



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



# ORGANIC PROCESSING INVESTMENT GRANT SCHEME

## Terms and Conditions

Updated 1<sup>st</sup> January 2024

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## **1.0 Introduction**

This document outlines the Terms and Conditions attaching to the 2024 Organic Processing Investment Grant Scheme.

The operation of this scheme is subject to the provisions of Commission Regulation (EU) 2022/2472 of 14 December 2022 and Regulation (EU) 2018/848 setting out the rules on production, certification, labelling and advertising of organic food and feed. the enabling legislation of the European Communities (Organic Farming) Amended Regulation 2010. Unless otherwise stated, terms defined in the Regulation shall have the same meaning in this Scheme.

This scheme is financed from the National Exchequer. Reporting requirements will be undertaken as outlined in Chapter V Article 16 of Regulation (EU) 2021/1755.

### **1.1 Scheme Overview**

The Scheme will operate in all areas of the State and will be administered by the Department of Agriculture, Food and the Marine.

The Scheme will open for applications on 1<sup>st</sup> January 2024. Aid will not be given for works commenced or equipment/items purchased/delivered before written approval has been conveyed to an applicant.

All payments under the Scheme will only be made by electronic fund transfer to bank/building society/credit union accounts held within the State. Applicants will, therefore, be obliged to provide relevant bank/building society/credit union details to ensure that all payments under the Scheme can be made by such means by the Department.

Aid shall not be granted in respect of investments to comply with Union standards in force or where deemed to be in contravention to any prohibition or restriction laid down in Regulation (EU) No 1308/2013, even where such prohibitions and restrictions only refer to Union support provided for in that Regulation.

Investments shall be in conformity with EU legislation and with Irish law on environmental protection under the Protection of the Environment Act 2003. For investment requiring an environmental impact assessment under Directive 2011/92/EU, the aid shall be subject to the condition that such assessment shall have been carried out and the development consent shall have been granted for the investment project concerned before the date of granting the individual aid.

### **1.2 Scheme Objectives and Priorities**

The objective of the Scheme is to facilitate the development of the organic sector so as to ensure a regular supply of high-quality organic produce to the market.

Financial assistance will be directed towards projects which:

- Improve the organic sector and provide the producers of the basic product with an opportunity of enhancing income.
- Help to guide production in line with foreseeable market trends or encourage the development of new outlets for agricultural products.
- Help to improve production, handling, and preparation of organic produce.
- Facilitate the adoption and application of new technologies.
- Help to ensure the adoption of "best practice" within the organic production/processing sector.

- Develop facilities for processing of organic products including, preparation, grading, packing, storage, distribution, or the sale of organic products as part of a wider organic operation.
- Projects must be solely dedicated to improving the organic sector.
- Grant aid will not be provided for road vehicles.

### 1.3 Who is Eligible?

The Scheme is open to organic operators who: -

- Are licensed organic operators registered with an approved organic certification body.
- Are currently registered with the Department of Agriculture, Food and the Marine.
- Own or have leasehold title to the site for a minimum period of five years, on which it is proposed to carry out the development\*
- Agree to provide relevant bank/building society/credit union details to ensure that all payments made by the Department are paid by electronic fund transfer.
- Provide a copy of Business Plan as per Annex A of the terms & conditions where the value of the application is greater than €90,000 excluding VAT.

### 1.4 Scale of investments

Projects costing less than €3,000 excluding VAT will not be eligible for grant assistance. Part payment of Approvals will not be processed unless specifically agreed by DAFM taking account of particular circumstances. Grant-aid will only be paid on approved and eligible expenditure.

Where an application for grant-aid is comprised of more than one investment item, approval may be granted in respect of a lesser number of items than that specified in the application form.

#### **Grant-aid will be calculated on the lowest of the following amounts:**

##### **In the case of buildings:**

- Where relevant, the Department's Reference Costings applicable at the date of approval.
- The proposed cost of the project by the applicant\*
- The total of the receipts, net of VAT, together with costs of own contributions in terms of labour and machinery, deemed to be eligible by the Department.

\*All Department Structural specifications and notices relevant to these Schemes can be accessed on the Department of Agriculture, Food and the Marine website at [www.gov.ie/en/collection/28f4c-specifications/](http://www.gov.ie/en/collection/28f4c-specifications/)

Where there are no Reference Costings applicable, grant-aid will be calculated on the basis of the lesser of (b) and (c) above.

Where applicable, the Reference Costings for buildings/structures will be increased by 33% in respect of investments carried out on the off-shore islands.

##### **In the case of equipment /machinery:**

- The lower cost of two quotations will apply.

The applicant must give a written undertaking that he/she has not sought or received, directly or indirectly, other national or EU funding for investments and /or actions qualifying for aid under this Scheme.

### **1.5 Justification for Granting Aid**

Aid for investment will, at all times, be subject to the condition that, in the opinion of the Department, the investment is justified. However, the approval for, or payment of aid, does not imply any endorsement by the Department of a project's safety, technical feasibility and/or economic viability.

### **1.6 Competitiveness of Applications**

Projects will be assessed for aid on a priority basis and the fact that a project is aided does not create entitlement for similar projects in this or any future round of the scheme. Priorities may change with time or circumstances.

### **1.7 Rate of Grant**

Grant Aid is payable at 60% of the eligible cost (pre vat) in the processing of all Primary Agricultural Products as defined under Annex I to Regulation (EU) No 1308/2013 on the Common Market Organisation. **The maximum grant, per applicant, for investments under the scheme will be €900,000 per annum.**

### **1.8 Scheme Deadlines**

All applications must be submitted to Organic Unit, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Wexford.

