



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

Fodder Support Scheme 2022

17 June 2022

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1. General outline

The Fodder Support Scheme (FSS) is designed to incentivise farmers to grow sufficient grass and conserve fodder (silage and/or hay) for the 2022 winter, in order to reduce the risk of potential animal welfare issues occurring, as a result of the impact the Russian invasion of Ukraine in February 2022 and the impact that has had on the price of agricultural inputs, in particular energy and chemical fertiliser.

The FSS is funded by the National Exchequer and is implemented pursuant to the Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia.¹

The Basic Payment Scheme (BPS) will be the basis of the eligibility for the Scheme and the BPS rules as per the 2022 BPS Terms and Conditions will apply in respect of eligibility. The full terms and conditions of BPS are available online at: <https://assets.gov.ie/215906/fcec5354-0d6c-4183-8c7b-aa352175e804.pdf>

Any queries in relation to the Scheme can be addressed to:

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

2. Objective of the Scheme

The purpose of the Scheme is to incentivise and support farmers to grow sufficient grass and conserve sufficient fodder (silage and/or hay) for the 2022 winter. This is to reduce the risk of animal welfare issues in the coming winter as a result of the Russian invasion of Ukraine in February 2022 and the impact this has had on agricultural input costs.

The budget for the scheme is €56m and the aim is to provide support up to a **maximum of 10 hectares** per eligible applicant (herd number).

¹ 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.

3. Eligibility and Scheme requirements

To be eligible for the Scheme, applicants must:

- Have submitted a valid 2022 BPS application online on or before 23.59hrs on the 8th July 2022.
- All Milk suppliers as of the 16th May 2022 are not eligible to apply for the scheme.
- FSS applications must be submitted online through agfood.ie on or before 23.59hrs on Tuesday 02nd August 2022.
- The Scheme Terms & Conditions must be read and accepted online in order to proceed with the application.
- Applicants must declare the total number of hectares of grassland they intend to cut for hay and/or silage in 2022.
- Applicant must confirm and agree to grow, cut, and conserve silage and/or hay on that area by Monday 5th September 2022.
- If a farmer intends to submit their application via their registered advisor, the advisor must be associated on the Department's Exceptional Aid system with the farmer. If a new association is required or the farmer is changing their advisor, this can **only** be done by using the SMS authorisation facility. Paper form authorisations will **not** be accepted. If you are linked to an advisor/advisory agency, they can apply on your behalf if you wish to engage them, but farmers are also permitted to apply themselves through agfood.ie if they so wish.
- Only applicants with grassland parcels suitable and available for harvesting hay and or silage, will be eligible to apply.² (See below)
- Low Input Permanent Pastures (LIPP) parcels in GLAS are excluded from support, as these parcels are precluded from being cut as part of the Terms and Conditions of GLAS. Tillage lands are also excluded from support.
- Traditional Hay Meadow parcels in GLAS **are** eligible for support under the FSS.

4. Scheme Operation

It is proposed to pay up to €100 per hectare to applicants who grow grass for silage and/or hay in 2022. The Department, as part of the application process, will provide the number of grassland hectares declared in the applicants 2022 BPS application. The applicant must then declare how many hectares of silage and/or hay they will produce in 2022. If more than 10 hectares is declared, the applicant is only eligible for the maximum payment of 10 hectares. The applicant must have sufficient grassland parcels declared in their 2022 BPS application to support the area declared under the Fodder Support Scheme. If a farmer intends to take a second cut of silage, then the farmer must input the number of hectares for a 2nd cut at the time of application on the online form in the requisite space.

² Grassland is defined as BPS parcels claimed as alfalfa, arable silage(grass), clover, grass silage, grass years 1-5, grassmeal, Permanent Pasture (MSS), Grass Year 1-5 (MSS), lucerne, permanent pasture, red clover, and traditional hay meadow on the 2022 BPS. MSS – stands for Multi Species Sward.

If in the event of the Fodder Support Scheme being oversubscribed, the Department will reduce the payment rate for all hectares or maintain the rate of €100 per hectare on the first few hectares and reduce it on the latter hectares.

Examples

1. A farmer declared 30 hectares of eligible grassland in their BPS 2022 application, the farmer wishes to use 15 hectares of this to cut & conserve silage. The farmer applies to the Fodder Support Scheme and inputs 15 hectares in the application form. The farmer is eligible to receive payment of up to €100 per hectare on the scheme maximum limit of 10 hectares, amounting to a payment of up to €1,000.
2. A farmer declared 7 hectares of eligible grassland in their BPS 2022 application, the farmer wishes to use 5 hectares of this to cut & conserve silage. The farmer applies to the Fodder Support Scheme and inputs 5 hectares in the application form. The farmer is eligible to receive payment of up to €100 per hectare on the 5 declared hectares, amounting to a payment of up to €500.
3. A farmer declared 5 hectares of eligible grassland in their BPS 2022 application, the farmer wishes to use 5 hectares of this to cut & conserve silage but intends to take two cuts of silage from these 5 hectares. The farmer applies to the Fodder Support Scheme and inputs 5 hectares in the application form, and also selects the 2nd cut of silage option and inputs the 5 hectares there again. The farmer is eligible to receive payment of up to €100 per hectare on the first cut of 5 hectares and a payment of up to €100 per hectare on the second cut of 5 hectares, amounting to a payment of up to €1,000.

