

Description of IACS Interventions

The following table contains a list of IACS interventions, categorized by source of funding, i.e., EAGF or EAFRD. The description of the penalties and control systems shall be categorized thusly.

EAGF	EAFRD
BISS	AECM (ACRES)
CRISS	ANC
Young Farmers Scheme	Organics
Protein Aid	Sheep Improvement Scheme
Eco-Schemes	Suckler Carbon Efficiency Scheme
	Dairy Beef
	Straw Incorporation Measure

Description of the penalty system in Ireland for IACS (both EAGF and EAFRD) Interventions

The penalty system for IACS (EAGF) Interventions requires that penalties shall be applied by means of the reduction from or exclusion of the total amount of the payments granted or to be granted to the beneficiary concerned in respect of aid applications that have been or will be submitted during the calendar year of the finding.

Under the penalties system, penalties shall only apply where the non-compliance is the result of an act or omission directly attributable to the beneficiary concerned and where any, or several, of the following conditions are met for all schemes. Penalties will be applied in such a way that they are in line with the principles of effectiveness, proportionality and dissuasiveness.

Below are set out some examples of penalties that may be applied for the abovementioned interventions. The detailed rules for penalties will be developed in parallel with the IT systems and terms and conditions for all interventions in order that they are ready for implementation in 2023.

Over Declaration of Area (Lesser of Area Declared or No. of Entitlements held is used)

Difference between land declared and what is, in actual fact, held (as a percentage of land declared.) may be penalised with penalties applied in a manner proportionate to the over declaration. Below is set out the over declaration penalties for BISS, as an example:

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

The penalty shall not exceed 100% of the amount based upon the area declared.

In relation to area based applications, non-compliances usually affect parts of areas. Over-declarations in respect of one parcel may, therefore, be off-set against under-declarations of other parcels.

Administrative penalties should only become applicable where the area difference is greater than 0.1 hectare. Where the area difference is less than or equal to 0.1 hectare, the payment shall be based upon the area declared.

Under Declaration of Area:

Difference between land declared and what is, in actual fact, held (as a percentage of land declared.) will be penalised in a manner proportionate to the under declaration. Below is set out the under declaration penalties for BISS, as an example:

1. Up to 3% of area declared: No penalty
2. More than 3% and up to 20%: 1% penalty.
3. More than 20% and up to 50%: 2% penalty.
4. More than 50%: 3% penalty.

Late Application and/or Amendment:

For each intervention, a late application penalty will be set out in the terms and conditions, but will typically be a 1% reduction per working day (for 25 days) after the final date for submission of application. For some interventions, an amendment penalty may also be applied for amendments to applications beyond the closing date for applications.

Circumvention

For all measures, deliberate circumvention of rules of the intervention, where identified, may result in exclusion from payment under the scheme. Where it is established that conditions were artificially or fraudulently created by the scheme participant, or someone on their behalf, to draw down payment under the scheme, the scheme participant will be excluded from the scheme, all monies paid under the scheme for the relevant scheme years shall be reimbursed. In addition, a 100% penalty will apply for CIS-YF, which will be calculated on the basis of the payment the applicant would have received in the scheme year concerned.

Minor non-compliance If a non-compliance is detected during an inspection (On the Spot Controls (OTSC), Area Monitoring System (AMS) or other) and the non-compliance has no or only insignificant consequences for the achievement of the objective of the intervention concerned then the beneficiary will be notified of the minor non-compliance and will be advised to rectify the issue in order to avoid penalties in the event of a subsequent inspection being carried within 3 calendar years and the non-compliance has not been rectified..

If the minor non-compliance is not corrected by the beneficiary, and a subsequent inspection takes place within 3 calendar years, then a penalty will be applied .

Force Majeure

A penalty will not be applied if it is established that that non-compliance is due to force majeure or exceptional circumstances as set out in Article 3 of the HRZ Regulation and the scheme terms and conditions. This will also be the case where the act or omission is a direct result of an order from a public authority.