Once the Tranche has closed all applications will undergo an administrative check. The applicant will be requested to rectify any deficiencies in the application and/or supporting documentation which were submitted at the time of submission. **Where deficiencies are not rectified, or requested additional information are not supplied within 10 working days, such applications will be rejected.** The closing dates for each tranche will be decided by the Minister.

### **1.9 Procedures**

The Minister shall lay down the procedures to be followed in the operation of the Scheme and reserves the right to alter these procedures from time to time. The Minister may at any time lay down further conditions under the scheme.

### **1.10 Unsuccessful Projects**

The Scheme will operate in tranches. Tranche periods, which will be announced by the Minister, are used to allocate funding. Applications are assessed and ranked in each tranche to keep expenditure within budget. Unsuccessful applications in any tranche period are automatically carried over to the next tranche period, until such time as the Scheme closes for applications. A closing date for any tranche means that applications received after that date will not be considered for assessment in that tranche period. A tranche closing date is not to be confused with the closing date for the Scheme.

## **2.0 Definitions**

For the purpose of this Scheme: -

**Off Farm:** - means investments for developing facilities for preparation, grading, packing, storage, distribution, or the sale of organic products as part of a wider organic operation.

**Approved:** - means approved by a designated officer of the Department.

**Architect/Engineer:** - means a person with a primary degree or higher qualification in architecture or structural/civil engineering.

**Body Corporate:** - means a separate legal entity with a Certificate of Incorporation and a Memorandum and Articles of Association. A farm owned by a body corporate must be operated by a qualified manager/operator.

**Business Associate/Partner:** - means, in respect of an agricultural advisor/agricultural consultant/agricultural engineer, a director of the same company or a person working for the same organisation in the same location as the said agricultural advisor/agricultural consultant/agricultural engineer.

**The Department:** - means the Department of Agriculture, Food and the Marine.

**Integrated Production Processing:** - means a process or series of operations through which a person's own organic produce is used to manufacture an organic product.

**Lease:** - means demise for a term of years absolute in possession. The lease must have 5 years to run from the date of issue of the letter of approval to commence works. Where a lease expires within five years of the date of issue of such letter of approval, such approval shall not issue until written evidence of an extension of the lease concerned is lodged with the Department. Such written evidence should be provided to the Department within one month.

**The Minister:** - means the Minister for Agriculture, Food and the Marine.

**Owned lands:** - means lands held in one of the following categories.

- a) Registered as sole owner, tenant-in-common or joint owner on the Property Registration Authority folio or on the deed of conveyance/indenture memorialised in the Property Registration Authority.
- b) A deed of transfer/deed of assent waiting registration in Property Registration Authority with accompanying dealing number.
- c) A beneficial occupier who is a family member in possession and undisputed occupation of a holding and in receipt of rents and profits for at least 5 years.

**Organic licence:** - licence as issued by one of the Organic Certification bodies.

**Primary Agricultural Production:** - means production of products of the soil and of stock farming, listed in Annex I to the Treaty, without performing any further operation changing the nature of such products.

**Registered partnership:** - means a partnership which has been registered by the Minister on the Departments Register of Farm Partnerships.

**Small/Medium Enterprise (SME):** - As defined by Commission Regulation (EU) No 651/2014, ANNEX I.

**Valid Completed application:** - means a fully completed application, including all required documentation.

## **3.0 Applications**

### **3.1 Application Forms Assessment of scheme Applications**

Applications for aid should be sent to the Organic Unit, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co Wexford. Alternatively, a signed completed application may be sent by email to [organic@agriculture.gov.ie](mailto:organic@agriculture.gov.ie). Applications will not be accepted unless accompanied by all necessary documentation listed thereon. All fully completed applications will be acknowledged by the Department after the closing of the Tranche in which they were received. Applications for aid should be made to the Organic Unit, Department of Agriculture, Food and the Marine accompanied by the documentation set out 3.2 below.

Application forms not fully completed / application forms not accompanied by all documentation will be returned to the applicant. The applicants will be requested to rectify the deficiencies outlined and if this is done satisfactorily within 10 working days of that request, the application will be reinstated, and processing will recommence.

As outlined below, applications which do not have documentary evidence of the grant of full planning permission or a letter confirming exemption from planning permission from the relevant local authority by this date shall be ineligible for grant-aid.

***Applications which are deemed ineligible will be rejected and returned to applicant.***

**Note:**

The application form must be signed by all parties in the following cases:

- (i) where the herd number/other Department identifier is registered in joint names.
- (ii) in the case of registered partnerships.

In the case of a body corporate, the company secretary must sign the application form.

The applicant must complete the checklist certifying that all the required documentation has been included and conforms with the requirements of the Scheme.

The Department shall not accept any responsibility for errors or omissions contained therein. Accordingly, intending participants should only engage the services of appropriately indemnified/insured individuals or companies.

In the case of buildings and structures, planning permission or a declaration of exemption from the relevant local authority is required. Where planning permission is required, the Department will not accept an application as valid unless documentary evidence of grant of full planning permission for the proposed works issued by the relevant Local Authority accompanies the application.

**Assessment of scheme applications:**

Applications for aid will be assessed in accordance with the following criteria:

- No previous aid paid (under Organic Processing Investment Grant Scheme)
- Integrated Production Processing



- Sectoral Enterprise Balance
- High volume Processor

The ranking and selection criteria can be found in Annex C.

Copies of the most up-to-date marking sheet used by the Department for this purpose are available on request from Organic Unit, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford.

Applicants agree that the Department may request/access data held externally in relation to their application which are required for the purpose of assessment/verification of their application under this Scheme.

Applications received will be assessed in accordance with the criteria laid down above. Where a valid application does not receive approval in the course of the first assessment or tranche which is carried out by the Minister after the receipt of the valid application, the application will be carried forward to any subsequent assessment(s) or tranche, unless withdrawn by the applicant.

