

Farmers' Charter of Rights Monitoring Committee

Minutes of Meeting held at the Killeshin Hotel, Portlaoise, Co. Laois on 05 March 2020

Attendees

Chair: Sean Brady

Farming Bodies

ICMSA:

ICOS:

ICSA:

IFA:

INHFA:

Macra na Feirme:

DAFM

Ann Cunningham	Forestry Grant and Premium Schemes
Michael O'Connor	Organic Farming Scheme
Michael Mackey	Burren Scheme/Article 35
Elaine Tarrant	TB and Brucellosis Compensation
Miriam Cadwell	AEOS / GLAS / TAMS II
Joanne O'Neill	TAMS II
Josephine Brennan	Inspectorate
Eoin O'Brien	Inspectorate
Oliver Molloy	Inspectorate
Edel Carty	Knowledge Transfer Scheme
Fintan O'Brien	Direct Payments
Paul McKiernan	BDGP/BEEP/BEAM/Inspections
Peter Harte	BDGP/BEEP/BEAM
Brian Alcock	BPS

James Walsh	ANC/ Sheep Welfare Scheme
Deirdre Fay	LPIS Rebuild
Ciara Conlon	LPIS Review
Eddie Forde	Young Farmers Scheme/ National Reserve
Fran Morrin	Young Farmers Scheme/ National Reserve
Ursula McMahon	Inspections
Tom Keating	Inspectorate
Carmel Delahunt	Corporate Affairs
Michelle Farrell	Corporate Affairs
Derek Peppard	Corporate Affairs

The Chairman opened the meeting by welcoming new attendees to the Charter meeting, Brian Rushe, Michael Biggins, Brendan Golden of IFA, Gillian Richardson, Macra, Ann Cunningham and Elaine Taggart, DAFM.

The Department presented statistics and information for each of the agenda items in the context of the targets set out in the Charter. There was detailed discussion in relation to these matters. The action points arising are set out in the table below. Further information on the discussions can be found in Appendix 1.

Action Points Summary Table		
	Business Area / Query	Action required
1.	Forestry How many applications were rejected on the basis of the Hen Harrier scheme in Limerick?	Department to provide information.
2.	Forestry Can the Department provide a breakdown of felling licences not yet approved?	Department to provide information.
	Forestry How many applications	Department to provide information.

	were received wholly within Natura sites?	
4.	Forestry How many applications received for felling licences?	Department to provide information.
5.	Burren Scheme / Article 35 Schemes What other schemes are covered under art 35 and details of payments made under these schemes?	Department to provide information by email.
6.	TAMS Can a list of investments be provided?	Department to provide a list of the top twenty investments.
7.	Knowledge Transfer Breakdown of numbers of participants and payments per sector	Information to be provided by Department.
8.	BEAM Can the Department have a look at the Terms and Conditions of the scheme?	The Department to examine the submission to the EU Commission.
9.	BEAM How many dairy farmers participated in the scheme?	Department to provide figures before next meeting.
10.	BEEP/ BEAM Details of numbers of herds not paid requested	Department to provide details.

11.	BDGP Is it possible to get tags out early as this is causing delays in the sale of animals?	The Department is to check with ICBF.
12.	Basic Payment Scheme / Greening Can a technical note be provided on the terms and conditions for Forestry under the scheme?	Department to provide information.
13	ANC Details of the number of herds with donkeys to be provided	Department to provide information.
14.	Inspections Can we get financial data as a result of inspections, both Eligibility and Cross Compliance?	Department to provide figures for 2016 – 2018 before next meeting.
15.	Inspections Can we get a breakdown between Ground & Remote Sensing Eligibility inspections data?	Department to provide figures before next meeting.
16	Inspections Can we get a breakdown on the cross compliance most common non-compliances?	Department to provide figures before next meeting.
17	Inspections A breakdown of the	Department to provide figures before next meeting

	penalties on SMR 1 & GAEC 7 requested.	
18	Appeals Can the Farming Organisations meet with the Appeals Office after the next Charter meeting?	The Department will notify the Appeals Office of this request.

Appendix 1

Item 1 – Previous Minutes of 05 December 2019 and matters arising

Minutes of previous meeting were agreed.

Item 2 – Forestry Grant and Premium Schemes

Issue Raised	Response
Can we get a breakdown of the 47% not meeting the target?	The main cause for the backlog is the changes to procedures that had to be put in place for assessing licences and new applications being received on an ongoing basis. Two additional Ecologists are being recruited.
Can the Department provide information on a range of issues?	These are set out in the action points above and the Department will provide the information.

