the applicant to make any changes necessary. If the details are incorrect and have not been amended by the applicant, penalties may be incurred.

Your form is pre-printed or partially pre-printed with details of the clear land parcels claimed by you on your 2004 Area Aid application form. Even if the pre-printed details on the back page of the application form are correct and do not require any amendments, there will be some boxes that are blank and may need to be completed by you.

You are obliged to complete any details relevant to your application that have not been pre-printed on the back page and of course to complete the relevant sections on the front page. An incomplete application form may render your application invalid or incur processing delays and/or penalties.

Check pre-printed details with care therefore and correct them where necessary so that the signed application submitted to the Department is true, accurate and complete in all respects.

MAPS

Maps have been issued under separate cover to all farmers who submitted an application under the 2004 Area Aid Scheme. These maps show the boundaries of all land parcels claimed on 2004 Area Aid applications; the Land Parcel Identification System (LPIS) reference number for each parcel; and the gross area (i.e. before any deductions) in hectares of each land parcel.

Where your holding in 2005 is unchanged from that shown on the map, there is no need to return the map(s) with your Application form.

Where any parcel boundary is incorrectly drawn on the map, you should amend that boundary in red pen, correct the pre-printed details for that parcel on your form and return the amended map with your 2005 SPS application form.

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

TELEPHONE NUMBER

Enter your home Telephone No. and/or Mobile Telephone No. in the spaces provided. A Telephone no. is useful as it will allow the Single Payment Unit to contact you directly in order to resolve any queries which may arise with your application.

PPSN and DATE OF BIRTH

You are obliged to enter your Personal Public Service Number (PPSN) and your Date of Birth. Failure to do so will result in delays in processing your Application.

The PPSN was formerly known as the Revenue and Social Insurance (RSI) Number. Your PPSN is available on application from your local office of the Department of Social and Family Affairs.

Your PPSN and Date of Birth are pre-printed on your 2005 SPS application form if you have already supplied these details. Please check these details carefully and make any amendments necessary.

ATTENTION! REPS AND FORESTRY

If you are participating in the RURAL ENVIRONMENT PROTECTION SCHEME (REPS) or the AFFORESTATION PREMIUM SCHEME, or intending to apply to join REPS or the Afforestation Premium Scheme, you are obliged to declare all the land parcels in your holding (Owned, Rented and Leased) on your 2005 SPS application form.

ONLY THE LAND PARCELS DECLARED ON THE 2005 SPS APPLICATION FORM AND REGISTERED WITH A UNIQUE IDENTIFICATION NUMBER ON THE DEPARTMENT'S LAND PARCEL IDENTIFICATION SYSTEM (LPIS) WILL BE ELIGIBLE FOR PAYMENT UNDER REPS AND ONLY THE AREA RECORDED ON LPIS WILL BE RECKONABLE FOR REPS PAYMENT.

ALL LAND PARCELS IN RECEIPT OF PAYMENT UNDER THE AFFORESTATION PREMIUM SCHEME MUST ALSO BE REGISTERED ON THE DEPARTMENT'S LAND PARCEL IDENTIFICATION SYSTEM (LPIS) WITH A UNIQUE IDENTIFICATION NUMBER. FAILURE TO REGISTER AFFORESTED PARCELS UNDER THIS SCHEME ON LPIS COULD AFFECT FUTURE PREMIUM PAYMENTS.

Accordingly, if you are participating in REPS, enter your REPS Reference No. in the space provided on the front of the form and ensure that all the land parcels included in your REPS claim are detailed on the back of the form (and on Continuation Sheets if necessary).

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

on the front of the form and ensure that all your land parcels, including the land parcels afforested in accordance with the Afforestation Premium Scheme are detailed on the back of the form (and on Continuation Sheets if necessary).

REPS 3 MEASURES – NEW FOR 2005

Land devoted to newly created Habitats managed under an approved REPS 3 plan (REPS 3 options 4A, 9B, LINNET Habitats and Riparian Setaside) or under an Agri-environmental Scheme administered by the National Parks and Wildlife Service (NPWS) will be eligible to activate entitlements under the Single Payment Scheme. This land will be subject to a waiver from normal grazing and/or cutting management requirements under Good Agricultural and Environmental Conditions in cases where these habitats adhere to REPS conditions and NPWS Agri-environment Scheme conditions.

REPS Supplementary Measures

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

When completing the Single Payment application form the applicant should;

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

REPS 3: New Habitats under Biodiversity Option 4A

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

It is not necessary to define these areas on a map but where you are devoting part of a land parcel into a new habitat under REPS 3 you should indicate this subdivision of the parcel on the application form.

This should be done by:

- Deleting that parcel's pre-printed details.
- Entering the details of each subdivision of that parcel on a new line using the original 9 digit LPIS parcel number along with a specific identifier "A" or "B" after the LPIS No. for each subdivision.

Example of Temporary Subdivision

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

EARLY RETIREMENT SCHEME

If you are participating in the Early Retirement Scheme, enter your ERS Reference No. in the space provided on the front of the form.

FORMAL APPLICATION / DECLARATION

GENERAL

It is essential that you fully complete this section of the form.

In this section of the front page you are making your application for payment under specific Schemes, including activating your Entitlements for payment under the Single Payment Scheme or activating Entitlements for transfer purposes or declaring your holding for the purposes of cross-compliance with other area-based Schemes for which you are an applicant. You are also formally declaring that the information contained in your form is true and accurate for the purposes of the Schemes for which you are applying. Furthermore, you are confirming that you have read this HELPSHEET / TERMS AND CONDITIONS and that you are fully familiar with the Terms and Conditions.

FORMAL APPLICATION / DECLARATION

STEP BY STEP

You must completely shade ● the circle at 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. and/or 11. as appropriate to your application. You may need to shade more than one circle. Any type of ballpoint pen, pencil etc. may be used for shading.

IT IS ESSENTIAL THAT YOU COMPLETELY SHADE THE CIRCLE ● AS TECHNOLOGY IS USED IN THE FIRST INSTANCE TO IDENTIFY YOUR CHOSEN APPLICATIONS, THEREBY SPEEDING UP THE PROCESSING OF APPLICATIONS.

1. All applicants must *shade* ● the circle at 1. in order to activate their Entitlements.
2. Applicants who wish to apply for aid under the Single Payment Scheme and who wish to use their Standard Entitlements must *shade* ● the circle at 2.
3. Applicants who wish to apply for aid under the SPS and who wish to use their Setaside Entitlements must enter the number of those Entitlements concerned in the space provided and must *shade* ● the circle at 3.
4. Applicants who wish to apply for aid under the SPS and who wish to use their Special Condition Entitlements must *shade* ● the circle at 4. Where applicants with Special Condition Entitlements have acquired land since the reference period these Special Condition Entitlements will be converted to Standard Entitlements.
5. If you wish to transfer any or all of your Entitlements to another person, you must enter the number of Entitlements concerned in the space provided and you must *shade* ● the circle at 5.
In this case, both the transferor and the transferee will be required to submit a completed Transfer of Entitlements Application Form with the SPS Application form. The Transfer of Entitlements Application Form is available from the SINGLE PAYMENT UNIT, DEPARTMENT OF AGRICULTURE AND FOOD, OLD ABBEYLEIX ROAD, PORTLAOISE, CO. LAOIS or any Local Office of the Department, TEAGASC and on the Department's website at www.agriculture.gov.ie
6. If you wish to CONSOLIDATE your Entitlements, you must *shade* ● the circle at 6.
In this case, you will be required to submit a completed Consolidation of Entitlements Application Form with the SPS Application form. The Consolidation of Entitlements Application Form, along with the detailed rules for Consolidation, are available from the SINGLE PAYMENT UNIT, DEPARTMENT OF AGRICULTURE AND FOOD, OLD ABBEYLEIX ROAD, PORTLAOISE, CO. LAOIS or any Local Office of the Department, TEAGASC and on the Department's website at www.agriculture.gov.ie .
7. Applicants for the Disadvantaged Areas Scheme (formerly Headage) must *shade* ● the circle at 7.
8. Applicants for the 2005 Dairy Premium Scheme must *shade* ● the circle at 8.
9. Applicants for the 2005 Energy Crops Scheme must *shade* ● the circle at 9.
10. Applicants for the 2005 Protein Crops Premium Scheme must *shade* ● the circle at 10.
11. Applicants who do not wish to make an application for any payment under the Single Payment Scheme or under any of the other Schemes covered by the SPS etc Application Form but who are required to submit an SPS application for the purposes of satisfying the requirements of other EU schemes, for example REPS, AFFORESTATION PREMIUM SCHEME, DRIED FODDER SCHEME etc. must *shade* ● the circle at 11.