### **3.2 Supporting Documentation**

#### **Documents to be furnished with Application under the Scheme:**

##### **Buildings/Structures:**

1. Application form
2. Completed business plan (see **Annex A** for guidelines) where the value of the application is greater than €90,000 excluding VAT.
3. A minimum of 2 original detailed quotations on suppliers' headed paper, referring to applicant and signed and dated by company representative. This should include a detailed specification of the proposed investment. The quotation should also give both pre vat and vat inclusive amounts. The quotations must state expiry dates which must be within the Scheme tranche closing date.
4. In respect of proposed new or converted structures only -
  - (a) Where local authority planning permission has been obtained -
    - (i) Grant of full and final planning permission.
    - (ii) Layout Plan.
    - (iii) Copies of the drawings on which planning permission was obtained.
  - (b) Where local authority planning permission is not required - Layout Plan, clearly indicating location of proposed Scheme investment, detailed and accurate drawings of proposed developments, Letter of Exemption from County Council.
5. Where development is taking place on leased land, a copy of the Lease Agreement is required. Where the development is taking place on owned land, a copy of the Property Registration Authority folio or on the deed of conveyance/indenture memorialised in the Property Registration Authority is required.
6. In the case of an application by a company, a copy of the articles of association.

##### **Equipment:**

1. Application form.
2. Completed business plan where total application value is greater than €90,000 excluding VAT (see **Annex A** for guidelines).

3. A minimum of 2 original detailed quotations on suppliers' headed paper, referring to applicant, signed and dated by company representative. This should include a detailed description of the proposed investment, giving both pre vat and vat inclusive amounts.
4. Site location map 6" – or Discovery Series.

### **Submission of Drawings in relation to Application**

1. Where planning permission has been obtained, a full set of those drawings on which permission was obtained shall be submitted with the application for grant-aid. Alternatively, a full set of such drawings stamped "as approved" by the Local Authority will be accepted. A copy of the grant of full and final planning permission must also be submitted.
2. Where planning permission is not required, a Letter of Exemption from the County Council and the following drawings shall be given with the application for grant aid: (i) An accurate floor plan of each proposed structure, drawn to an acceptable scale.
3. A plan of the layout, to a scale of 1:500, showing the position of the proposed investment(s) and any other investment(s)/building(s), including a description of their use, shall be provided.
4. All dimensions shown on the drawings must be internal.
5. No drawings are required for applications solely involving the purchase of equipment.

### **Previous Grant Support Provided**

Full details of grant aid provided previously to the business by DAFM and/ or other Departments/ Agencies must be provided.

### **3.3 Postal Applications**

The Department strongly recommends that applications for grant-aid be sent to the Department by registered post or other form of tracked mailing system. Where application forms or any other correspondence pertaining to this Scheme are sent by applicants or their agricultural advisors/agricultural consultants/agricultural engineers to the Department by any other means, it shall be entirely at the applicant's own risk. Certificates of posting will not be accepted as proof of posting in such cases. Where application forms are delivered by hand to the Department, a Departmental receipt must be obtained for the application concerned at the time of delivery. This receipt is the only document that will be accepted as proof of lodgement of an application form by hand.

### **3.4 Quotations**

All quotations submitted must be fully descriptive and signed by the person providing the quotation. They should be in printed format and include the quoting company's full name and contact details. If the quotation was supplied by an email to the applicant, then if the accompanying email from the quoting company is supplied as part of the application, it will qualify as a signed quotation.

### **3.5 Incomplete Applications**

Only fully completed signed applications, received with all supporting documentation, will be accepted by the Department. Incomplete applications will not be considered for grant aid. Application forms not fully completed / application forms not accompanied by all documentation will be returned to the applicant. The applicants will be requested to rectify the deficiencies outlined and if this is done satisfactorily within 10 working days of that request, the application will be reinstated, and processing will recommence.

## **4.0 Eligible Investments and Conditions relating to Approved Investments**

### **4.1 Eligible and Ineligible Costs**

The aid shall cover the following eligible costs:

1. The construction, acquisition, or improvement of infrastructure.
2. The purchase of machinery and equipment up to the market value of the asset.
3. Direct costs linked to expenditure referred to in points j) (i) and j) (ii), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability. Associated costs such as accommodation and flights are ineligible.
4. Acquisition or development of computer software and acquisitions of patents, licenses, copyrights, trademarks.

Grant-aid shall not cover the following costs:

1. Grant-aid will not be paid in respect of new equipment unless ownership thereof has been transferred to the applicant prior to payment of the grant.
2. Expenditure on Leasing/Hire Purchase is ineligible for aid.
3. Working capital shall not be considered to be an eligible cost.
4. Grant-aid will not be paid for replacement of equipment damaged by fire, floods, or other accidental damage.
5. Grant-aid will not be paid for (i) second-hand materials or equipment, or (ii) work carried out by contractors who do not comply with the tax clearance requirements laid down in 7.1 the Scheme Terms and Conditions.

All structures under the Scheme shall be constructed in full compliance with the relevant Minimum Specification(s) issued at the date of approval by the Department.

Permission for any proposed changes subsequent to approval (e.g. change of suppliers, changes to items approved, proposals to withdraw items for grant-aid) must be requested, in writing, from the Department before the changes/modifications are made. The modifications shall not be made unless written authorisation is received from the Department.

#### **Conditions Regarding Off Farm Investments:**

##### **(i) Certification of Materials Used in the Construction of Developments:**

Relevant Certificates, e.g. concrete quality certificate must, where specified, accompany materials used in the construction of developments.

