



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

PROTEIN AID & PROTEIN/CEREAL MIX(50/50) CROP SCHEMES

Terms and Conditions

1. General Outline

The Protein Aid Scheme and the Protein/Cereal Mix (50:50) Crop Scheme are support measures for farmers to incentivise an increase in protein crops in 2022, to reduce the dependency on imported feed material.

The Protein Aid Scheme is funded by the EU and provides support for the eligible protein crops of beans, peas and lupins.

The Protein/Cereal Mix (50/50) Crop Scheme will be funded from the National Exchequer.

The Protein Aid additional national payment and the Protein/Cereal Mix(50:50) Crop Scheme is implemented pursuant to the Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia. The details of the scheme have been notified to the European Commission in accordance with the Temporary Crisis Framework (TCF) and approval of applications under the measure will be subject to Commission decision on the scheme. Aid measures developed under the TCF are subject to the Standstill Obligation in compliance with Article 108(3) TFEU. This means that no aid can be granted or paid out before notification to and approval by Commission. In line with the requirements of the Framework, overall aid shall not at any point in time exceed €35,000 per undertaking.

The Basic Payment Scheme (BPS) will be the basis of the eligibility for these Schemes and the BPS rules as per the 2022 BPS Terms and Conditions will apply in respect of eligibility. The full terms and conditions are available online at: <https://www.gov.ie/en/collection/73aea-schemes-and-services-agriculture-food-and-the-marine/#basic-payments-and-entitlements>. Applicants should declare the eligible crops on their 2022 Basic Payment Scheme online application.

Applicants growing the Protein Aid crops (i.e. beans, peas and lupins) and declaring the relevant crops on their 2022 BPS application will be eligible for an additional national payment, to guarantee an overall (EU + National) payment of €300 per hectare.

For the Protein/Cereal Mix (50:50) Crop Scheme, the Department will write to eligible applicants in June 2022, inviting them to apply for the scheme.

Any queries regarding the Measure can be addressed to:

Postal	Email	Phone
Protein Schemes Department of Agriculture, Food, and the Marine Old Abbeylax Road Portlaoise Co. Laois	DirectPaymentsCorrespondence@agriculture.gov.ie	057- 8674422

2. Objective of the Scheme

The objective of these scheme is to encourage and incentivise farmers to increase the area grown of eligible protein crops in 2022. Supporting domestic production of protein crops will reduce Ireland's

reliance on imported feed stuffs. It also has advantages in that it will reduce the requirement for chemical nitrogenous fertilisers which have increased hugely in value in recent times. €3 million is provided for under the EU funded Protein Aid Scheme and a further €1.2 million is proposed to be provided to guarantee a payment of €300 per hectare for beans, peas and lupins and €150 per hectare for the cereal/protein mix crop.

3. Eligibility and Scheme Requirements

To be eligible for the additional payment for the protein crops (beans, peas and lupins), applicants must adhere to the rules set out in the 2022 BPS Terms and Conditions. Applicants should declare the eligible crops on their 2022 Basic Payment Scheme online application.

To be eligible for the Protein/Cereal Mix (50:50) Crop Scheme, applicants must meet the following conditions:

- The Protein/Cereal Mix Crop is a crop that has a seed mix with eligible protein crop seed accounting for at least 50% of the seeding rate and the remainder made up of a cereal seed. Eligible crops for the protein element of the seed mix are Beans, Peas and Lupins while eligible cereals are wheat, oats, barley, rye and triticale. A tolerance of 10% in absolute terms of a lower protein crop seed inclusion rate (i.e. not less than 40% protein crop element) will be permitted.

Applicants must also meet the following criteria:

- Submit a BPS online application form in 2022.
- The eligible crops that must be declared on the BPS online application are set out below:

Protein Aid Scheme:

Beans
Peas
Lupins

Protein/Cereal Mix (50:50) Crop Scheme:

Protein/Cereal Mix (50:50)

- The minimum area that can be claimed is 0.7 of a hectare.
- The area claimed can be made up of multiple parcels, sub-divisions or plots.
- All crops can either be harvested or whole cropped and ensiled.
- The crop must be grown to a commercial standard with the appropriate seeding rates. The ratio of protein to cereal should be 50% and cannot drop below 40%.
- Arable Silage (no grass) may also be eligible, if the seed mix is line with the requirements above. If so, applicants should amend their BPS application to select the correct crop type i.e. Protein/Cereal Mix (50:50). Payment will not be made on area declared as Arable Silage (no grass).