DATA PROTECTION AND FREEDOM OF INFORMATION

You should be aware that as a result of recent decisions made under the Freedom of Information Act, 1997, and confirmed by the Information Commissioner, this Department now has a policy of making details of area based and other direct payments publicly available in certain circumstances, in particular the names of the persons in receipt of the highest payments.

You should also be aware that it is a legislative requirement that all the information supplied on your application form and in any supporting documentation shall be made available to any other Department or Agency for the purpose of Cross Compliance Controls and all Rural Development measures.

SIGNATURE AND DATE

DON'T FORGET TO SIGN AND DATE THE FORM.

It is worth repeating that your SPS application cannot be accepted if you do not sign it. Where the application is made on behalf of more than one person, all parties must sign the application form. Where the application is made on behalf of a company or other legal entity, please enter the official status of the signatory, for example Company Secretary etc.

A GUIDE TO COMPLETING THE BACK PAGE OF THE APPLICATION FORM

GENERAL

Where possible, land parcel details in respect of parcels declared by you on your 2004 Area Aid application form have been pre-printed on your 2005 Single Payment Scheme etc application form. These details include the townland in which the parcel is located, the land parcel reference number and the gross area of the parcel. In the case of applicants who only declared forage area in 2004, these details have been extended (subject to certain exceptions) to include the Commonage fraction where applicable (Column 5), the net area declared (Column 6), the crop category (Column 9), parcel use (Column 10), and where the parcel is in the Afforestation Premium Scheme (Column 13).

In the context of certain new requirements under the Single Payment Scheme, please examine the pre-printed details on your application form carefully and make any amendments necessary - for example, you may no longer have the lands that you rented in 2004. The Department's Land Parcel Identification System (LPIS) has established, insofar as possible, details of those land parcels that are eligible to activate SETASIDE ENTITLEMENTS and also, land parcels that meet the definition of PERMANENT PASTURE. These details have been pre-printed on the 2005 SPS application forms. The responsibility rests with you to check these details carefully and to make any changes that you deem necessary. If the pre-printed details are incorrect and have not been amended by you, penalties may be incurred.

Insert the necessary details in any Column that has not been pre-printed. Otherwise a query will be raised in respect of the missing information and this will delay the processing of your application. If any of the parcels for which pre-printed details have been supplied are not being farmed by you in 2005, delete that parcel by drawing a line through all its pre-printed details (i.e. across the entire row).

If CONTINUATION SHEETS are required they can be obtained from the Single Payment Unit in Portlaoise or from Local Offices of the Department or from TEAGASC. If you are using CONTINUATION SHEETS, make sure that you enter your Herd No. and name on each additional sheet. Please also number any additional sheets.

While every effort has been made to keep the back page of your SPS application form as similar as possible to the back page of the Area Aid form in previous years, there are a number of important changes. There are new columns at 3. (Land Parcels eligible to use Setaside Entitlements); 8. (10-month Start date for each parcel); and 11. (Energy Crops). Please note the specific requirements in relation to all Columns as set out under and ensure that all the details relevant to each parcel/plot are completed.

BEFORE COMPLETING THE BACK PAGE OF YOUR APPLICATION PLEASE READ THE FOLLOWING STEP BY STEP GUIDE SO THAT YOU WILL BE FULLY AWARE OF NEW DEFINITIONS UNDER THE SINGLE PAYMENT SCHEME AND ALSO UNDERSTAND THE DETAILS REQUIRED IN THE NEW COLUMNS.

A GUIDE TO COMPLETING THE BACK PAGE OF THE APPLICATION FORM

STEP BY STEP

COLUMN 1: TOWNLAND

COLUMN 1 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE SPS APPLICATION FORM.

The Townland name is pre-printed on your 2005 SPS form for any parcel you declared in 2004. If you are including any new parcels in your holding for 2005, write the official Townland name on a new line in this Column i.e. the Townland name shown on an Ordnance Survey or LPIS map.

COLUMN 2: LAND PARCEL NUMBER

COLUMN 2 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE APPLICATION FORM.

The land parcel number (LPIS No.) is printed on your 2005 SPS application form for any parcel you declared in 2004. If you are adding any new parcel to your holding in 2005, you must obtain the unique land parcel number (LPIS No.) from the previous occupier and enter that number in this Column. Where the LPIS No. is not available, identify the new plot/s in this Column by calling them Plot 1, Plot 2 etc. In this instance you must also identify any new plots by outlining them carefully on either an Ordnance Survey map or a Land Registry map or a Land Parcel Identification System map, also numbering them Plot 1, Plot 2, etc on the map. Enter the same plot name in this Column as you have it written on your map of that plot, Plot 1, Plot 2 etc.

All applicants must declare areas of the farm such as Woodlands/Scrub etc., which are fenced off and inaccessible for the rearing of animals on the Single Payment Application Form and maps identifying these areas must accompany the application form. This provision does not apply to newly created habitats under Repts 3.

Please ensure that any map submitted by you is marked with your name, address and herd number. The map must also be marked with the Ordnance Survey sheet number and the Townland in which the parcel is located if the map is part of a Land Registry or Ordnance Survey map.

TEMPORARY SUBDIVISIONS

If you are temporarily dividing a land parcel in 2005 into two or more smaller parcels, and will be declaring those smaller parcels for different uses or under different crop categories, delete that parcel's pre-printed details. Then, enter the details of each subdivision of that parcel on a new line using the original 9 digit LPIS parcel number along with a specific identifier ("A", "B", "C" etc.) after the LPIS No. for each subdivision. You must also outline these temporary boundaries on a map marking each division "A", "B", "C" and so on. Enclose the map with your application.

COLUMN 3: PARCELS ELIGIBLE TO ACTIVATE SETASIDE ENTITLEMENTS

This is a new Column.

LAND ELIGIBLE FOR SETASIDE

As LAND ELIGIBLE FOR SETASIDE is based on historical declarations of land use under the Area Aid Scheme, its status is, in the case of most parcels, available on the Department's historical database of land-use between 1998 and 2003. Accordingly, the parcels that are eligible to activate Setaside Entitlements are indicated in this Column with a "Y". This indicator is pre-printed in respect of all parcels identified as being eligible for setaside, irrespective of whether the farmer has Setaside Entitlements or not.

While every effort has been made to ensure that all parcels that are eligible to activate Setaside Entitlements have been correctly identified and marked with a Y in this Column, you may request the Single Payment Unit for a review in the event that an eligible parcel in your holding has been omitted.

At this stage, it may be helpful to repeat the definition given earlier.

Land eligible to establish and activate a Setaside Entitlement is any agricultural area of the farmer's holding in 2005 taken up by arable land, except areas which, at the time that the 2003 Area Aid applications were lodged, were under permanent crops, forests or used for non agricultural activities or under permanent pasture. This includes all land ploughed for the purposes of crop production and land declared as setaside in the period 1998 to 2002, together with all land ploughed for crop production on the holding in May 2003, and any setaside on the holding at May 2003. Land used for crops such as sugar beet, potatoes etc. in the periods mentioned above qualifies as land eligible to activate and use setaside entitlements.

Land in permanent pasture that was ploughed for re-seeding only in the period 1998 – 2003 is not eligible for activating and using setaside entitlements. Land that was ploughed for crop production or was under setaside in 2004 but was not ploughed for crop production or was not under setaside from 1998 to the date for lodging Area Aid applications in 2003 will not be eligible to activate Setaside Entitlements.