All electrical work must comply with National Rules on Electrical Installation, an E.T.C.I. Certificate and a Supplementary Agricultural Certificate will be required.

##### **(ii) Identification of equipment:**

All equipment must bear permanent, indelible and unique serial number(s) in order to be eligible for grant-aid under the Scheme. The use of permanent markers, etc. shall not be acceptable for this purpose. All individual components must be similarly identified. All relevant serial numbers must be shown on the invoice/receipt submitted to the Department.

## **4.2 Commercial Viability of Proposed Investment**

The enterprise must be shown to be viable on a commercial scale. To enable viability to be assessed, investment proposals where the total value of the application is greater than €90,000 excluding VAT must be supported by a satisfactory business plan covering a minimum of two years and the most recent set of accounts.

Applications must contain a comprehensive profile of the current and proposed enterprises, outlets, employment etc. Each project will be assessed on a case-by-case basis, considering the business plan, the latest set of accounts and the project profile submitted with the application.

## **4.3 Financing of Approved Items - Aid from Other Sources**

- a) Each applicant must give a written undertaking that he/she has not sought/received, directly or indirectly, other National or EU funding for investments submitted for aid under this scheme. In addition, all applicants must complete the form attached in ANNEX E and send to **LEADER Policy and Operations Unit, Government Offices, Ballina, Co Mayo F26 E8N6** to affirm no grant aid has been received under the LEADER programme for investments applied for under this scheme.
- b) State Aid rules apply.
- c) If any contribution towards the cost of approved works has been or may be made from public funds, other than under this scheme, the amount of aid under the scheme may, where the Department so determines, be reduced accordingly.

## **4.4 Commencement of Work**

Work on a project must not commence prior to the receipt of a letter of approval from the Organic Unit. Items invoiced, delivered, or purchased, or payments made before issue of the approval letter by the Organic Unit, are not eligible for grant aid under this scheme.

The following preparatory measures will not be deemed to constitute commencement of work and may be undertaken whenever appropriate:

- Obtaining planning permission.
- Preparatory/feasibility studies specifically carried out for the proposed investment by, for instance, a consultant or a registered architect.
- Fencing.

**No aid will be paid for projects which commence before the date of issue of the respective letter of approval by the Department.**

## **4.5 Planning Permission**

It is the responsibility of the applicant to ascertain whether planning permission is necessary. Where planning permission is not required, a declaration of exemption from planning from the relevant local authority is required. Where planning permission is required, the Department will not accept an application as valid unless documentary evidence of a grant of full planning permission, revised planning where required or declaration of exemption for the proposed works issued by the relevant Local Authority accompanies the application. Notification of a decision to grant planning permission will not be sufficient for this purpose.

Where changes to approved investments are required -

- (i) In the case of approved investments, where planning is not required, and it is subsequently proposed to alter the site of an agreed structure, or to alter materially the

dimensions or design of a structure, revised drawings and structures list must be submitted to the Organic Unit, Department of Agriculture Food and the Marine, Johnstown Castle Estate, Co. Wexford, and approval given by the Department before proceeding with the alterations. It is the applicant's responsibility to ascertain that any such alterations do not require planning permission.

- (ii) Where such alterations are carried out without the Department's knowledge or approval, revised drawings and structures list must be submitted to the Organic Unit before the work can be considered for grant aid.

The Department's original approval to grant aid will be withdrawn, pending the receipt of a grant of retention in respect of the approved structures, in the following circumstances:

- (i) Where investments are approved under the Scheme on the basis that planning permission was not necessary, but on completion of the works, it is found that planning permission was required.
- (ii) Where planning permission was obtained for an approved investment and subsequently the development is not carried out in accordance with the permission as granted or the detailed drawings submitted to the Department.

#### **4.6 Food Safety and Plant Health**

An applicant, who is a producer in the food chain must be registered with the Department under Regulation (EC) No 853/2004 of the European Parliament and of the Council on the hygiene of foodstuffs.

The Department reserves the right to withhold payment of grant aid where it is evident to the Department that an applicant is producing food in an unhygienic manner.

An applicant, who is a Professional Operator under EU Plant Health Regulation 2016/2031/EU must be registered with the Department. The Department reserves the right to withhold payment of grant aid if the applicant has not registered or is contravening this regulation.

#### **4.7 Protection of the Environment**

To ensure protection of the environment, applicants:

- a. Are required, where relevant, to comply with the Basic Income Support for Sustainability (BISS) Scheme statutory management requirements (SMR) and the good agricultural and environmental condition (GAEC) requirements on the entire holding.
- b. May be required to make investments or to carry out additional requirements over and above that covered in their initial applications e.g. investment in hygiene or pollution control.
- c. May be refused grant aid where the Minister is of the opinion that the works proposed to be carried out would cause damage to an environmentally sensitive area or to a structure or area of historical or archaeological importance.

The applicant must provide details of measures in place to protect the environment from any possible increased pressure resulting from the proposed investments. An environmental impact statement (EIA) may be requested where the Department of Agriculture, Food and the Marine is of the opinion that the works proposed to be carried out would increase pressure on the environment,

in particular to environmentally sensitive areas or to a structure or area of historical or archaeological importance.

## **5.0 Completion of Works and Claims for Payments**

### **5.1 Proof of Payment of Relevant Invoices**

It will be a requirement for all applicants to submit proofs of payment that are acceptable to the Department. These proofs will consist of original bank statements and copies of encashed cheques. Alternatively, on-line bank statements (only high quality colour printouts with bank logo) with copies of encashed cheques will be acceptable, or if payment is made by direct credit transfer an original bank statement or on-line bank statement listing payments to the supplier must be submitted.

Amounts listed on bank statements must be clearly linked to the relevant item on which grant aid is claimed.