Item 3 – Organic Farming Scheme

Issue Raised	Response
Regarding RDP rules and latest scheme what can be done for applicants inside and outside the scheme?	The Department is looking at transitional arrangements.

How many applicants are in the scheme?	1,530 participants in the scheme, including 60 approved in 2019.
What is the budget for the scheme?	The budget is €56m over the course of the scheme.

Item 4 – Burren Scheme / Article 35 Schemes

Issue Raised	Response
Are payments under the Burren Scheme split?	Yes, advance payments of 85% were made and balancing payments of the remaining 15% have commenced.
What other schemes are covered under art 35?	Department to provide information as set out in action points above.

Item 5 – TB and Brucellosis Compensation

No issues were raised.

Item 6 – AEOS

Item to be taken off the agenda as the scheme is completed.

Item 7 – GLAS

Issue Raised	Response
Will the scheme be extended?	No decision has been made as yet, the matter is under discussion with the EU Commission. A 1 year transition period has been proposed with a draft regulation expected from the Commission in July.
Has there been any changes to the scheme for sole traders moving to a company set up?	No.

Item 8 – TAMS II

Issue Raised	Response
Has the Department analysed the approvals that have not been followed up on by the applicants?	The Department will examine this. €52m hasn't been taken up. As well as those that did not follow up some applicants were approved for more than they actually applied for payment on.
Can the unused funds be reallocated?	This is a policy issue. Department expects that the bulk of the funding will be drawn down.
Does the Department notify applicants where the application has been rejected?	Yes, the Department writes to applicants whose applications have been rejected. Roll overs are picked up when processing.
There are 2,500 applicants in tranche 16 – are rolled over applications included as well?	In the last three tranches 80% went through. No decision on this tranche yet.
Can a list of investments be provided?	Department to provide a list of the top twenty investments.

Item 9 – Knowledge Transfer

Issue Raised	Response
Can we get a breakdown across sectors?	Department to provide a breakdown.

Item 10 – Beef Data & Genomics / Beef Environmental Efficiency Pilot (BEEP) / Beef Exceptional Aid Measure

Issue Raised	Response
BEAM: There is an underspend of €33m in the budget. We were advised that all cattle sold through Marts would	The Department tries to maximise the amount of expenditure. Only cattle slaughtered in the RoI jurisdiction are

get paid. Cattle are being purchased by dealers which has resulted in individuals being locked out of the process. This meant they didn't get paid and is grossly unfair.	eligible under the scheme. The Department change the terms and conditions of the scheme which were approved by the Commission. The Department pays the herd number under which the application was submitted.
BEAM. Farmers can't determine who buys cattle at a mart. Farmers also understood that they would get paid if cattle were sold to a dealer or individual. There is a flaw in the Terms and Conditions which will need to be changed?	The Department does not see it that way. The scheme is operating as it was intended to.
BEAM: The Department needs to have a look at it and correct it. It is covered in the Charter that the farmer is to be treated fairly. This is bringing the scheme into disrepute.	The Department is to look at the submission to the Commission.
BEAM: How many dairy farmers participated in the scheme?	Department to provide information.
BDGP: Is it possible to get genomic tags out early as this is causing delays in the sale of animals.	The Department is to contact ICBF.
Details of the number of herds not paid under BEEP and BEAM requested	The Department will provide this information.

Item 11 – Basic Payment Scheme / Greening Payment

Issue Raised	Response
Can a technical note be provided on the changes to the BPS terms and conditions relating to forestry parcels?	Department to provide information.
When and where will the BPS clinics be	Details are being finalised at the

taking place?	moment.
Can farmers opt out of receiving a hard copy of the terms and conditions of the scheme?	Online application is mandatory and 80% of applications are submitted by agents. The Department has considered not issuing hard copy of T&Cs however the farmer needs to be informed and has a better opportunity to review the T&Cs before meeting their agent. 30,000 farmers are completing applications online themselves and not via agents.
Some farmers have a fear of making a mistake as they complete the paperwork. Farmers fear the implications of making a mistake and it could be 6/7 months before they realise it.	Preliminary checks were introduced in 2016 which has reduced a substantial amount of penalties. The yellow card system in operation also reduces the amount of the penalties in a lot of instances.
Does the €1.174bn include National Reserve and Young farmers?	Yes.
There is an issue with commonages – Why is it taking so long. There are 300 cases outstanding?	All individual herds on a commonage must be examined. Farming organisation to send in details of cases.
Its not just BPS its also ANC. There needs to be a mechanism to acknowledge those cases.	The Department has to investigate all claims. The onus is on all applicants to have details correct. Such cases will have to be looked at on an individual basis.