Land deemed eligible for activating and using Setaside Entitlements will retain its eligibility for using setaside entitlements into the future.

COLUMN 4: GROSS AREA OF PARCEL IN HECTARES

COLUMN 4 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE APPLICATION FORM.

The gross area of each land parcel is pre-printed in hectares in this Column. The gross area of a parcel is the digitised area (computerised measurement) of the parcel. In the case of commonages, the gross area is the area of the entire commonage and not the area represented by the share you claim. Where you are declaring any new parcel/s as part of your holding in 2005, you may be able to get the gross area from the previous occupier and enter that area in this Column. Where the digitised Gross Area is not available, enter the gross area as on your Ordnance Survey or other map.

COLUMN 5: COMMONAGE FRACTION

In this Column you are entering the share of the Commonage that you are entitled to declare – you will therefore be entering the fraction of the total commonage.

In all cases where commonage shares/grazing rights are declared for the purposes of drawing down aid, one of the conditions of eligibility is the existence of documentary evidence of entitlement to the shares/rights declared. In general terms, this condition is met by the production of legal documentation detailing the commonage share/grazing rights held. The following documentation is acceptable to satisfy eligibility on title:

COMMONAGE SHARES:

Copy Land Registry Folio showing registered commonage shares;

GRAZING RIGHTS:

Copy Land Registry Folio showing Grazing Rights held; Land Commission Vesting Order; Certified copy of relevant estate papers from Land Commission records; Grant by the freehold legal owner; Grazing Trust Deed; Grant of deed by the original estate landlord.

If you are again declaring the same Commonage shares in 2005 as you did in 2004, there is no need to submit a further copy of your proof that has already been submitted by you and was accepted for the purposes of the Area Aid Scheme. The appropriate fraction representing your share of the Commonage is pre-printed in this Column.

Where any new land parcel in your holding in 2005 is Commonage, you must state the share (fraction, for example 1/5, 1/10 etc) of that Commonage which you are entitled to claim. The onus is on you to ensure that the documentation submitted as proof of entitlement is adequate to support the share that you are declaring.

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

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

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

COLUMN 6: NET AREA OF EACH PARCEL IN HECTARES

COLUMN 6 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE APPLICATION FORM.

The net area of a parcel is the area of the parcel that you are declaring as available and suitable for agricultural activity/use in 2005. The net area is calculated by deducting any ineligible or non-utilised part of that parcel from the gross area indicated in Column 4. If this net area is not already pre-printed in respect of any of the parcels on your form, you must enter the net area of these parcels in this Column. In this context, the net area of parcels that were claimed under the 2004 Arable Aid Scheme will not be pre-printed. Where any such parcels are being declared on your 2005 SPS application as arable parcels, area reductions for headlands are no longer a requirement. If an amendment to a pre-printed net area is necessary to reflect the accurate position, please ensure that you delete the pre-printed net area on your form and clearly enter the amended net area.

Do not overclaim the net area of any parcel. Under EU regulations, penalties may apply for over-declaration of areas and may involve loss of all aid.

In the case of each parcel declared, the net area excludes any areas under buildings; farmyards; woods; rivers; streams; ponds; paths; farm roads; expanses of bare rock, dense scrub or boglands that are unfit for grazing. You need not make deductions for fences, headlands, hedgerows or drains. You should note that all forage areas should be adequately fenced. In the case of Commonage, any necessary deduction should be made from the gross area of the Commonage (Column 4) so that individual net areas declared by the shareholders are accurate.

READY RECKONER FOR CONVERSION OF AREA

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

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

COLUMN 7: OWNED, RENTED OR LEASED

COLUMN 7 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE APPLICATION FORM. THIS IS AN ABSOLUTE REQUIREMENT UNDER THE SINGLE PAYMENT SCHEME.

Where this column is not completed in respect of every parcel and plot, the processing of the application will be delayed and consequently, payments may be delayed.

The detail required in this Column has not been pre-printed. You are required therefore to indicate, in respect of each land parcel / plot in your holding in 2005, whether the parcel/plot is Owned, Rented or Leased.

Accordingly, please indicate in respect of each land parcel/plot whether you own it, (O) ; whether you are renting it in on a short-term rental arrangement during 2005 (R) ; or whether you have the land during 2005 on the basis of a formal land leasing agreement (L).

COLUMN 8: 10- MONTH START DATE IN RESPECT OF EACH PARCEL

This is a new Column.

This Column relates to the 10 – Month Rule for land to be eligible for payment under the Single Payment Scheme.

The conditions relating to the 10-Month rule have been set out earlier in this publication. In this Column you are required to insert a Start Date for each parcel in your holding in 2005. Generally the same start date will apply to all parcels. For the exception to this rule please see the earlier Section in this Helpsheet on the 10-month rule. Insert the date from which each parcel in your holding is available to you for at least 10 months, for example 1/9/04, 1/2/05 etc.

WHERE A START DATE IS NOT INDICATED IN COLUMN 8 IN RESPECT OF OWNED LAND, THE DEPARTMENT WILL FIX A START DATE OF 1 FEBRUARY 2005 (ENDING ON 30 NOVEMBER 2005). IN THESE CIRCUMSTANCES, THE FARMER WILL BE OBLIGED TO RESPECT THIS START DATE. AS THIS MAY NOT COINCIDE WITH THE DATE OF A RENTAL/LEASING ARRANGEMENT, IT IS VITAL THAT YOU FULLY COMPLETE COLUMN 8 OF THE 2005 SINGLE PAYMENT SCHEME APPLICATION FORM.

COLUMN 9: CROP CATEGORY

COLUMN 9 MUST BE COMPLETED IN RESPECT OF EACH PARCEL / PLOT ON THE APPLICATION FORM.

If not already pre-printed on your form, please indicate for each parcel whether it is Forage or Arable or Setaside or Other by marking the appropriate box in Column 9 with an "x".

EVERY PARCEL/PLOT WHICH MAKES UP YOUR HOLDING IN 2005 MUST BE IDENTIFIED UNDER ONE OF THESE CATEGORIES.

Where aid is being claimed under the AFFORESTATION PREMIUM SCHEME (with the exception of Forestry Setaside), or the DRIED FODDER SCHEME, the land parcels concerned should be identified as OTHER in this Column. REPS 3 Habitats should also be declared as OTHER.

COLUMN 10: PARCEL USE IN 2005

COLUMN 10 MUST BE COMPLETED IN RESPECT OF EACH PARCEL ON THE APPLICATION FORM.

Land parcels for which aid is obtained under any of the Schemes for which an SPS application is required (listed at the beginning of this Helpsheet) will be crosschecked against the declared land use in this Column. You should ensure therefore that this Column is completed clearly and accurately in respect of every parcel /plot and that the land use entered by you reflects the actual use of that parcel in 2005. Where parcel information is pre-printed please ensure that the pre-printed use is correct for 2005 and if necessary, amend this to the actual use in 2005.

PERMANENT PASTURE

In accordance with the revised EU Regulations, any land parcel that was declared as forage in 2003 and was not part of a crop rotation during the previous five years is now referred to as Permanent Pasture. In order to assist applicants in completing this Column of the application form, the Department has pre-printed Permanent Pasture based on its Area Aid records.

Some examples of parcel uses that may be entered in Column 10

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

ARABLE uses; Barley; Wheat; Oilseeds; Oats; Maize, LINNET etc.

SETASIDE uses; Setaside; Green cover; Non-Food etc.

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

COLUMN 11: ENERGY CROPS SCHEME

Where you are claiming aid under the Energy Crops Scheme, mark an "x" in this Column against each parcel that is being used to produce the energy crops. Check the front of the Application form again to ensure that you have shaded the circle applicable to this Scheme.

COLUMN 12: AFFORESTATION PREMIUM

Where a Forestry parcel is in receipt of aid under the Afforestation Premium Scheme, applicants are required to indicate this on the SPS application. An "x" must therefore be marked in this Column against those parcels where the use is specified as FORESTRY or FORESTRY SETASIDE in Column 10 and in respect of which the Afforestation Premium is being received. This "x" indicates that the parcel is in receipt of a forestry premium.