### **5.2 Receipts in respect of work carried out by persons other than the applicant and in respect of Receipts for the Purchase of Equipment/Machinery**

- a) In the case of building structures or equipment / machinery, all receipts must be accompanied by fully completed Application for Payment Form and List of Supporting Documents Form.
  - b) Receipts for approved works and purchases must be provided before the final inspection by the Department's Officer.
  - c) Items invoiced or delivered, purchased or payments made before the date of approval are not eligible for grant-aid.
  - d) If it is indicated that work commenced prior to the grant of written approval, grant-aid will not be paid as outlined in 1.1.
  - e) All receipts must be original, must be on headed paper and must at least include the name, address, and VAT number of the supplier/contractor (if registered). In addition, the receipt must indicate-
    - (i) The name and address of the applicant.
    - (ii) The invoice number and date, where applicable.
    - (iii) The details of purchase in an itemised form specifically referencing serial number, where applicable.
    - (iv) Actual cost of each approved item excluding VAT.
    - (v) The total VAT paid.
    - (vi) The amount of discount, if any.
    - (vii) In the case of receipts comprising of both goods and service (supply and fit), there must be a breakdown between the categories.
    - (viii) The complete dimension/quantity for each claimed investment.
    - (ix) The receipts must be in the name of the applicant.
- Alternatively, an original invoice which is marked paid, and contains the details set out at (i)-(vii) above, is also acceptable.
  - All claims must be submitted in Euro. Where the invoice/receipt is not denominated in Euro, evidence of the exchange rate used for the purposes of payment must also be provided.
  - The receipts/invoices submitted must be in the name of the applicant. Receipts/invoices submitted where the applicant is a company, must be submitted in the name of that company or company director.

- Where receipts are required in respect of eligible investments, such receipts must show the serial number(s) of the equipment concerned.
- The Department reserves the right to request alternative evidence with regard to any invoice/receipt submitted with a payment claim directly from the applicant or from a third party. If required, an applicant must submit proofs of payment that are acceptable to the Department. These proofs will consist of copies of bank statements of the applicant's bank account showing relevant entries and/or copies of the two sides of encashed cheques. Alternatively, online bank statements (only high quality colour printouts with bank logo) with copies of encashed cheques will be acceptable, or if payment is made by direct credit transfer and copies of original bank statement or online bank statement listing payments to the supplier must be submitted. Amounts listed on bank statements must be clearly linked to the relevant item on which grant aid is claimed.

It will be a requirement for all applicants to submit proofs of payment that are acceptable to the Department. These proofs will consist of original bank statements and copies of encashed cheques. Alternatively, on-line bank statements (only high quality colour printouts with bank logo) with copies of encashed cheques will be acceptable, or if payment is made by direct credit transfer an original bank statement or on-line bank statement listing payments to the supplier must be submitted. Payments made by cash are ineligible.

Receipts will only be returned (*upon request*) by the Department to an applicant after payment has issued to him/her in respect of the work concerned or until all queries relating thereto have been resolved to the satisfaction of the Department.

Receipts are required in respect of eligible investments and such receipts must show the serial number(s) of the equipment concerned.

The Department reserves the right to request alternative evidence with regard to any receipt submitted with a payment claim - e.g. photocopies of both sides of en-cashed cheques or bank statement(s) showing relevant entries.

### **5.3 Completion of Investments/Deadline for Submission of Claim for Payment**

Prior to the processing of a claim for payment, successful participants are required to submit a declaration confirming that the finished building meets all statutory requirements including planning where relevant.

All payment claims must be submitted to Organic Unit, Department of Agriculture, food and the Marine, Johnstown Castle Estate, Wexford. **Part payments are not allowed under the scheme unless specifically agreed by DAFM taking account of particular circumstances.** Only one payment claim is allowed per approval. All works must be completed, and claims must be submitted within six months of approval from the date of issue of approval or by a date specified in the letter of approval, whichever is earlier.

All supporting documentation must be submitted with the claim for payment. Failure to submit all supporting documentation within the required time frame may result in the non-payment of an investment or the entire claim for payment.

In cases where work has commenced and or deposits paid but additional time is needed to complete investment work or finalise supporting documentation, an application for an extension can be applied for. Only approvals with a twelve-month completion time frame of works and submission of payment claims are eligible to apply for an extension. If an extension is granted, the extension will

be for a maximum of six months starting from the original completion date. The extension will be granted only for structures and fixed investments where work has commenced. No extension will be granted for mobile equipment. The application for an extension must be lodged together with documentary evidence to the Organic Unit between the start of the eighth month and before the end of the eleventh month following the original date of approval. The applicant must demonstrate that investment work has started by uploading the following supporting evidence:

- photos of work in progress, and
- delivery dockets and/or payment of deposits that are after the approvals date.

The following is the minimum required to be considered as work commenced:

- buildings - stanchions in place;
- structures - reinforced steel in place;
- fixed equipment - copy of deposit or delivery docket.

**Payment claims lodged late will be subject to a 1% reduction of aid for each week received late up to a maximum of 12 weeks. Claims received after the 13th week will result in rejection of the payment claim and zero payment.**

Grant aid will not be paid in respect of new equipment or investments unless full ownership thereof has been transferred to the applicant prior to the lodgement of the payment claim. Full ownership is defined as when the applicant themselves have fully paid for the investment from their bank account and have taken possession and control of the investment. The bank account must be in either the name of the applicant, who is a sole applicant, a partnership, a partner in the partnership or a company. Payments from a joint bank account are only allowed where the bank account is the name of both parties in a joint herd number, a partnership or between the applicant and an individual who is not farming. Payments from an account not held by the applicant or a joint account between the applicant and another farmer is not eligible and the relevant payment will be excluded from the claim and could incur an over claim penalty.

