



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

TERMS AND CONDITIONS OF THE BVD FINANCIAL SUPPORT PROGRAMME FOR DAIRY BREED ANIMALS DISCLOSED AS BVD POSITIVE IN 2023

Introduced by the

MINISTER OF AGRICULTURE, FOOD AND THE MARINE

CLOSING DATE 29th February 2024 at 23:59 hours

**All details of this Programme may be accessed on the Department of
Agriculture, Food and the Marine website at
[https://www.gov.ie/en/collection/73aea-schemes-and-services-agriculture-
food-and-the-marine/#bvd](https://www.gov.ie/en/collection/73aea-schemes-and-services-agriculture-food-and-the-marine/#bvd)**

**The BVD Financial Support Programme for Dairy Breed Animals disclosed as
BVD Positive in 2023 is funded by the National Exchequer.**

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1. Objective of the BVD Financial Support Programme for Dairy Breed Animals Disclosed as BVD Positive in 2023

The objective of the BVD Financial Support Programme is to minimise the incidence of Bovine Viral Diarrhoea ("BVD") in the National Herd through the testing of new born calves and whole herd testing in herds that disclose one or more BVD test positive or inconclusive animals in 2023, and where these bovine animals are considered to be BVD positive, to incentivise their culling and removal to a knackery, meat plant or abattoir as specified in the Requirements and Payments sections of this document.

2. General Outline and Legal Basis

These are the administrative provisions for the implementation of the Scheme drawn up in accordance with the Ministers and Secretaries Act, 1924.

Financial assistance under the **BVD Financial Support Programme** is paid in accordance with Commission Regulation (EU) No 1408/2013 (De Minimis aid in the agricultural production sector). Eligibility to receive aid under this scheme is dependent on the applicant remaining within the €20,000 individual aid limit in the 2021-2023 fiscal years, as set out in Commission Regulation (EU) No 1408/2013. Where accumulated aid exceeds this amount, no payment may issue.

3. Definitions

For the purposes of this Programme:

1. "BVD" means Bovine Viral Diarrhoea;
2. "BVD test positive" means an animal that tests positive or inconclusive for the BVD virus in 2023;
3. "The Department" means the Department of Agriculture, Food and the Marine;
4. "Minister" means the Minister for Agriculture, Food and the Marine;
5. "Applicant" means a farmer who submits an application;
6. "Farmer" means a natural or legal person, or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, whose holding is situated within Community territory, as referred to in Article 299 of the Treaty, and who exercises an agricultural activity;
7. "Application" means an application for a contract under the Programme in accordance with the Terms and Conditions set out herein;
8. "AIM" means the electronic Animal Identification and Movement database of the Animal Identification and Movement System;
9. "AHCS" means the Animal Health Computer System;
10. An "**eligible Dairy breed animal**" shall mean an animal which:
 - i. has had a positive or inconclusive test for the BVD virus without a

subsequent negative result on a retest in 2023, except where the date of death is recorded as before the date of test of the subsequent negative test result;

- ii. was born before 31 December 2023;
- iii. has a dairy breed sire and a dairy breed dam;
- iv. is in the ownership of the applicant;
- v. was BVD tested using a tissue tag or supplementary tag as defined in the BVD regulations or a blood sample and has been tested in a designated laboratory as defined in Article 11 of the SI 30 of 2017.

11. A dairy breed animal is an animal of any breed **except** the following: Angler Rotvieh (Angeln)-Rod-dansk maelkerace (RMD), Ayrshire, Armoricaire, Blue Albion, Bretonne Pie-Noire, Brown Swiss, Fries-Hollands (FH), Francaise frisonne pie noire (FFPN), Friesian-Holstein, Holstein, Black and White Friesian, Red and White Friesian, Frisona Espanola, Frisona Italiana, Zwartbonten van Belgie/Pie noire de Belgique, Sortbroget dansk maelkerace (SDM), Deutsche Schwarzbunte, Schwarzbunte Milchrasse (SMR), Groninger Blaarkop, Guernsey, Jersey, Malkekorthorn, Normande, Norwegian Red, Swedish Red, Danish Red, Reggiana and Valdostana Nera, Itasuomenkarja, Lansisuomenkarja, Pohjoissuomenkarja Lithuanian Black and White, and Blended Milking Shorthorn or any other dairy breed recognised by the Department of Agriculture, Food and Marine

12. "Born" shall include stillborn.