COLUMN 13: FOR OFFICIAL USE ONLY

Do not make any entries in this Column.

MAKING AMENDMENTS TO YOUR 2005 SPS APPLICATION

Amendments to 2005 Single Payment Scheme applications may be made up to 31 MAY 2005. Amendment forms will not be accepted by the Department after that date. A specific form – SPS2005 AMENDMENT FORM - is available for this purpose. This Form, which includes full details of the circumstances under which Amendments will be accepted, is available from the Single Payment Unit, Local Offices of the Department, TEAGASC and on the Department's website at www.agriculture.gov.ie

An Amendment Form should only be used where the 2005 SPS Application form has already been lodged with the Department.

Completion of Amendment Forms

Amendment forms should be completed fully and accurately, as they will become part of your 2005 Single Payment Scheme Application. Applicants should also note that as the 2005 SPS Application is already lodged with the Department, any Amendment may only be made on this Amendment Form – do not submit a second 2005 SPS Application form for the purpose of making an Amendment.

TERMS & CONDITIONS

EU LEGISLATION

These TERMS & CONDITIONS implement the following EU Council and Commission Regulations. Any further EU Council or Commission amendments made during 2005 will be communicated to farmers and will, where appropriate, also apply to 2005 applications.

- No. 1782/2003 of 29/9/2003, as corrected by 32003R1782R(01), establishing common rules for direct support schemes – OJ L270 of 21/10/2003.
- No. 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC – OJ L 5 of 9/1/2004.
- No. 583/2004 of 22 March 2004 amending Regulations (EC) No. 1782/2003, (EC) No. 1786/2003 of 29 September 2003, as corrected, on the common organization of the market in dried fodder – OJ. L 270 of 21/10/2003.
- No. 795/2004 of 21 April 2004 laying down the detailed rules for the implementation of 1782/2003 – OJ. L141 of 30/4/2004.
- No. 1974/2004 of 29/10/2004 amending 795/2004 – OJ. L345 of 20/11/2004.
- No. 796/2004 of 21 April 2004 laying down the detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in 1782/2003 – OJ. L141 of 30/4/2004.
- No. 1257/1999 of 17/5/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) – OJ L160 of 26/6/1999.
- No. 1783/2003 of 29 September 2003 amending Regulation 1257/1999 - OJ. L 270 of 21/10/2003.
- No. 817/2004 of 29 April 2004 laying down detailed rules for the application of 1257/1999 – OJ. L 153 of 30/4/2004.
- No. 1255/1999 of 17 May 1999 on the common organization of the market in milk and milk products – OJ. L 160 of 26/6/1999.
- No. 1787/2003 of 29 September 2003 amending 1255/1999 - OJ. L 270 of 21/10/2003.
- No. 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No. 1255/1999 as regards intervention on the market in butter and cream – OJ L 333 of 24/12/1999.
- No.1673/2000 of 27 /7/2000 on the common organisation of the markets in flax and hemp grown for fibre - OJ L193 of 29/7/2000.
- No. 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No. 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land setaside for the production of raw materials – OJ L 345 of 20/11/2004.

DEFINITIONS

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

- (1) the "EU" means the European Union.

- (2) the "**Minister**" means the Minister for Agriculture and Food.
- (3) The "**Department**" means the Department of Agriculture and Food.
- (4) "**Single Application**" means the application for direct payments in respect of the Single Payment Scheme and other area-related aid schemes.
- (5) "**Area-related aid schemes**" means the Single Payment Scheme, the Protein Premium Scheme, the Energy Crops Scheme, the Disadvantaged Areas Compensatory Allowances Scheme and the Dried Fodder Scheme.
- (6) "**Applicant**" means a farmer who submits a 2005 "Single Application". An applicant may submit only one "Single Application" for 2005. This application should cover his/her entire holding and include all the land farmed by him/her in 2005 wherever in the State that land may be located and irrespective of whether the lands are associated with one or more Herd Numbers.
- (7) "**Direct payment**" means any payment granted directly to farmers under the Single Payment Scheme, the Protein Premium Scheme, the Energy Crops Scheme, the Dairy Premium Scheme and the Dried Fodder Scheme.
- (8) "**Farmer**" means a natural or legal person, or group of natural or legal persons, recognised by Irish law, whose holding is situated in the State and who exercises an agricultural activity.
- (9) "**Holding**" means all the production units within the territory of the State managed by a farmer. There is no minimum size of holding for the purpose of establishing Payment Entitlements.

Checks will be carried out to ensure that existing holdings are not converted or new holdings created after 30 June 1992 in order to avoid limits on eligibility under the Disadvantaged Areas Compensatory Allowances Scheme.

- (10) "**Agricultural activity**" means the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition.
- (11) "**Agricultural area**" means the total area taken up by arable land, permanent pasture and permanent crops.
- (12) "**Arable land**" means land cultivated for crop production and land under setaside, or land maintained in good agricultural and environmental condition irrespective of whether or not the land was under greenhouses or under fixed or mobile cover.
- (13) "**Permanent pasture**" means land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or longer, excluding land declared as set-aside under the EU Arable Aid Scheme in any of the years 1998 – 2003.
- (14) "**Grasses or other herbaceous forage**" means all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows (whether or not used for grazing animals).
- (15) "**Permanent crops**" means non-rotational crops other than permanent pasture that occupy the land for five years or longer and yield repeated harvests with the exception (for the purposes of identifying eligible setaside land and for claims under the Energy Crops Scheme) of multiannual crops and the nurseries of multiannual crops.
- (16) "**Multiannual crops**" means crops of Artichokes, Asparagus, Rhubarb, Raspberries, Blackberries, Mulberries, Loganberries, Black, White or Redcurrants, Gooseberries, Cranberries, Bilberries and other fruits of the genus *Vaccinium*.
- (17) "**Use**" means the use of the area in terms of the type of crop or ground cover or the absence of a crop.
- (18) "**Crop**" means any type of crop or ground cover including grass but excluding set-aside.
- (19) "**Land use**" means a crop, a ground cover or the absence of a crop in respect of each land parcel in a holding.
- (20) "**Reference parcel**" means a geographically delimited area with a unique identification number as registered on the Department's Land Parcel Identification System.
- (21) "**Area determined**" means the area for which all the conditions attaching to the payment of aid have been met. In the case of the Single Payment Scheme, the area declared may be deemed as determined only if it is accompanied by a corresponding number of payment entitlements.
- (22) "**Cross-compliance**" means the statutory management requirements and good agricultural and environmental condition as set down in the Department's 2005 publication entitled "The Single Payment Scheme - Your Guide to the Cross Compliance obligations that should be respected by farmers who apply for the Single Payment Scheme".

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

SPECIFIC TERMS AND CONDITIONS APPLICABLE TO THE DISADVANTAGED AREAS SCHEME 2005 (DA).

DA1. Applicable EU Legislation

DA1.1 These Terms and Conditions implement the following EU Council and Commission Regulations as last amended: No. 1257/1999 of 17.5.1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) - OJ L160 of 26.6.1999; No. 1782/2003 of 29.9.2003 establishing common rules for direct support schemes – OJ L270 of 21.10.2003; No. 796/2004 of 21.4.2004 laying down detailed rules for, amongst other things, the integrated administration and control system – OJ L141 of 30.4.2004; No. 817/2004 of 29.4.2004 laying down detailed rules for the application of No. 1257/1999 – OJ L153 of 30.4.2004.