An applicant must indicate the quantity/dimension of the completed investment(s) on the payment claim. Payment will be based on the lesser of the quantity/dimension claimed per investment item on the payment claim, found at inspection or detailed on receipts/invoices.

#### **5.4 Retention of Grant Aided Investments**

The applicant shall be required to retain ownership/control and to use the structures/facilities/equipment for the organic purpose for which grant-aided for a minimum of 5 years after the date of issue of payment. In the case of equipment, this applies to its replacement. Failure to do so will result in all the grant-aid being recouped on a pro rata basis.

If an applicant becomes aware that an item which was grant aided will no longer be retained in accordance with the conditions set out above the applicant should immediately notify the Department.

#### **5.5 Provision of Information**

Applicants must provide any information required by the Department for the control, monitoring and evaluation of the scheme and any other information requested in support of their claim.



## **6.0 Further Conditions for Applicants and Data Protection.**

### **6.1 Further Conditions for Applicants**

- a) All applicants must undertake to comply with all National and EU standards in respect of the investments approved under the scheme.
- b) Please note that all grant funding is subject to the conditions set out in Circular 13/2014 issued by the Department of Public Expenditure and Reform (DPER) in relation to the provision of grant funding to all bodies: [Management of and Accountability for Grants from Exchequer Funds \(circulars.gov.ie\)](http://www.circulars.gov.ie)
- c) Payment of grant aid is subject to compliance with statutory requirements in relation to the pay and working conditions of employees.
- d) All works shall be carried out in accordance with the provisions of all relevant statutes, regulations and bye-laws, and the onus for obtaining all consents, permissions, etc. including planning permission, consent to entry on, or interference with, land, other property or right of any other persons, rests on the applicant.
- e) Payment of grant aid by the Department should not be taken as evidence of compliance with the above legal provisions, consents, etc.
- f) Payment of grant is subject to compliance by the applicant with condition 7.1 below which sets out the requirements around contractor's tax clearance.

### **6.2 Data Protection**

The Minister may from time to time disclose information relating to participants in the Schemes to other Government Departments, agencies, public authorities and/or bodies for the purpose of implementing national and European legislation.

#### **Data Protection Notice:**

##### **Part A:**

##### **Information applicable to all Department of Agriculture, Food and the Marine customers:**

1. The Department of Agriculture, Food and the Marine (DAFM) 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.
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 current legislation for Data Protection in Ireland is the Data Protection Act 1988 as amended by the 2003 Data Protection Act, The Data Protection Act 2018, and The General Data Protection Regulations (EU 2016/679) which came into effect on 25 May 2018. (It should be noted that the 1988 Data Protection Act as amended in 2003 will likely be repealed in full, in due course).
4. Under Data Protection Legislation, The Department of Agriculture, Food and the Marine, as a data controller is responsible for the collection and processing of all personal data under its administration.

5. The Data Protection Officer can be contacted via the email address; [dataprotectionofficer@agriculture.gov.ie](mailto:dataprotectionofficer@agriculture.gov.ie)
6. 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.
7. 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. However, it should be noted that not all rights listed shall be applicable in every circumstance. 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:

Our customers have the following rights:

- 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 submission of an application under the Organic Processing Investment Grant Scheme.

#### **8. Specified purpose:**

The personal data sought from you, or previously furnished by you, the applicant, is required for the purpose of making an application under the Organic Processing Investment Grant Scheme or for ongoing processing of your contract under the scheme. Failure to provide all the personal data required to facilitate the processing of the application and contract, including data testing, under the scheme will result in DAFM being unable to further process the application. Failure to provide certain information which you are required to provide under the Terms and Conditions of the scheme may result in the necessity to repay monies already paid under the scheme. You should consult the Terms & Conditions and Specification of the scheme in this regard.

The Department may also use data provided in submitting an application under Organic Processing Investment Grant Scheme.

for the purposes of facilitating the processing of an application for participation in other related schemes operated by the Department of Agriculture, Food and the Marine or for the purposes of

updating information on the relevant databases held by the Department in connection with these schemes. Each scheme has its own legal basis as outlined under their own Terms and Conditions.

#### 9. Legal basis:

The Organic Processing Investment Grant Scheme is implemented pursuant to Commission Regulation (EU) 702/2014 of 25 June 2014 and in particular Chapter III, Section 1 (Article 17) and the enabling legislation of the European Communities (Organic Farming) Amended Regulation 2010. and is operated by DAFM. Other related schemes have their own legal basis, as outlined under their own Terms and Conditions.

#### 10. Recipients:

Information provided as part of the Organic Processing Investment Grant Scheme application will be shared, with other divisions within the Department, for the purposes of processing other related scheme applications in a timely and efficient manner.

When you submit an Organic Processing Investment Grant Scheme application some of your personal data will be made available to other Government Departments/Agencies/Local Authorities, but only where there is a valid legal basis to do so. The purpose of this sharing of data is for audit, evaluation purposes, cross compliance controls, controls relating to the legislation underpinning cross compliance and all Rural Development measures, as required by Article 65 of Commission Implementing Regulation (EU) 809/2014. 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 for the purposes of monitoring and evaluating CAP as per the Regulations (EU Reg 1306/2013) in accordance with the Data Protection legislation in force.

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 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, 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 Regulations (EU Reg 1306/2013). Not to supply such information may invalidate/cancel your application.

#### 11. Transferred outside the EU:

Information provided in support of an application under Organic Processing Investment Grant Scheme is not currently transmitted outside of the EU.

#### 12. Retention Period:

The data submitted in support of the application by the data subject under Organic Processing Investment Grant Scheme 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.