Stocking Density & Retention Checks

Stocking requirements are a criterion for eligibility for some measures and thus, any such instance of non-compliance may result in exclusion from payments, or pro-rata reduction of payments as appropriate.

Non-Completion of Selected Actions

Where an action eligible for payment is not fully completed in line with the scheme conditions it will not be eligible for full payment. This payment reduction may be supplemented by a penalty. The penalty amounts may be linked to the category of action, depending on the terms and conditions of the scheme. For example, in the eco scheme, if a farmer applies for 2 agricultural practices and only carried out 1 agricultural practice, they will receive a 50% payment reduction and a 10% administrative payment on the total eco scheme payment.

Overall Compliance with the Scheme terms and Conditions

Intentional and serious breaches of the Scheme conditions may result in non-payment for the year in question, administrative penalties of a fixed percentage on the overall amount payable may be applied and termination of participation for future scheme years.

Description of the control system for IACS (EAGF) Interventions

Ireland will make use of existing control systems and administration checks to ensure compliance with the terms and conditions of participation in interventions receiving support under CAP.

Furthermore, Ireland may augment checks making use of the area monitoring system or other relevant technologies to assist.

Controls for IACS (EAGF) Interventions

On-the-spot checks (OTSC) and administrative checks will be carried out for IACS (EAGF) Interventions. In future, Ireland will use Area Monitoring System (AMS) to develop checks by monitoring (CbM) for certain interventions where feasible and appropriate.

Cross Reports

DAFM officials and officials of other State bodies can cross report non-compliance(s) with a particular intervention or requirement/standard to DAFM control officials. In such cases, the official or cross-reporting body must consider the extent, severity, permanence, reoccurrence and intent of the non-compliance when determining the extent of the penalty. In cases of reoccurrence, DAFM officials with responsibility for OTSC and penalties will include the appropriate criteria when determining the final penalty percentage.

Controls for IACS (EAGF)

Title	Type of check	Controls
BISS	Administrative check	100% applicants will be checked for: <ul style="list-style-type: none"> - Late application/amendment - Area over-claims - Over-laps - Dual claims - Circumvention - Parcel level dual claims - Repeat applications - Completed application level info - Claimant is registered as herd owner
BISS	Area Monitoring System (AMS)	AMS (operational by 2023) will control 100% of population, checking: <ul style="list-style-type: none"> - Exclusion of hard features - Land / crop use Rapid field visit may be used to verify AMS data in selected cases.
CRISS	As applicable to BISS.	As applicable to BISS. + Check calculation of aid for CRISS OTSC N/A
Complementary Income Support for Young Farmers	Administrative Checks	100% applicants will be checked for: <ul style="list-style-type: none"> - Date of birth - Commencement date - Education - YF in group - BISS application -
Complementary Income Support for Young Farmers	OTSC (will operate in 2023)	At least 5% of population will be checked for: <ul style="list-style-type: none"> - Financial and managerial control of YF within the holding solely or jointly. -
Complementary Income Support for Young Farmers	Area Monitoring System (AMS)	AMS (may be operational by 2024) will apply to CIS-YF as applies to BISS
VCS - Protein Aid	Administrative Checks	- As applicable to BISS
VCS - Protein Aid	AMS	AMS will be used to control:

		<ul style="list-style-type: none"> - Eligible crops 100% of population checked
Eco-Schemes	Administrative Checks	100% of applicants will be checked for: <ul style="list-style-type: none"> - Late application/amendments - Where required receipts or further documentation will be requested from farmers who choose specific agricultural practices – for example AP4. - A % of participants from AP1 will also be subject to a full administrative check of the qualifying features mapped and submitted by the beneficiary. Where required, a Rapid Field Visit of specific parcel(s) will be undertaken to verify the presence or absence of features.
Eco-scheme	OTSC	A % of participants across specific Agricultural Practices will be selected for an on the spot inspection. Risk analysis will be employed to select inspection cases.
Eco-scheme	AMS	AMS may be utilised for Eco schemes from 2024