DA2. Eligibility

DA2.1 To be eligible for payment of Compensatory Allowance under the Disadvantaged Areas Scheme 2005 you must in your own right:

- a) Be a person aged 18 years or over who currently holds a herdnumber issued by the Department of Agriculture and Food.
- b) Occupy and farm a minimum of 3 hectares of forage land in an area within the State designated as a Disadvantaged Area by the Minister and classified as Less Severely Handicapped Lowland or as a Coastal Area with Specific Handicaps or as More Severely Handicapped Lowland or as Mountain Type Grazings.
- c) Permanently reside within 70 miles by road (i.e. within daily commuting distance) of the holding on which Compensatory Allowance is being claimed.
- d) Undertake to remain in farming for 5 years from the first payment of a Compensatory Allowance.
- e) Comply with Good Farming Practice as set down by the Department of Agriculture and Food in its booklet "Good Farming Practice".
- f) Comply with the EU Hormones Council Directives 96/22/EC and 96/23/EC.
- g) Have a holding with a minimum stocking level of 0.15 livestock units per forage hectare.
- h) In relation to any mountain commonage that you farm be *either* a participant under REPS *or* any National Scheme that may be in place or be compliant with the relevant Commonage Framework Plan.
- i) Co-operate with Department staff in relation to any inspection or request for any documentation that you may be asked to supply.

DA3. Forage Area

DA3.1 The forage area of your holding for the purpose of calculating payment of Compensatory Allowance under the Disadvantaged Areas Scheme 2005 is each hectare of land or part thereof situated within the State which is

- Used for the grazing of cattle, sheep, horses, ponies, goats or deer.
- In a Disadvantaged Area designated as Less Severely Handicapped Lowland or as a Coastal Area with Specific Handicaps or as More Severely Handicapped Lowland or as Mountain Type Grazings within the State.
- Claimed as forage area by you on your 2005 application.

DA3.2 Forage area can include

- Rough grazings.
- Shares in commonages.
- Certain grazing rights.
- Tillage crops such as fodder beet, turnips, mangolds, kale.
- Areas used for producing hay or silage.

DA3.3 Forage area cannot include

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

- Areas used for the aid scheme for dried fodder (grassmeal production).
- Areas under cereal, oilseed and protein crops.
- Areas in a national or Community setaside scheme.
- Areas used as sportsfields, golf courses, pitch and putt courses etc.
- Commonage areas that are required to be totally destocked under a Commonage Framework Plan.

DA4. Livestock Unit Values for calculating compliance with the Minimum Stocking Level

DA4.1 The livestock unit values used for calculating compliance with the minimum stocking level of 0.15 livestock units per forage hectare under the Disadvantaged Areas Scheme 2005 are

Female or male cattle <i>over</i> 2 years old	1.0 livestock unit each
Female or male cattle 2 years old or under	0.6 livestock unit each
Female or male sheep	0.15 livestock unit each
Female or male horses or ponies <i>over</i> 6 months old	1.0 livestock unit each
Female or male horses or ponies 6 months old or under	0.6 livestock unit each
Female or male goats	0.15 livestock unit each
Female or male deer	0.3 livestock unit each

DA4.2 You must own, possess, hold and maintain for at least four continuous months of the year the livestock required to maintain the minimum stocking level.

DA4.3 You may be exempted from compliance with the minimum stocking level of 0.15 livestock units per forage hectare where a REPS plan for your holding requires a lower stocking level. In such a case the requirement to own, possess, hold and maintain animals for at least four continuous months of the year will apply to the number of animals per forage hectare which is the equivalent in livestock unit values to that lower stocking level.

DA5. Aid Levels

DA5.1 The Disadvantaged Areas Scheme 2005 provides for payment of Compensatory Allowance as follows on up to an overall payment ceiling of 45 forage hectares

- Less Severely Handicapped Lowland and Coastal Areas with Specific Handicaps: €76.18 per forage hectare
- More Severely Handicapped Lowland: €88.88 per forage hectare.
- Mountain Type Grazings: €101.58 on first 10 forage hectares or part thereof; €88.88 per hectare on remaining forage hectares.

DA5.2 Where you farm a combination of the above types of lands in the Disadvantaged Areas you will be paid Compensatory Allowance within the overall payment ceiling of 45 forage hectares on Mountain Type Grazings firstly, on More Severely Handicapped Lowland secondly and on Less Severely Handicapped Lowland and Coastal Areas with Specific Handicaps thirdly so as to maximize the amount which you can be paid. In respect of any commonage you claim within the 45 forage hectares ceiling you will be paid, of course, only on the percentage share of commonage used by you.

DA5.3 If you and any other person or persons are deemed to be operating more than one holding as a single unit, all of you shall be treated as one joint applicant and your holdings shall be treated as one joint holding for the purposes of payment of Compensatory Allowance under the Disadvantaged Areas Scheme 2005.

DA5.4 *The Disadvantaged Areas Scheme 2005 is co-funded by the European Union.*

DA6. Penalties for non-compliance with these Terms and Conditions

DA6.1 Where you over-declare in your application forage area in any Disadvantaged Area but do not make that over-declaration as a result of serious negligence or intentionally no penalty will be imposed for your over-declaration provided it does not result in a higher payment.

DA6.2 Where such an over-declaration would have resulted in a higher payment if not detected, however, the following penalties shall apply

FORAGE AREA OVER-DECLARATION IN DISADVANTAGED AREAS	CONSEQUENCE OF OVER-DECLARATION
An over-declaration of up to 3% of the eligible forage area found or of a maximum of 2 hectares	The area found will be used for payment of Compensatory Allowance.
An over-declaration of more than 3% of the eligible forage area found or of more than 2 hectares - but not of more than 20% of the eligible forage area found	The area found will be reduced for Compensatory Allowance payment purposes by twice the difference between the area found and the area claimed.
An over-declaration of more than 20% of the eligible forage area found	No Compensatory Allowance will be paid for the year of application.

DA6.3 Furthermore, where you make such an over-declaration as a result of serious negligence or intentionally the following penalties will apply irrespective of whether or not that over-declaration would have made a difference to payment

FORAGE AREA OVER-DECLARATION IN DISADVANTAGED AREAS	CONSEQUENCES OF OVER-DECLARATION
An over-declaration of area which you make as a result of serious negligence	No Compensatory Allowance will be paid for the year of application
An over-declaration of area which you make intentionally	No Compensatory Allowance will be paid for the year of application and of the following year.

DA6.4 If you do not remain farming for 5 years from the first payment to you of Compensatory Allowance, you must refund to this Department all Compensatory Allowance received since (and including) that first payment - unless your successor as applicant undertakes to honour your 5 year undertaking.

DA6.5 If you do not comply with Good Farming Practice as required by the Department of Agriculture and Food's "Good Farming Practice" booklet, you will have such Compensatory Allowance payment penalties as are set out in that booklet applied to your application.

DA6.6 Where residues of substances prohibited under Council Directive 96/22/EC or residues of substances authorised by that Directive but used illegally are detected pursuant to Council Directive 96/23/EC in an animal belonging to your bovine herd or are found on your holding in any form or where you obstruct an investigation concerning such residues, you shall not receive any Compensatory Allowance for the calendar year of such detection, finding or obstruction. Where you repeat such an infringement, you may be excluded from Compensatory Allowance for up to 5 years from the year in which the repeated infringement was discovered.

DA6.7 If your application under the Disadvantaged Areas Scheme 2005 is received after the closing date of 16 May 2005, a 1% reduction in payment of Compensatory Allowance shall apply for each working day that the application is late up to and including 10 June 2005. No Compensatory Allowance can be paid in respect of any application received after 10 June 2005.

DA6.8 A claim of force majeure, if accepted by the Department as having been proven, may exempt you from a penalty under the Disadvantaged Areas Scheme which would have had to be applied otherwise.

SPECIFIC TERMS AND CONDITIONS APPLICABLE TO THE DAIRY PREMIUM SCHEME - 2005.

Council Regulation (EC) No. 1782/2003 provides for the payment of a Dairy Premium in 2005. In accordance with the provisions of that Regulation, the Minister for Agriculture and Food decided that the Dairy Premium would be decoupled with effect from 2005. The 2005 Dairy Premium will, therefore, be incorporated as part of the Single Payment in 2005. The increase in the rate of Dairy Premium, including the National Envelope provided for in respect of 2006 and thereafter, will also be incorporated into the Single Payment for 2006 and subsequent years.