13. "Sample" shall mean a sample taken using a tissue tag or supplementary tag or blood test as specified in the Bovine Viral Diarrhoea Regulations 2017 – S.I. No. 30 of 2017 and subsequent amendments: S.I. No. 171 of 2018; S.I. No. 182 of 2020; and S.I. No. 412 of 2021

14. "Programme" shall mean the BVD Financial Support Programme for dairy breed animals born in 2023.

15. "De Minimis" – shall mean state aid given to any beneficiary which cannot exceed €20,000 over any three fiscal years.

4. General Provisions of the Programme

- The Programme shall be administered by the Department of Agriculture, Food and the Marine and shall operate throughout the State.
- The Programme is 100 % funded by the National Exchequer and operates under agricultural de minimis in accordance with Regulation (EU) No 1408/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the agriculture sector and amending Regulation (EU) 2019/316
- Participants in the Programme must meet the requirements set out in this document.

- Only eligible dairy breed animals may qualify for payment under this Programme.
- Failure to comply with these Terms and Conditions will result in non-payment under the Programme.
- The Programme is 100 % funded by the National Exchequer and operates under agricultural De Minimis in accordance with Regulation (EU) No 1408/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to De Minimis aid in the agriculture sector and amending Regulation (EU) 2019/316

5. Requirements

To be eligible for participation in the Programme farmers/herd owners must:

- hold a valid active herd number issued by the Department;
- be removed to an abattoir, knackery or meat plant and have a date of death recorded on the AIM system within the timeframes specified in the Payments section below;
- pending removal of BVD positive animal, it should be strictly isolated with the dam, if necessary, to avoid further transmission to other susceptible animals, particularly breeding stock;
- comply with the Terms and Conditions of this Programme and all provisions of the BVD Eradication Programme, the statutory basis which is S.I. No. 30 of 2017; and subsequent amendments: S.I. No. 171 of 2018; S.I. No. 182 of 2020; and S.I. No. 412 of 2021.
 - The Department will make a financial contribution to the participating farmer subject to the thresholds under the De Minimis regulations.

6. Application procedure

All eligible animals as set out in the Requirements section will be auto enrolled in the Programme. The Department will issue a payment form to all eligible farmer/s that may qualify for financial support based on test results submitted to the Department.

- Payment forms must be signed and returned to
BVD Financial Support Programme,
Department of Agriculture, Food and the Marine,
Bellview,
Dublin Road,
Mullingar,
Co. Westmeath
N91 A972.
For queries, please call 057-937 0377, 057-937 0376 or 057-937 0375.
The closing date for receipt of applications is 23:59 on 29th February 2024.

- **Applicants who post documents to the Department are advised to obtain proof of postage. A Certificate of Posting is not acceptable.**
- Applicants will be requested to rectify any non-compliance identified. Incomplete applications will be returned and must be reviewed, completed in full and resubmitted within 28 days of the request.
Compliant animals will only be paid as applicable.

7. Payments

- For animals disclosed as BVD test positive or inconclusive in 2023, a payment will be made on supply of payment details following submission of a payment form for each eligible animal that is removed to a knackery, abattoir or meat plant and has a date of death recorded on the AIM system as follows:
- Any non-compliant animals will not be eligible for payment.
- 11-21 days from the date of latest positive/inconclusive test to slaughter is the cut-off interval for payment/compensation.
- €160 if the animal is removed **within 10 days** of the first positive or inconclusive test.
or
- €30 if the animal is removed **between Day 11 & 21** of the first positive or inconclusive test.

In the event that the Programme directs retesting of an animal, the animal must be removed within 3 weeks of the most recent BVD positive or inconclusive test result.

- Payments under the BVD Financial Support Programme for dairy Breed Animals disclosed as BVD Positive in 2023 shall comply with EU State Aid rules applicable to enterprises engaged in the primary production of agricultural products under agricultural de minimus aid, as laid down in Regulation (EU) No 1408/2013 and Regulation (EU) 2019/316. In accordance with these Regulations, the total amount of de minimus aid granted to a given beneficiary shall not exceed €20,000 over any period of 3 fiscal years.
- Payments under the BVD Financial Support Programme for Beef Breed Animals disclosed as BVD Positive in 2023 shall comply with EU State Aid rules applicable to enterprises engaged in the primary production of agricultural products under agricultural De Minimis aid, as laid down in Regulation (EU) No 1408/2013 and Regulation (EU) 2019/316. In accordance with these Regulations, the total amount of

De Minimis aid granted to a given beneficiary shall not exceed €20,000 over any period of 3 fiscal years.