Item 12 – Areas of Natural Constraint

Issue Raised	Response
What is the balancing payment for 2019?	85% advance payments have been made and balancing payments of 15% will issue.
Current status for 2020 applications	Terms and Conditions for the scheme have issued. Applicants must ensure

	that they tick the box if eligible to apply for the scheme.
ANC re-designation	The Appeals Board is finalising its review. There is no need for herds eligible for degressive payments to tick the box, these will be picked up.

Item 13 – Sheep Welfare Scheme

Issue Raised	Response
Is it the case that existing applicants don't have to apply only new applicants?	Yes. Existing applicants are automatically rolled over.

Item 14 - National Reserve/Young Farmers Scheme

Issue Raised	Response
Why are 6% of YFS not yet finalised?	There are two aspects to YFS checks – the administrative checks carried out by YFS section and the requirement for a minimum of 5% of applications to have on-farm checks by Inspectorate to verify financial and managerial control. The Inspectorate checks cannot begin to be verified until the financial year is complete.
Could some of the applicants have fallen outside the five-year rule on age/education grounds?	As many YFS applicants commenced for the first time in 2015 they will have received the maximum 5 th year of payment in 2019.
Can established farmers get an	There are two categories under the National Reserve – young farmers and

allocation from the National reserve?	new entrants to farming.
Young farmers coming into the industry are expected to have educational qualifications. However, they have experience from working on the farm and would probably know more than the tutor. This is costly and a strain on the individual. Can anything be done to recognise this?	No, training is a mandatory requirement - a green cert, FETAC level 6 or equivalent standard is required.

Item 15 – Inspections

Issue Raised	Response
Will there be an increase on the 8,000 inspections carried out?	No.
Can we get a breakdown of the financial figures behind these figures?	Department to provide figures for 2015 - 2018. Figures may change when the data is re-run due to appeals
Can we get a breakdown of remote v ground penalties?	Department to provide information.
With regard to cattle and sheep identity tags the number of penalty cases are consistently very high over the years. Cattle lose tags. There are a high number of farmers being penalised. Can you look at a more tolerant system?	There is a consistently high rate of noncompliance problem. Tolerances are built into the system. The Department would welcome the farming organisations assistance on this.
Cattle do lose tags. This is not properly looked at. 30% of cattle have one tag. With the yellow card system is there time to fix this?	Yes. There is no penalty if this is remedied. Tolerance has been built in where there is proof the farmer has been re-ordering tags throughout the year.
Can freeze brand be applied to cattle with missing tags?	Regulations set out the requirements regarding tagging which the Department must implement. Not doing

	so would cause an issue with EU audits.
Can we get a breakdown on cross compliance most common non-compliances?	Department to provide information.

Item 16 – LPIS Rebuild / Review

Have the issues that caused problems in Louth being resolved?	Any issues that arose were resolved. It is now being rolled out to other counties.
Can digitisation be carried out in advance of payments?	Payments in Louth have matched the rate for other counties. All issues with the interface of systems have been resolved.
Can allowance be made for a LPIS review?	Payment cannot be made until the application has been cleared.
Can parcels be merged?	Parcels are not being merged for GLAS participants until GLAS contract has expired.
Should there be provision for reallocation of entitlements?	There is no provision for reallocation of entitlements. In most cases where a boundary has been moved there will be a corresponding movement in the adjoining parcels. The usage rules regarding entitlements applies. Loss of entitlements has not been raised as an issue with Louth herds. Maps are provided as a guide. Responsibility rests with the applicant to ensure that the maps are correct.
Is gradient taken into consideration?	Yes, maps are aligned with OSI maps and gradient is taken account of.

BVD

No issues were raised

BSE & Scrapie

No issues were raised

Horticulture

No issues were raised

Item 17 - AOB

It was agreed that the Farmers Charter would rollover until new CAP is put in place and the Chair has agreed to stay on for the transition period.

The Farming Organisations requested that the Appeals Office attend the next meeting. Meeting was advised that Appeals Office is an independent body and Charter is not the forum for them to attend. It was agreed that CAD would advise Appeals Office of request by Farming organisations to meet after the next Charter meeting.

Item 18 – Date of Next Meeting

Agreed next meeting would be held on 04 June 2020 commencing at 10am.

The meeting concluded.