In order to be eligible to benefit under the 2005 Dairy Premium Scheme a farmer must:

- submit an application for the Dairy Premium (by shading the circle at 8. on the front page of his/her Single Payment application form) containing all the information necessary to establish eligibility for the aid and confirming that he/she is aware of all the Terms and Conditions of the Scheme, and he/she undertakes to abide by these;
- hold a milk quota on 31 March 2005, with the exception of farmers who have temporarily leased all of their quota under the 2004/2005 Temporary Leasing Scheme, having received the approval of the Department of Agriculture and Food on the grounds of Force Majeure/Exceptional Circumstances under the provisions of Article 19 of Commission Regulation (EC) No. 795/2004;

- deliver milk from his/her holding during the 2004/2005 milk quota year or commence milk deliveries in his/her own right prior to the deadline for receipt of applications i.e. 16 May 2005. As already stated, there is however provision whereby a farmer may be granted an exemption from the provision relating to milk deliveries on the grounds of Force Majeure/Exceptional Circumstances under the provisions of Article 19 of Commission Regulation (EC) No. 795/2004.

2% of applicants under the Dairy Premium Scheme will be selected for an on-the-spot inspection in accordance with EU Regulation requirements. The purpose of the inspection is to confirm that the applicant delivered milk in his/her own right from his/her holding during the 2004/2005 milk quota year (i.e. 1 April 2004 to 31 March 2005) to his/her Milk Purchaser (co-operative/dairy) or commenced milk deliveries after 31 March but prior to 16 May 2005.

This inspection will include the examination of the applicant's records and facilities as follows:

- collection docket;
- monthly milk statements;
- Herd Register maintained under the provisions of Council Regulation (EC) No. 1760/2000;
- milking facilities, particularly if the applicant is no longer involved in milk production at the time of the inspection or produced a very small quantity of milk during a short period of the 2004/2005 milk quota year.

The calculation of the decoupled Dairy Premium will be as follows:

- details of each quota holder's "eligible quota" will be submitted to the Department by each Milk Purchaser (co-operative/dairy);
- the Department will total all of the eligible quota and decide on the percentage reduction to bring the level of quota to the 1999/2000 National Quota level;
- that rate of reduction will be applied to all applicants' eligible quota;
- the net eligible quota will be multiplied by the rate of aid to establish the amount of Dairy Premium, including the additional payment due to each eligible applicant.

Calculation of Single Payment

An amount equivalent to the Dairy Premium calculated in accordance with the previous paragraphs will be added to the existing Single Payment (referred to as the Reference Amount) for those farmers who have already established Entitlements (farmers who were in receipt of payments under the Direct Payments Scheme during the 2000 to 2002 Reference Period), or will form a farmer's total Single Payment if the farmer does not have any other Entitlements under the Single Payment Scheme.

The value of the Entitlements granted to the farmer will be established as follows:

(a) Farmers who have existing Entitlements:

This category will include farmers who submitted Area Aid applications during the reference period (2000 to 2002). It will also include farmers who were in receipt of payments under certain Livestock Premia Schemes during the reference period but were not obliged to submit an Area Aid application and where these farmers did submit an Area Aid application in 2004. In the case of these farmers the total Single Payment will be divided by the number of Entitlements these farmers already hold.

(b) Farmers who have a Reference Amount but did not submit an Area Aid application in 2004:

This category includes farmers who were in receipt of payments under certain Livestock Premia Schemes during the reference period but were not obliged to submit an Area Aid application and where these farmers did not submit an Area Aid application in 2004. Their Single Payment Entitlements will be established by dividing the Reference Amount by the total number of hectares (owned, leased-in or rented-in) declared in their 2005 Single Payment application form.

(c) Farmers who do not hold existing Entitlements or a Reference Amount.

This category can be subdivided in two types:

(i) Farmers who declare owned lands in 2005.

The number of Entitlements will be established by dividing the Reference Amount by the number of owned hectares declared in 2005 (excluding lands leased-in or rented-in).

(ii) Farmers who declare only leased-in and/or rented-in lands in 2005.

These farmers will be granted Special Condition Entitlements. The provisions relating to applying for payment on Special Condition Entitlements are outlined earlier in this publication.

PENALTIES FOR OVERDECLARATION OF MILK QUOTA

If an applicant who submits an application for Dairy Premium has disposed of all or part of his/her milk quota by way of sale, lease or gift, and has not informed his/her Milk Purchaser and the Minister in accordance with the provisions of the European Communities (Milk Quota) Regulations, 2000 (S.I. No. 94 of 2000), as amended, and, as a consequence of his/her inaction the quota details submitted to the Department in respect of 31 March 2005 is too high, an over claim will be established and the penalties provided for in the EU Regulations will apply.

SPECIFIC TERMS AND CONDITIONS APPLICABLE TO THE ENERGY CROPS SCHEME.

AID

An aid of €45 per hectare per year shall be granted for areas sown under energy crops used under the conditions laid down in TITLE 1V, Chapter 5 of Council Regulation (EC) No 1782/2003 and Chapter 8 of Commission Regulation (EC) No 1973/2004.

DEFINITION

Energy crops are defined as crops supplied essentially for the production of the following energy products:

- * products considered biofuels
- * electric and thermal energy produced from biomass.

CONDITIONS FOR ELIGIBILITY

The aid will be granted only in respect of areas whose production is covered by a contract between the farmer and the processing industry, except in the case of processing undertaken by the farmer himself on the holding. Areas which are the subject of an application under the Energy Crops Scheme, may not be counted as being setaside for the purposes of the setaside requirement.

USE OF RAW MATERIAL

1. Any agricultural raw material with the exception of sugar beet may be grown on the areas covered by the aid provided that they are intended primarily for use in the production of the above energy products.
2. The raw materials referred to in paragraph 1 must be covered by a contract in accordance with the conditions of eligibility outlined above.
3. Applicants must deliver all raw materials harvested to a first processor who will take delivery of them and ensure that an equivalent quantity of these raw materials is used within the European Community for the manufacture of one or more of the energy products defined above. The first processor must lodge a security of €60 per hectare which will be released when documentary proof is furnished that the raw materials concerned have been processed into energy products.

The Department will publicise a Telephone No. in the Single Payment Unit which will deal with queries on this Scheme.

NEW APPLICANTS

Applicants who apply under the Single Payment Scheme (who did not make an Area Aid application in the Reference period or in 2003 or 2004), and new applicants under the other schemes which form part of the 2005 SPS application form, should ensure that they have a valid HERD NUMBER. Otherwise there will be a delay in processing their SPS application.

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

NEW APPLICANTS ARE OBLIGED TO SUBMIT A MAP (OR MAPS) WITH THEIR 2005 SINGLE PAYMENT SCHEME APPLICATION, OUTLINING CLEARLY THE BOUNDARIES OF EACH LAND PARCEL / PLOT.

Where the unique Land Parcel Identification System Number (LPIS No.) is not available, enter the new parcel details on the 2005 SPS application form numbering them Plot 1, Plot 2 etc. Identify any new plot by outlining it carefully on either an Ordnance Survey map or a Land Registry map or a Land Parcel Identification System map, also numbering them Plot 1, Plot 2, etc on the map. Enter the parcel details on your 2005 SPS application form using the same Plot number(s) that you marked on the map. Please ensure that the maps you submit are marked with your name, address and herd number or reference number. The maps must also be marked with the Ordnance Survey sheet number and the townland in which the parcel is located if the map is part of a Land Registry or Ordnance Survey map.

NEW APPLICANTS ARE REQUIRED TO FURNISH, ON REQUEST, PROOF THAT THEY ARE OPERATING A SEPARATE BUSINESS

viz.:

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

CONTROLS AND INSPECTIONS

In general the rate of on-farm inspection required for cross-compliance is 1% of those farmers to whom the relevant Statutory Management Requirement or GAEC apply. However at least 5% of applicants must be inspected under the Animal Identification and Registration requirements of Cross - Compliance as this level is prescribed under the relevant Regulations.

In addition to cross compliance checks it is a requirement to carry out standard eligibility checks to verify that the actual area claimed in the Single Payment Scheme application form corresponds to the area held by the farmer and to ensure there are no overlapping claims, or duplicate claims.

Checks will also be required to confirm that the lands declared for setaside purposes are maintained in accordance with the provisions of the EU Regulations and that the setaside obligations are observed.