- All payments will be subject to the EU rules regarding De Minimis aid. Applicants should note that the Department will make crosschecks to ensure that payments made to applicants in respect of the previous three fiscal years do not exceed the De Minimis ceiling when combined with the value of any support provided under this scheme.

8. Compliance checks

To enable the Department to verify the accuracy of information submitted by applicants, payment forms will be subject to administrative checks, controls through AIM, AHCS, knackery inspections and on-farm inspections. By submitting a completed payment form the applicant agrees thereby to permit officials or agents of the Department to carry out on-farm inspections with or without prior notice at any reasonable time(s) and without prejudice to public liability. Where notified of an on-farm inspection applicants must:

- Arrange to be present for the inspection or nominate a representative in his/her place to assist the inspecting officer;
- Segregate and present separately any animals that the Department deem necessary to be inspected under this Programme, together with their passports;
- Provide proper handling and disinfecting facilities;
- Arrange for sufficient help to be given to the inspecting officer(s) so that each animal is restrained and controlled sufficiently so as to facilitate inspection;
- Answer all relevant queries arising and produce any relevant documentation requested at or after inspection without delay. Every inspection will be the subject of a report and the applicant or his/her representative will be given an opportunity to sign the report indicating his/her presence at the inspection and to add his/her observations if he/she so wishes. Unannounced inspections may also be required in certain circumstances. If an applicant has been selected for an inspection, the inspection must be completed.
- The Department of Agriculture, Food and the Marine also reserves the right to carry out the relevant administrative checks required to ensure compliance with State Aid – Agricultural De Minimis Regulation. (EU) 1408/2013.

9. Right of entry

The Minister reserves the right to carry out inspections at reasonable times of any land, premises, plant, equipment, livestock and records of applicants in this Programme. Inspections may be conducted during the course of the Programme or within 3 months following the applicant's completion of the Programme.

Failure to allow an inspection by the Department to proceed may lead to withholding or recovery of any aid. If an on-farm inspection cannot be conducted through the fault of the applicant, the application shall be rejected unless an instance of *force majeure* applies.

10. Appeals

In cases where a payment form is refused due to non-compliance with the Terms and Conditions of the Programme, applicants may appeal the refusal, in writing, within 28 days of the date of refusal, to the Department and setting out reasons why in their opinion, an application for a payment should be granted. The applicant will be informed of the outcome of the appeal in writing.

Please be advised you that if you are dissatisfied with the outcome of the appeal, you have a right to appeal this decision to the Agriculture Appeals Office, which operates independently of the Department. If you wish to do so, please submit your appeal in writing using the prescribed Notice of Appeal Form, within 3 months of the date of the decision letter, the appeal may be submitted using the online appeal portal available on the Agriculture Appeals Office website at the following link

<http://www.agriappeals.gov.ie/agricultureappealsprocess/howtomakeanappeal/onlinenoticeofappealfaq/>

OR

the Notice of Appeal Form can be downloaded at

www.agriappeals.gov.ie/publications/appealproceduresandforms/

OR

obtained directly from the Agriculture Appeals Office Ph 057 866 7167.

11. Review of financial aid

The Minister reserves the right to vary the Financial Provisions under this Programme.

12. Force majeure

“Force Majeure/exceptional circumstances” 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 unreasonable 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(s) 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 case whether the circumstances set down amount to *force majeure*. The circumstances under which *force majeure* may be considered include (without prejudice to the generality of the foregoing):

- Death of applicant;
- Serious illness/incapacity of the applicant (supported by medical evidence).
- Compulsory acquisition of all or part of the agricultural holding, which was not anticipated on joining the Programme;
- A natural disaster;
- The accidental destruction of livestock and/or farm buildings on the holding.
- An outbreak of disease affecting animals on the holding e.g. slaughter under the disease eradication schemes.

13. Terms and conditions

The Minister lays down the terms and conditions to be followed in the operation of this Programme and reserves the right to alter these terms and conditions from time to time. The Minister may, at any time, lay down further terms and conditions under this Programme. Every approval under this Programme shall be subject to conditions laid down by the Minister, which must be fully complied with by the applicant(s). The terms and conditions will be published on the Department’s website. The Minister will publish a notice of any substantial changes to the terms and conditions on the Department’s website and in the farming press.