5. Administrative and Compliance Checks

Applications will be subject to a series of 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 the Fodder Support Scheme. The full details on the checks carried out as part of the BPS processing are set out in the 2022 BPS Terms and Conditions.

At least 3% of Fodder Support Scheme applicants will be subject to specific administrative checks. In that context, the Department reserves the right to request proof of compliance with the Scheme requirements prior to payments issuing. The following non-exhaustive list of methods may be used by the Department as a means of assuring that the Scheme is being complied with:

- Receipts to support that fodder has been grown, cut and conserved – for example receipts from a contractor to mow, bale, wrap etc, the grassland area in hectares entered for the Scheme.
- Geo-tagged photos submitted in a manner described by the Department.
- On the spot inspections (see Section 9).

Failure or refusal to comply with an administrative check will result in a penalty being applied as outlined in Section 8.

6. Late Applications

There is a 25-calendar day period after the 02 August 2022, for the acceptance of late applications. However, deductions to payments at a rate of 1% per working day in respect of FSS will apply to late applications which are received during this period (see table below). Except in cases of force majeure/exceptional circumstances, applications will not be accepted after the 25-calendar day period has ended.

Day	Date	Month	% Reduction to apply per working day	No of Calendar days	Day	Date	Month	Reduction to apply per working day	No of Calendar days
Tuesday	02	August	Closing Date	N/A	Monday	15	August	9%	13
Wednesday	03	August	1%	1	Tuesday	16	August	10%	14
Thursday	04	August	2%	2	Wednesday	17	August	11%	15
Friday	05	August	3%	3	Thursday	18	August	12%	16
Saturday	06	August	3%	4	Friday	19	August	13%	17
Sunday	07	August	3%	5	Saturday	20	August	13%	18
Monday	08	August	4%	6	Sunday	21	August	13%	19
Tuesday	09	August	5%	7	Monday	22	August	14%	20
Wednesday	10	August	6%	8	Tuesday	23	August	15%	21
Thursday	11	August	7%	9	Wednesday	24	August	16%	22
Friday	12	August	8%	10	Thursday	25	August	17%	23
Saturday	13	August	8%	11	Friday	26	August	18%	24
Sunday	14	August	8%	12	Saturday	27	August	18%	25

7. Payments under the Scheme

The Department of Agriculture, Food & the Marine will make payment directly to the participant's bank account.

Payments under FSS shall comply with EU State aid rules applicable to enterprises engaged in agricultural production under the COVID-19 Temporary State Aid Framework.

8. Penalties

Penalties will be applied in circumstances where the action has not been completed or has only been partially completed. If the area declared exceeds the area determined, the aid shall be calculated based on the area determined up to a maximum of 10 hectares.

Scenario 1

If the difference between the declared area and the determined area is less than 5%, payment will be based on the area determined. If the difference between the declared area and the determined area is equal to or less than 0.1 hectares, payment is based on the declared (claimed) area.

Scenario 2

If the difference between the declared area and the determined area is more than 5%, but not more than 20% of the area determined, payment will be based on the area determined. In addition, a penalty will apply which will be calculated on the difference between the area declared and the area determined.

Scenario 3

If the difference is more than 20% of the area determined but not more than 50%, no aid shall be granted.

Scenario 4

If the difference is more than 50% of the area determined, no aid shall be granted. In addition, a penalty will apply which will be calculated on the difference between the area declared and the area determined.

Any penalty amounts shall be off set against aid payments under any of the payment schemes to which the farmer is entitled in the context of applications he/she lodges in the course of the three calendar years following the calendar year of the finding.

Examples of Over – Declaration

Scenario 1: Less than 5%

Applicant declared 10 hectares, determined area 9.80 hectares, over declared area 0.20 hectares.

$0.20 / 9.80 = 2\%$ over declaration.

Payment based on determined area of 9.80 hectares and no penalty applied.

Payment due €980

Scenario 2: Between 5% and 20%

Applicant declared 10 hectares, determined area 9 hectares, over declared area 1 hectare.

$1/9 = 11.11\%$ over declaration.

Payment based on determined area (€900) and penalty applied (€100 x 1ha)

Payment due based on determined area minus penalty €800

Scenario 3: Between 20% and 50%

Applicant declared 10 hectares, determined area 8 hectares, over declared area 2 hectares.

$2/8 = 25\%$ over declaration.

As over declaration is over 20% but not over 50%, reduction is 100% meaning no payment at all. No penalty applies.

Payment due €0

Scenario 4: Greater than 50% Over-Declaration

Applicant declared 5 hectares, determined area 3 hectares, over declared area 2 hectares.

$2/3 = 66.66\%$ over declaration.

As the over declaration is greater than 20% no payment is due. In addition to this, as the over declaration is greater than 50% a penalty is also applied. In this example that penalty would be 2 hectares by the payment rate of €100 resulting in the applicant owing €200.00 to the Department.