#### 13. Data provision being statutory or contractual obligation:

The data provided for this purpose is being requested under the requirements of EU Regulation 1305/2013 and if the customer chooses not to provide this information their application/contract for Organic Processing Investment Grant Scheme, cannot be processed further.

#### 14. Technical information on data collected:

Technical information on the cookies used on the Gov.ie website is available at the following link:

<https://www.gov.ie/en/help/privacy-policy/?section=cookies>

Further information on Data Protection can be found on the Department's website at:

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

## **7.0 Tax Requirements**

### **7.1 Tax Clearance for Contractor**

In conformity with the general practice of the Government, the payment of financial aid, as provided for in this scheme, is subject to the condition that, where an applicant employs a contractor to carry out some or all of the work of the investment included in this scheme, such contractor must be tax compliant where the total receipts from that contractor exceed €650.

Evidence must be provided of tax compliance on a date which shall not precede the date of issue of Department approval to proceed with the investment works concerned. Where such evidence is not provided, the work carried out by the contractor shall be ineligible for grant-aid.

In the case of a non-resident contractor, such contractors must also be tax compliant in Ireland. This provision applies whether or not the non-resident contractor has a registered office in this country.

\*Non-resident contractors can complete form TC1 to register with revenue.ie\*

### **7.2 Tax Clearance for Applicant**

All applicants will be required to submit their Tax Clearance Certificate reference and access code when applying for payment under the Scheme.

## **8.0 Inspection by Department**

### **8.1 Compliance Inspections and Right of Entry**

The Department reserves the right to carry out inspections at any time on approved works.

The Department reserves the right to arrange for the inspection of premises of all participants/applicants participating or seeking participation in this Scheme. Refusal to allow right of entry will result in withholding or recoupment of grant aid.

The Department reserves the right to arrange for the inspection at all reasonable times of any land, premises, plant, equipment, livestock and records of participants or applicants for participation in this Scheme. Refusal to allow right of entry will result in withholding or recovery of grant aid.

The Department retains the right to inspect for a full 5-year period following payment of grant aid.

The applicant, or a person nominated by the applicant, must make himself or herself available to the Department Inspector in order to carry out the necessary inspections.

## **9.0 Penalties and Appeals**

### **9.1 False Statements**

Without prejudice to penalties applicable under national law, if, when applying for aid under this scheme, a person knowingly makes a false statement or withholds essential information, all or such portion of the aid given or to be given as the Department may determine shall be reimbursed or withheld. The Department reserves the right to exclude such a person from further participation in the scheme for such a period as it shall determine.

The following penalties will apply for non-compliance with the terms and conditions of the Scheme:

<b>Offence</b>	<b>Penalty</b>
False or misleading information in application form, payment claim and/or accompanying documentation.	No aid payable or 100% recoupment of grant-aid paid.
The use of investments for purposes other than those intended for a period of 5 years after the date of issue of the final payment in respect of the investment grant-aided.	100% recoupment of grant aid paid.
Structures/facilities/equipment not in accordance with Department's Specifications (where the deficiency cannot be remedied)  1. Deficiencies that affect expected life of works  2. Deficiencies that do not affect expected life of works	100% of grant-aid payable  10% of grant-aid payable
Late submission of payment claim  Claim submitted 1 to 12 weeks late  Claim submitted 13 weeks or more late	1% reduction in grant-aid per week or part thereof 100% reduction in grant aid

Non submission of required supporting documents within specified timeframe 100% reduction in grant-aid for relevant investment	100% reduction in grant-aid for relevant investment
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Where monetary penalties are not paid within the period specified, the Department will take whatever action is necessary for their recovery.

In cases where penalties are applied, participants will have 10 working days from the date of formal notification of the penalty by the Organic Unit, to request a review of that decision, setting out in writing the grounds on which they are requesting a review. The applicant will be notified of the outcome of the review in writing.

### **9.2 Recovery of Interest in Respect of Undue Payments/Penalties**

Where the Minister is required to recover a payment under the Scheme which has been unduly made or where a penalty applies, interest will be charged at the rate of 3% per annum, on amounts owed from date of notification of amount owed to date recovered in full on a reducing balance basis.

### **9.3 Withdrawal of Grant Aid**

The approval of aid may be withdrawn if the applicant fails to abide by the terms of the Scheme or in the event of any material change in the circumstances of the applicant or of the farm business or in any other respect, which would be in conflict with the terms or the condition of the Scheme. In such event -

- (i) all or such portion of aid given or to be given shall be reimbursed or withheld; and
- (ii) no grant-aid will be payable in respect of any works completed to date.

If work has not been completed within the approved timescale, the approval will be automatically withdrawn. In cases where an extension has been applied for and approved by this Department the work must be completed by the date given in the letter approving the extension or else the approval will be withdrawn.

### **9.4 Appeals**

Where a decision rejecting or otherwise affecting an applicant's entitlement under the Scheme is taken, the applicant has, by virtue of the Agriculture Appeals Act, 2001, the right to appeal that decision to the Agriculture Appeals Office. The appeal must be made, in writing, within three months of the date of the decision. The appeal must include the facts and contentions upon which the applicant intends to rely together with such documentary evidence that the applicant wishes to submit in support of his/her appeal.

## **10.0 General Information and Conditions**

### **10.1 Responsibility of Applicant**

The approval or payment of aid under the Scheme does not imply the acceptance by the Department of any responsibility as regards the soundness of construction or adequacy for its purposes of any investment that is the subject of such approval or payment. Neither does approval or payment of aid under the Scheme represent a guarantee by the Department of the quality or suitability for its purposes of any product used in the investment.

Certain construction dangers may be encountered in the course of completion of investment works under this Scheme.