- If the crop fails no payment will issue.
- The rules governing Natura land still apply and permission is required from NPWS regarding growing a crop on Natura land.

4. Scheme Operation

Payment will be made on a per hectare basis. The payment rate for the Protein Aid crops is €300 per hectare. The payment rate for the Protein/Cereal Mix (50:50) Crop is €150 per hectare.

Examples

If a farmer grew 10 hectares of protein aid crops (beans, peas and lupins), the farmer is eligible to receive payment of €300/ha amounting to €3,000.

If a farmer grew 10 hectares of protein/cereal mix crop (beans, peas and lupins mixed with wheat, oats, barley, rye or triticale), the farmer is eligible to receive payment of €150/ha amounting to €1,500.

If a farmer grew 10 hectares of protein aid crops (beans, peas and lupins) and 10 hectares of protein/cereal mix crop (beans, peas and lupins mixed with wheat, oats, barley, rye or triticale), the farmer is eligible to receive payment of €300/ha on the protein crops and €150/ha on the protein/cereal crop amounting to €4,500.

Where an applicant has already submitted their 2022 BPS Application and have planted crops that meet the above definition, and have not declared the crop type as Protein/Cereal Mix(50/50), they should submit an amendment to their 2022 BPS application to change the crop type to Protein/Cereal mix (50/50). Changes to declared crop use will be accepted until 31 May 2022 date.

5. Administrative and Compliance Checks

Applicants are subject to the standard administrative checks as part of the BPS application process. Checks on dual claims, over-claims, etc. may potentially have an impact on the area declared for this support measure. The full details on the checks carried out as part of the BPS processing are set out in the BPS Terms and Conditions.

Measure specific administrative checks will be carried out. DAFM reserves the right to request proof of compliance with the Measure requirements prior to payments issuing. The following non-exhaustive list of methods may be used by DAFM as a means of assuring that the Measure is being complied with.

1. Geo-tagged photos
2. Request for seed receipts

6. Penalties

Penalties will be applied in circumstances where the Scheme Terms and Conditions have not been complied with or has only been partially complied with. For example, crop sown but not managed appropriately leading to crop failure or a poorly established crop due to neglect by the applicant.

The penalties for the Protein Aid Scheme, as set out in the BPS Terms and Conditions, will also apply to the Protein Aid additional national payment.

For the Protein/Cereal Mix (50:50) Crop Scheme, the penalties are as set out below.

If the area declared exceeds the area determined, the aid shall be calculated based on the area determined.

If the area declared exceeds the area determined, the aid shall be calculated based on the area determined. If the area declared exceeds that 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 2 hectares, but not more than 20% of the area determined. If the difference is more than 20% of the area determined, no aid shall be granted.

If the difference is more than 50%, the farmer shall be excluded once again from receiving aid for the action concerned. In addition, a fine will apply which will be calculated on the difference between the area declared and the area determined. That amount shall be off-set against aid payments under any of the scheme 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 difference is less than 3% of the area found, payment will be based on the area. However, if the difference is greater than 2 hectares the penalties as outlined below will be applied irrespective of whether the difference is less than 3% or not.

If the difference between the declared area and the determined area in respect of a crop group is equal to or less than 0.1 hectares, payment is based on the declared (claimed) area.

AREA OVER-DECLARATION	CONSEQUENCES OF OVER-DECLARATION
An over-declaration of greater than 3% but not more than 20% of the area determined (found) or if the area not determined is less than 3% but greater than 2 hectares.	The area determined (found) will be reduced for payment purposes by twice the difference between the area determined (found) and the area claimed.
An over-declaration of greater than 20% of the area determined for the crop group concerned.	No payment will be made in the year of application for the crop group concerned.
An over-declaration between the total area declared and the total area determined where the difference is greater than 50% of the area determined (found).	No payment will be made in the year of application and an administrative fine equivalent to the difference between the number of hectares determined (found) and the number of hectares declared for the crop group concerned will be offset against any

Examples¹

1. Less than 3% and under 2 hectares

Applicant claims 20 hectares, area found 19.70 hectares, over declared area 0.30 hectares.

$0.30 / 19.70 = 1.5\%$ over declaration.

Payment would have been €3,000. No reduction or penalty and payment based on found area of 19.70 hectares.