14. Information and data protection

The Minister reserves the right to make public information regarding the number of applicants, number of eligible animals etc., and to make information available to other Government Departments and/or Agencies for the purpose of implementing national legislation.

Data Protection information

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

1. The Department of Agriculture, Food and the Marine is fully committed to keeping all personal data submitted by its customers, fully safe and secure during administrative processes. All necessary technical measures have been put in place to ensure the safety and security of the systems which hold this data. Department staff are also considered as customers of the Department from a Data Protection perspective and may exercise their data protection rights in the same way, in accordance with the General Data Protection Regulations (EU 2016/679) which came into effect on 25 May 2018.
2. Transparency and openness in the use of personal data held is important to the Department and therefore we aim to fully inform all our customers about the purpose(s) for which their data will be used and why, where it may be shared elsewhere and why and how long their data may be held by the Department. Information on the rights of the customers will also be provided.
3. The Data Controller for the collection and processing of all personal data in the Department of Agriculture, Food and the Marine is the Department itself, as a legal entity.
4. The Data Protection Officer can be contacted as follows:

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

5. Personal data processed by the Department will only be used for the specific purpose (s) as outlined when the data is collected, or in later communications, and will only be used in accordance with the Data Protection legislation in force.
6. Rights of the individual in relation to personal data held by the Department:

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

- Access to their data
- Rectification of their data
- Erasure of their data
- Right to lodge a complaint with the Supervisory Authority
- Restriction of processing
- Data portability
- Objection to processing
- Withdraw consent if they previously gave it in relation to processing of their personal data.
- Relating to automated decision making, including profiling.

Part B: Information specific to the personal data being collected.

The following data is specific information in relation to the personal data processed for the BVD Financial Supports Programme

7. **Specified purpose:** The personal data sought from you, the applicant, is required for the purpose of determining eligibility for payment of BVD Financial supports.
Herd owners who dispose of BVD positive animals are eligible to apply for financial supports.
8. **Legal basis:** The legal basis under which data is being collected/processed is the Bovine Viral Diarrhoea Regulations 2017 (S.I. No. 30 of 2017); and subsequent amendments: S.I. No. 171 of 2018, S.I. No. 182 of 2020 and S.I. 412 of 2021. The **BVD Financial Support Programme** is implemented pursuant to Commission Regulation (EU) No 1408/2013 and 2019/316 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to De Minimis aid in the agriculture sector and is operated by the Department of Agriculture, Food and the Marine.
9. **Recipients:** Your information regarding test results of BVD Animals is transmitted by the testing laboratories to Irish Cattle Breeders Federation (ICBF) on a daily basis. These are recorded by ICBF and recorded against the animal ID and association info from AIM (Animal Identification and Movement). The result of the test is communicated by ICBF to the herd (usually by SMS when the number is provided). The results are then transmitted to AHCS (Animal Health Computer System) by ICBF. AHI (Animal Health Ireland) can access herd/animal level details using a dashboard system on ICBF. Farmers and in cases where a consent form has been signed an authorised private vet can also access this dashboard. Your test data will be stored on the Department's Animal Health Computer System.
10. **Retention Period:** The data collected for this purpose will be held by the Department only as long as there is a business need to do so in line with the purpose(s) for which it was

collected. After this time, it will be marked for destruction and will be destroyed in line with internal guidelines or guidelines for destruction received from the National Archives Office or associated permissions received from them.

11. **Data provision being statutory or contractual obligation:** Information on BVD testing is provided on a statutory basis. The data provided for this purpose is being requested under the requirements of The Bovine Viral Diarrhoea Regulations 2017 – S.I. No 30 of 2017; and subsequent amendments: S.I. No. 171 of 2018; S.I. No. 182 of 2020; and S.I. No. 412 of 2021. If the customer chooses not to provide this information their application for BVD Financial Supports cannot proceed.
12. **Automated Decision Making:** Certain personal data provided in this application will be processed automatically for the purpose of determining eligibility for BVD Financial supports. This means that the systems in this Department may automatically process information received for validation reasons.
13. **Information from Third Party:** Your personal data in relation to BVD test results was obtained from ICBF in line with this Department's requirement to have BVD test results. In circumstances where this Department did not gather your personal data you are still entitled to exercise your rights in relation to this personal data and the details on how to exercise individuals' rights are detailed above.
14. **Technical information on data collected:** Technical information on the cookies used on our department's website is available at the following link:
<https://www.gov.ie/en/collection/be6db-data-protection-privacy-notices/>