Payment due €0 and the applicant owes €200.00 to the Department

9. Inspections

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

Farmers, in applying for the Scheme, 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. Notice of up to 48 hours will be provided in advance of the inspection.

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 and inspection of areas, including silage pits, inventory of the number of bales conserved and checks to ensure that silage and/or hay has been produced to the level declared by the applicant. All applicants will be required to have cut and conserved the silage and/or hay from the grassland parcels they have entered in the Fodder Support Scheme by **Monday 5th September 2022**.

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

10. Review and 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.

Appeals can be submitted by post to:

FSS Appeals
Department of Agriculture, Food, and the Marine,
Old Abbeyleix 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 including supporting documentation where necessary.

Inspections Review

Where the farmer is not satisfied 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.

11. 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.

12. Partnerships

Farmers in a Farm Partnership registered with the Department are eligible to apply for the Scheme.

The application must be made using the applicants individual herd number. Payment will issue to the same Registered Farm Partnership Number as the Basic Payment Scheme Application for 2022.

A maximum threshold of 10 hectares of grassland for the Fodder Support Scheme will apply to a Single herd Registered Farm Partnership. A maximum threshold of 20 hectares of grassland (i.e., the 10-hectare individual maximum multiplied by 2) will apply to a Multi herd Registered Farm Partnership of **two herds**. A maximum threshold of 30 hectares of grassland (i.e., the 10-hectare individual maximum multiplied by 3) will apply to a Multi herd Registered Farm Partnership of three **or more herds**.

Each partner shall deliver all the requirement related to their holding. All partners are jointly and severally responsible for delivery of the Fodder Support Scheme requirements.

13. Responsibility of the Applicant

It shall be the responsibility of the applicant to familiarise themselves with the Scheme's Terms and Conditions and with the consequences for breaches of the scheme.

The approval or payment of aid under the Scheme does not imply the acceptance by the Minister of any responsibility as regards the obligations undertaken by the applicant.

In duly justified cases withdrawals and reductions may be considered if the applicant has not been notified of an issue with their application or notified of an inspection.

Any applicants wishing to withdraw from the scheme or reduce their area will be allowed to do so via email to DirectPaymentsCorrespondence@agriculture.gov.ie or via post to *Fodder Support Scheme, Direct Payments Division, Department of Agriculture, Food & the Marine, Government Buildings, Old Abbeyleix Road, Portlaoise, Co Laoise, R32 RPA6*.

Applicants cannot amend the area claimed or withdraw from the Scheme after **23.59hrs on the 27th of August 2022**.

The applicant must maintain a record to demonstrate the completion of the commitments in this Scheme.

The applicant must retain all receipts, documentation, and other evidence to prove compliance with the commitments of the Scheme.

The record must be made available on request for inspection and administrative checks by the Department.

14. Failure to abide by the Term and Conditions of the Scheme

Where, for the purposes of obtaining payment under the scheme to which these Terms and Conditions relate, the applicant knowingly makes a false or misleading statement or withholds essential information, or if there is any material change in the circumstances of the applicant which would be in conflict with the

letter or the spirit of the scheme, his/her participation in any or all of the scheme may be terminated and all or part of any aid paid shall be reimbursed.

The Minister reserves the right to recover such amounts in accordance with the law. The Minister also reserves the right to exclude such a person from further participation in any other Department scheme for such period as shall be determined, but in any event not exceeding a period of 6 years.

15. Review of Financial Aids

The Minister reserves the right to restrict the availability of the scheme and to vary, where occasion so demands, the amount of financial aid wherever specified in the scheme.

The obtaining of aid or the attempt to obtain aid under the scheme by fraudulent means by the applicant or others acting alone or together may render such persons liable to prosecution.

16. Interpretation

The Department may expand upon, explain, interpret, or define the meaning of any aspect of the Terms or Conditions of the scheme.

17. 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 the Fodder Support Scheme.

1. Specified purpose:

The personal data sought from you, the applicant, is required for the purpose of making an application under the Fodder Support Scheme. Failure to provide all the personal data required to facilitate the processing of the application, including data testing, under the scheme will result in the Department being unable to process the application.

The Department may also use data provided in submitting an application under the Fodder Support Scheme 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.

In addition, the following divisions also process information obtained via the Fodder Support Scheme 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
- IT Division

2. Legal basis:

The Fodder Support Scheme 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 the Department of Agriculture, Food and the Marine.

3. Recipients:

Information provided as part of the Fodder Support Scheme 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 Fodder Support Scheme 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 Síochana, and other bodies and this will take place in accordance with Data Protection legislation.

As part of this scheme, if you are approved into the scheme, 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 Fodder Support Scheme 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 Fodder Support Scheme will be retained by the Department 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 Fodder Support Scheme cannot proceed.

7. Automated Decision Making:

Personal data provided in the submission of an application under the Fodder Support Scheme 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 in order to issue system generated text messages in relation to the scheme to applicants. These text messages may relate to reminders, 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/>