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

The Department of Agriculture and Food, as the EU accredited Paying Agency, will have primary responsibility to ensure that the required level of cross compliance inspections is carried out and for fixing any sanctions to be applied.

Applicants must observe good farming practice as set out in the Department's Booklet entitled "Good Farming Practice". If, during the course of an on-farm inspection, it appears that a farmer is in contravention of any national laws and regulations in regard to the protection of the environment, the prevention of pollution, the welfare of animals, the protection of wildlife habitats, the use of illegal substances or the illegal use of animal remedies, the maintenance of specified farm records, the use of pesticides and chemicals, or the protection of features of historical or archaeological interest, the matter will be brought to the attention of the relevant authority for appropriate action. In addition, the penalties set out in the Department's Booklet "Good Farming Practice" will be applied.

To facilitate checks and on-farm inspections, applicants shall co-operate with Department staff, reply to all queries and provide any documentary evidence that may be requested in relation to their SPS application. Failure to do so may lead to loss of aid. If an on-farm inspection cannot be carried out through the fault of the applicant, the application shall be rejected unless an instance of force majeure applies.

CROSS COMPLIANCE

Under Cross Compliance requirements, a farmer receiving direct payments must respect the various statutory management requirements set down in EU legislation (Directives and Regulations) on the environment, food safety, animal health and welfare, and plant health and must maintain the farm in good agricultural and environmental condition (GAEC). A booklet outlining in detail the cross compliance requirements set out in Commission Regulation (EC) No. 796/2004 as amended and applicable under the Single Payment Scheme, is being issued to all farmers. Farmers should read this booklet carefully in conjunction with this helpsheet.

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

If, in respect of an application under the Single Payment Scheme, the area declared exceeds the area determined, the aid shall be calculated on the basis of the area determined reduced by twice the difference found if that difference is more than either 3 % or two hectares, but no more than 20 % of the area determined. If the difference is more than 20 % of the area determined, no payment shall be made for the year in question.

If the difference is more than 50 %, the farmer shall be excluded once again from receiving aid up to an amount equal to the amount, which corresponds to the difference between the areas, declared and the area determined. That amount shall be off-set against payments under the Single Payment Scheme or any of the aid schemes referred to in Titles III and IV of Regulation (EC) No 1782/2003 to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding. If the amount cannot be fully offset against payments within three years, the outstanding balance shall be cancelled.

IN THE APPLICATION OF PENALTIES THOSE ENTITLEMENTS WITH THE HIGHEST VALUES SHALL BE ATTRIBUTED TO THE AREA DETERMINED I.E. WHERE PENALTIES ARE APPLIED THE FARMER SHALL HAVE THE BENEFIT OF THE HIGHEST VALUE ENTITLEMENTS.

THIS PENALTY REGIME WILL ALSO APPLY TO AREA OVER-DECLARATIONS UNDER THE ENERGY CROPS SCHEME AND THE PROTEIN CROPS PREMIUM SCHEME.

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

A penalty may be applied for the under-declaration of area in your 2005 SPS application. This penalty will apply where the difference between the overall area declared plus the overall area of the parcels not declared is more than 3% of the area declared. The overall amount of direct payments payable to the farmer in respect of 2005 shall be reduced by up to 3% depending on the seriousness of the under-declaration.

PENALTIES SPECIFIC TO THE ENERGY CROPS SCHEME AND THE NON-FOOD USE OF SETASIDE LAND

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

TRANSFER OF ENTIRE HOLDINGS

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

Where an entire holding is transferred from one farmer to another after the transferor has lodged a Single Payment Scheme application but conditions for granting the Single Payment concerned have been fulfilled, no payment can be made to the transferor. The aid applied for by the transferor can be granted to the transferee provided that the transferee informs the Department of the transfer within one month of the date of transfer and requests payment of the aid. The transferee must supply any evidence of the transfer requested by the Department and must also fulfil the conditions for granting the aid and honour the undertakings given by the transferor. The holding transferred will be considered as a separate holding and will not be combined with any existing holding held by the transferee for the year in which the transfer occurs. Where a Single Payment Scheme application is lodged and all the conditions for granting the Single Payment have been fulfilled by the transferor before the entire holding is transferred, the Single Payment will be granted to the transferor. The transferred holding will be considered as a separate holding for the year of the transfer.

MAXIMUM GUARANTEED AREA FOR OILSEEDS

Under an agreement between the European Union and the United States there is a maximum guaranteed area (MGA) for oilseeds in the European Union of 5.484 million hectares. This is divided between the 15 Member States. Ireland's MGA is 4,500 Ha. Penalties will apply if the MGA for the EU is exceeded. These penalties will be borne by the Member States that exceed their MGAs. The national penalties will be repeated in the following year if the EU ceiling is again exceeded.

MAXIMUM GUARANTEED AREA FOR PROTEIN CROPS

A maximum guaranteed area (MGA) in the European Union for Protein Crops for which aid may be granted has been established at 1.4 million hectares. Where the area for which aid is claimed exceeds this MGA, the area per farmer for which aid is claimed shall be reduced proportionately for the year in question.

MAXIMUM GUARANTEED AREA FOR ENERGY CROPS

A maximum guaranteed area (MGA) in the European Union for Energy Crops for which aid may be granted has been established at 1.5 million hectares. Where the area for which aid is claimed exceeds this MGA, the area per farmer for which aid is claimed shall be reduced proportionately for the year in question.

SETASIDE REQUIREMENTS TO SATISFY SETASIDE PROVISIONS UNDER THE SINGLE PAYMENT SCHEME

SETASIDE ENTITLEMENTS

Where a farmer was subject to the obligation to set aside part of his holding, in the reference period 2000 –2002, that farmer or his/her successor shall be subject to an obligation to set aside land under the Single Payment Scheme. The farmer shall receive setaside entitlements equal to the average number of obligatory setaside hectares during the reference period. Even where land in forestry was used historically to meet obligatory setaside requirements during the reference period and only the forestry premium was payable to the applicant, setaside entitlement will be established with a value equal to €383.04 /ha.

Setaside entitlements are distinct from ordinary payments entitlements and must be activated each year before any other payment entitlements. If a farmer has setaside entitlements, he/she is obliged to set aside the appropriate number of hectares even if the farmer is no longer involved in crop production. Where a farmer transfers setaside entitlements the setaside obligation continues to apply.

Any setaside entitlement accompanied by a hectare eligible for setaside entitlement shall give right to the payment of the amount fixed by the setaside entitlement. Farmers shall set aside from production the hectares eligible for setaside entitlements.

The closing date for activating setaside entitlements will be the closing date for receipt of applications under the Single Payment Scheme which is 16 May 2005.

For every setaside entitlement that a farmer holds, an equivalent hectare of arable land must be correctly set aside.

Where a farmer owns insufficient eligible hectares to meet his/her setaside obligations in 2005, and where that farmer has been unable to acquire the outstanding number of eligible hectares, the setaside entitlements concerned shall not be surrendered to the National Reserve in 2005. The farmer in this position has a further two years in which to meet the entire setaside obligation before any of these entitlements will be surrendered to the National Reserve.

EXEMPTIONS FROM THE SETASIDE REQUIREMENT

A farmer shall not be subject to the setaside obligation if:

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

LAND ELIGIBLE FOR SETASIDE

'*Hectare eligible for setaside entitlement*' shall mean any agricultural area of the holding taken up by arable land, except areas which at the date provided for the area aid applications for 2003 were under permanent crops, forests or used for non agricultural activities or under permanent pasture. This includes all land ploughed for the purposes of crop production in the period 1998 to 2002, together with all arable land including setaside on the holding in 2003, any grassland that has been ploughed during the previous five year period, and land used for crops such as sugar beet or potatoes etc.

Land in permanent pasture that was ploughed for re- seeding does not lose its permanent pasture classification and is not eligible for activating or using setaside entitlements. Land, which was ploughed for crop production or was under setaside in 2004 but was not ploughed for crop production or was not under setaside from 1998 to the date for lodging Area Aid applications in 2003, will not be eligible to activate setaside entitlements.