Payment due €2,955.00.

2. Between 3% and 20% and/or over 2 hectares

Applicant claims 25 hectares, area found 22.50 hectares, over declared area 2.50 hectares.

$2.50 / 22.50 = 11.11\%$ over declaration.

Payment would have been €3,750, now reduction €416.63 and penalty €833.25.

Payment due €2,500.12.

3. Greater than 20% but less than 50%

Applicant claims 30 hectares, area found 21 hectares, over declared area 9 hectares.

$9.00 / 21.00 = 42.85\%$ over declaration.

Payment would have been €4,500. As the over declaration is greater than 20% no payment is due.

4. Greater than 50%

Applicant claims 50 hectares, area found 30 hectares, over declared area 20 hectares

$20.00 / 30.00 = 66.66\%$ over declaration.

Payment would have been €7,500. As the over declaration is greater than 20% no payment is due. In addition, as the over declaration is greater than 50% an administrative fine is also applied, in this example that fine would be 20 hectares by the payment rate of €150 resulting in the applicant owing €3,000.

¹ All examples based on crops at €150/ha

5. Inspections

At least 5% of applicants will be subject to on-farm inspections. The cases selected will be a combination of random and risk based.

Farmers in applying agree to permit officials or agents of the Department to carry out on-farm inspections without prior notice and without prejudice to public liability.

To facilitate checks and on-farm inspections, farmers and/or his/her agent(s) shall co-operate with Department staff, reply in full to all queries and provide any documentary evidence that may be requested. Failure to do so may lead to loss of aid. Applicants may also be asked to provide copies of receipts during on farm inspections.

If an on-farm inspection cannot be carried out through the fault or action of the farmer, the application shall be rejected unless the Department determines an instance of force majeure or exceptional circumstances.

The inspection will involve, where necessary, Measurement of areas and checks for the crop

Any non-compliances identified during the inspection will be notified to applicants following the inspection.

7. Force Majeure or Exceptional Circumstances

Where an applicant wishes to rely on force majeure/exceptional circumstance, the obligation is on the beneficiary to notify in writing, to the Department, the occurrence of such an event. The notification must be submitted, with relevant evidence to the satisfaction of the Department, within fifteen working days from the date on which the beneficiary or the person entitled through him/her, is in a position of doing so.

Without prejudice to the actual circumstances to be taken into consideration in individual cases the following categories of force majeure/exceptional circumstances may be recognised:

- death of the beneficiary,
- long term professional incapacity of the beneficiary,
- expropriation of all or a large part of the holding if that expropriation could not have been anticipated on the day of lodging the application,
- a severe natural disaster gravely affecting the holding,
- the accidental destruction of livestock buildings on the holding,
- an epizootic or a plant disease affecting part or all of the beneficiary's livestock or crops respectively.

6. Reviews/Appeals

Internal Review

Requests for review or appeal can arise for many reasons. Appeals may arise from administrative checks or from the inspection process, be it remote or on the ground. The process provides in the first instance for an internal review within the Department followed by an external review if required.

Administrative Procedures Review

Where farmers are unhappy with the outcome of their scheme application or administrative requirements they may, in the first instance, seek in writing, a review of the decision. Reviews can be sought in the first instance from the manager of the Protein Aid Protein/Cereal Mix (50/50) Crop Scheme.

They can be submitted via by post to

Protein Aid Protein/Cereal Mix (50/50) Crop
Department of Agriculture, Food, and the Marine,
Old Abbeylax Road,
Portlaoise
Co. Laois

Alternatively, they can be emailed to DirectPaymentsCorrespondence@agriculture.gov.ie.

Any request for review must clearly indicate the grounds for the review request.

Inspections Review

Where the farmer is not happy with any inspection findings, he/she can seek a first stage internal review within the inspection service. Notice of findings letters will provide details on the appeal options available and the contact details.

Appeal

If the internal review of a decision by the Department does not resolve the position to the satisfaction of the farmer, appeals can be made to the Agriculture Appeals Office (AAO), which is an independent statutory agency. It provides an independent, impartial and free appeals service to farmers who are dissatisfied with decisions of DAFM regarding their entitlements under certain schemes.

Appeals must be submitted to the AAO within three months of the date of letter of notification to the farmers of the final decision of the Department. In certain cases, where the director considers it appropriate, this three-month deadline can be extended on a case-by-case basis.