Land deemed eligible for setaside entitlements will retain its eligibility for setaside into the future.

Crops such as short rotation coppice or miscanthus may be grown on land used for non-food setaside or on land subject to an application for the aid under the Energy Crops Scheme. Similarly land that was previously eligible for arable aid but that has since been put into the Afforestation Premium Scheme can be used to activate setaside entitlements under the Single Payment Scheme but will not be eligible for payment.

As long as the 10% ratio between arable land and permanent pasture is not breached on a national basis to the detriment of permanent pasture, farmers are free to rotate their own land parcels including setaside parcels. Only parcels eligible for setaside can be used to activate setaside entitlements. However in exceptional cases applications for transfer will be considered on application on a case-by-case basis.

'Arable land' shall mean land cultivated for crop production and land under setaside or maintained in good agricultural and environmental condition irrespective of whether or not the land is under greenhouses or under fixed or mobile cover.

'Permanent pasture' shall mean land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or longer, excluding land under setaside schemes.

SETASIDE MANAGEMENT RULES – GENERAL PROVISIONS

- Setaside areas shall not be less than 0.1 ha in size and 10 metres wide. For duly justified environmental reasons, Member States may accept areas at least 5 metres wide and 0.05 ha in size.
- Land in setaside must be land eligible to activate and use setaside entitlement. The setaside period is 15 January 2005 to 14 January 2006.
- During the 'core' setaside period from 15 January 2005 to 31 August 2005 it is forbidden to use land in setaside for any agricultural production or to put it to any agricultural or lucrative use, except where contracts exist for the production of non-food crops. Failure to comply in this regard may render a producer ineligible for all benefits under the Single Payment Scheme.
- During the period from 1 September 2005 to 14 January 2006, farmers are permitted to use the green cover on their setaside land to feed animals either by grazing or harvesting it as hay or silage. The setaside land cannot be used for any lucrative purpose during this period.
- EU regulations require that land in setaside be managed in such a way as to ensure the protection of the environment. Good Agricultural and Environmental Conditions must be respected.
- Setaside land may be used for the provision of materials for the manufacture of products within the European Union not primarily intended for human or animal consumption. These crops may only be grown if destined for a permitted end-use. A list of the permitted annual and perennial crops and the permitted end-uses is available from the Single Payment Unit and from TEAGASC.

DETAILED PROVISIONS FOR THE MANAGEMENT OF SETASIDE LAND

During the period after harvesting and prior to 15 January 2005

- (1) A green cover must be established either through the sowing of a mixture of grasses or mustard, paella, fodder rape or by natural regeneration before 15 January 2005.
- (2) Where fodder rape is used as a green cover it may be grazed up to 14 January 2005 but an acceptable green cover must remain.
- (3) Light cultivation immediately after harvesting to promote natural regeneration is permitted provided a green cover is established by 15 January 2005.
- (4) Where harvesting is delayed due to adverse weather conditions or in the case of late harvested root crops, thus preventing the sowing of a green cover, no action such as cultivation or spraying should be taken which would impede natural regeneration prior to the commencement of the setaside period.

During the period 15 January 2005 to 15 April 2005

- (1) Where a green cover has been established it should be retained until at least 15 April 2005.
- (2) The only activity permitted on setaside land during this period is that associated with non-food crops. A list is available on request from the Single Payment Unit or TEAGASC.

During the period 16 April 2005 to 31 August 2005

- (1) Ploughing of setaside land is not permitted during this period except for the following purposes:
 - from 16 April to establish a green cover (including land which has been used for late harvested root crops) or
 - from 16 July to prepare land for sowing of crops for harvesting not earlier than 15 May 2006.
- (2) Green cover must be cut at least once during the period 16 July to 15 August 2005 to leave a covering not exceeding 15cm. The cuttings must be left on the land and turning or baling of the cuttings is not permitted.
- (3) Grass cover established on setaside land and treated with herbicides to reduce herbage production must have the treated herbage, including any re-growth, topped and managed in accordance with the conditions specified in relation to green cover at (2) above.
- (4) If it is necessary to cut the green cover in the period 16 April to 15 July 2005 in order to control weeds (such as thistle, dock, ragwort or wild oats), or to maintain an acceptable visual appearance, it may be cut to a height leaving 15cm. The cuttings must be left on the land and turning or baling of the cuttings is not permitted.
- (5) Cutting should always be effected in such a way as to allow an escape route for wildlife such as cutting outwards from the centre of the field.
- (6) Where a green cover has been established, the control of weeds is allowed from 16 April 2005, either by shallow cultivation or by use of non-residual or short duration residual herbicides as appropriate, including paraquat / diquat and glyphosate (with label clearance for use on setaside land).
- (7) Where there is an existing green cover, the application of fertiliser (organic or inorganic) and lime is allowed between 16 April and 15 September 2005 at levels that do not exceed plant requirements.
- (8) Where there is a breach of the management rules no payment will be made in respect of the Setaside Entitlements concerned and there may also be a reduction in Standard Entitlements payments where the obligatory setaside requirement is consequently not met.

During the period 1 September 2005 to 14 January 2006

During the period from 1 September 2005 to 14 January 2006, farmers are permitted to use the green cover on their setaside land to feed animals either by grazing or harvesting it as hay or silage. The setaside land cannot be used for any lucrative purpose during this period.

REDUCTIONS AND EXCLUSIONS IN RELATION TO UNDER DECLARATION OF SETASIDE LANDS

Under the Single Payment Scheme, Setaside Entitlements must be activated before any other Entitlements. Where a farmer does not have at his/her disposal in 2005 a sufficient amount of area that is eligible to activate his/her entire Setaside Entitlements, that farmer will not be penalised for declaring a number of hectares in setaside which is less than his/her number of Setaside Entitlements. In this case, the farmer has a further two years to use all his/her Setaside Entitlements. Any Setaside Entitlements not used for three consecutive years will be forfeit to the National Reserve. However, where a farmer has at his/her disposal a sufficient amount of area that is eligible to activate all his/her Setaside Entitlements, and does not declare sufficient hectares for activating all the Setaside Entitlements, that farmer must be considered as not having fulfilled his/her setaside obligation and is liable to penalties. In this case the area corresponding to the unused Setaside Entitlements will be deemed as not having been found and a penalty corresponding to cases in which an overdeclaration of area is made will be imposed.

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

SPECIAL SETASIDE ARRANGEMENTS FOR REGISTERED ORGANIC FARMERS

Organic farmers whose holdings meet the requirements of EU Regulations on Organic Farming, and who are registered as Organic Farmers, may grow the following leguminous fodder crops on the eligible land that they have set aside under the 2005 Single Payment Scheme:

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

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

NON- FOOD USE OF SETASIDE LAND

Setaside land may be used for the provision of materials for the manufacture of products within the European Union not primarily intended for human or animal consumption. These crops may only be grown in respect of areas whose production is covered by a contract between the farmer and the processing industry, except in the case of processing undertaken by the farmer himself on the holding. A list of the permitted annual and perennial crops and the permitted end-uses is available from the Single Payment Unit and from TEAGASC.

The Department will publicise a Telephone No. in the Single Payment Unit which will deal with queries on this Scheme.

PAYMENTS

Payments under the Single Payment Scheme will commence on 1 December 2005 and must be made in full by 30 June 2006. Refunds, or where appropriate, partial refunds, of modulation deductions will be made before the 30 September 2006 deadline for making such refunds.

PROTEIN CROPS PREMIUM PAYMENT

The supplementary premium payment shall be made at the rate of €55.57 per hectare and will be paid as from 1 December 2005.

ENERGY CROPS PAYMENT

The rate of aid for Energy crops claimed under the Energy Crops Scheme has been set at €45 per hectare. The rate indicated may be subject to change if the EU maximum guaranteed area for energy crops is exceeded. Payments will be made as from 1 December 2005.

THE DISADVANTAGED AREAS SCHEME PAYMENT

Payment under this Scheme will commence in September 2005.

The above Schemes, with the exception of the DISADVANTAGED AREAS SCHEME which is co-funded, are fully financed by the EU.