The Agriculture Appeals Act 2001, along with the Agriculture Appeals Regulations 2002 (as amended), set down the functions of the office, the decisions that may be appealed and the procedures to be

followed in respect of agriculture appeals. From the date of receipt of all relevant documentation, the Appeals Office will aim to conclude its findings within a three-month period.

Full details of appeals procedures, including details of the Schemes covered are available on the Agriculture Appeals Office website at www.agriappeals.gov.ie or from the Department's local offices. Appeals should be addressed to the Agriculture Appeals Office.

If at the end of the appeals procedure the farmer feels his/her case has not been dealt with properly they can seek the assistance of the Ombudsman by contacting the Office of the Ombudsman.

10. Data Protection Notice

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

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

Information specific to the personal data being collected:

The following data is specific information in relation to the personal data processed for Protein Aid and Protein/Cereal Mix (50/50) Crop Schemes.

1. Specified purpose:

The personal data sought from you, the applicant, is required for the purpose of making an application under the Protein Aid and Protein/Cereal Mix (50/50) Crop Schemes. Failure to provide all the personal data required to facilitate the processing of the application, including data testing, under the scheme will result in DAFM being unable to process the application.

The Department may also use data provided in submitting an application under the Protein Aid and Protein/Cereal Mix (50/50) Crop Schemes for the purposes of updating information on the relevant databases held by the Department of Agriculture, Food and the Marine in connection with this scheme (e.g. mapping database).

In addition, the following divisions also process information obtained via the Protein Aid and Protein/Cereal Mix (50/50) Crop Schemes application process to facilitate the administration of the scheme and compliance with the terms and conditions of the scheme:

- Integrated Controls Division
- Crop Policy, Evaluation & Certification Division
- Finance Division

2. Legal basis:

The Protein Aid and Protein/Cereal Mix (50/50) Crop Schemes is implemented pursuant to the Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia and is operated by DAFM.

3. Recipients:

Information provided as part of the Protein Aid and Protein/Cereal Mix (50/50) Crop Schemes application will be shared, with other divisions within the Department, for the purposes of processing applications in a timely and efficient manner.

When you submit a Protein Aid and Protein/Cereal Mix (50/50) Crop Schemes application some of your personal data may be made available to other Government Departments/Agencies/Local Authorities, but only where there is a valid legal basis to do so. Also, personal information may be released under the terms of the relevant Data Protection legislation in force and the Freedom of Information Act, 2014.

Information will be shared within the Department to facilitate the administration of the scheme, to ensure compliance with the terms and conditions and to allow for monitoring and evaluating of the scheme.

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

The Department is also currently obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners, An Garda Síochána, and other bodies, in accordance with Section 8 of the Data Protection Acts 1988 and 2003. The introduction of the General Data Protection Regulation in May 2018, and any further national Data Protection legislation, may change the requirements and the legislative basis for such requests.

As part of this scheme, if you are approved into the programme, you may be requested by the Department or relevant agents acting on its behalf, to supply data in relation to your participation to the Scheme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the terms and conditions of the scheme. Not to supply such information may invalidate/cancel your application.

4. Transferred outside the EU:

Information provided in support of an application under the Protein Aid and Protein/Cereal Mix (50/50) Crop Schemes is not currently transmitted outside of the EU.

5. Retention Period:

The data submitted in support of the application by the data subject under the Protein Aid and Protein/Cereal Mix (50/50) Crop Schemes will be retained by DAFM only as long as there is a business need to do so in line with the purposes 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.

6. Data provision being statutory or contractual obligation:

The data provided for this purpose is being requested under the requirements of the Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia and if the customer chooses not to provide this information their application for the Protein Aid and Protein/Cereal Mix (50/50) Crop Schemes cannot proceed.

7. Automated Decision Making:

Personal data provided in the submission of an application under the Protein Aid and Protein/Cereal Mix (50/50) Crop Schemes will be processed automatically for the purpose of the efficient running of the scheme, and the timely payment of participants.

Automated decision making will also be used for the purposes of selecting participants for inspection.

8. System generated text messages

The Department uses personal data supplied to it in order to issue system generated text messages in relation to the scheme to applicants. These text messages may relate to correspondence issued or payments.

9. Technical Information of data collected

Technical information on the cookies used on our Department's website is available at the following link: <https://www.gov.ie/en/organisation-information/ef9f6-data-protection/>