The Minister or any official of the Department will not in any way be liable for any damage, loss or injury to persons, animals, or property in the event of any occurrence relating to the development works or in relation to the use of equipment/machinery grant aided under this Scheme. The applicant shall fully indemnify the Minister or any official of the Department in relation to any such damage, loss or injury howsoever occurring during the development works or to the use of any grant aided equipment/machinery.

If any or all the work is undertaken by the applicant, he/she should seek competent advice and undertake all temporary work required to ensure the stability of excavations and to divert any drains, springs, or surface water away from the works and to guard against possible wind damage.

If the work is being undertaken by a contractor, the applicant should ensure that any contractor or sub-contractor understands the risks involved in the development and is prepared to guard against them and further that the contractor or sub-contractor has adequate employers and public liability insurance cover in place in the event of any injury, loss, damage, or other mishap occurring. An applicant should obtain a suitable written indemnity from any contractor or sub-contractor in relation to any damage or injury or other loss that might occur during the development works and, in this regard, seek professional insurance advice from an insurance broker or insurance company.

Children should not be allowed to play or spend time in the vicinity of any building work.

Applicants are advised of the need to acquaint themselves with the provisions of the Safety, Health, and Welfare at Work Act 2005 (as amended) and the regulations made thereunder. A general guide to this Act, prepared by the Health and Safety Authority, is attached at Annex B below. Copies of the AF1 form referred to in that Annex are available from the Health and Safety Authority.

The Department may require certification of quality of work and design.

Full responsibility for the information contained in the application, payment claim and supporting documentation submitted, rests with the applicant concerned. The Department shall not accept any responsibility for errors or omissions contained in applications for grant aid or any required supporting documentation.

It shall be the responsibility of the applicant to familiarize him/herself with the scheme Terms and Conditions, the specifications, and any amendments thereof and with the consequences for breaches of the scheme.

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

## **10.2 Review of Financial Aids**

The Department reserves the right to vary, where occasion so demands, the amount of financial aid specified in the scheme subject, at all times, to the provision of any relevant European Union legislation.

### **10.3 Conditions Relating to Approval**

Every approval of development works and purchases under this scheme shall be subject to all conditions laid down by the Department being complied with, in full, by the applicant.

The approval of aid may be withdrawn if the applicant fails to abide by the terms of the scheme or in the event of any material change in the circumstances of the applicant or of the farm business or in any other respect, which would be in conflict with the Terms and Conditions of the scheme. In such event:

- a) All or such portion of aid given or to be given, shall be reimbursed, or withheld; and
- b) No grant aid will be payable in respect of any works completed to date.

Approval for a change in the scheme beneficiary's details must be requested in writing from the Department if, following the issuing of approval under the scheme, there is a change in the control of the business or holding approved for grant aid, for example a change from a natural person to a legal person, change from a natural person to a different natural person, the dissolution of a partnership or the winding up of a company. Grant aid will not be paid to the new beneficiary until and unless the change in the beneficiary's details has been approved by Department.

An application will not be accepted, or approval may be withdrawn if, in the opinion of the Minister or his officials, it is established that an applicant artificially created the conditions required to obtain grant aid with a view to obtaining an advantage contrary to the objectives of the scheme.

### **10.4 Force Majeure or Exceptional Circumstances**

The following categories of *force majeure* or exceptional circumstances may, in particular, be recognised by the Department so that the partial or full reimbursement of aid received by the beneficiary may not be required: -

- death of the beneficiary;
- long-term professional incapacity of the beneficiary;

Cases of *force majeure* or exceptional circumstances shall be notified in writing by the beneficiary or his/her agricultural advisor/agricultural consultant or socio-economic advisor together with relevant evidence, to the Organic Unit of the Department within 15 working days from the date on which the beneficiary, or his/her agricultural advisor/agricultural consultant/agricultural engineer, is in a position to do so.

### **10.5 Additional Conditions**

The Department may, at any time, lay down additional conditions for the implementation of this scheme.



## **ANNEX A**

**Note: These guidelines are presented to assist applicants to prepare a Business Plan. In the case of promoters seeking substantial financial assistance it is recommended that a comprehensive Business Plan with supporting documentation be submitted to facilitate detailed assessment of the project.**

The applicant should supply a business plan that includes at least the following information:

### **1. A brief description of present business:**

- (A) Background.
- (B) Description of current enterprise, market outlets etc.
- (C) Existing buildings, machinery & employment.
- (D) Details of business turnover and annual profits and levels of efficiency (based on Accounts).
- (E) Source of raw materials (especially including details of linkages to primary product/producers).

### **2. The proposed project (description):**

- (A) Description of the proposed project (tenure of land on which investments are proposed, main new investments, extra employment etc).
- (B) Environmental considerations: Effects on the environment. Where negative effects are identified outline proposals to neutralise impact.
- (C) List the main advantages of the project (e.g. more efficient handling & labour efficiency, better quality produce, larger scale, extending the marketing period / season etc).
- (D) List the sensitivity of the project to financial and other factors (e.g. price change, yield changes, other costs, market outlets and competitors etc).
- (E) Demonstrate linkages of proposed project to primary production and development of organic sector.

### **3. Summary of New Investments Proposed**

Cost of Investments, VAT, and total costs for (a) buildings, (b) fixed equipment, (c) mobile equipment, (d) other.

### **4. Details of how this project will be financed:**

E.g. Gross cost, less vat reclaimable, less estimated grant = net cost to be financed (own cash / resources available (if any) plus amount to be borrowed.

Loan Details: Loan term and interest rate and total repayments per year.

### **5. Financial feasibility of project (estimated)**

- Extra cash inflow, by increased sales / cost savings.
- Extra cash outflow, by increased expenses / new loan repayments.
- Net cash surplus or deficit.
- General comments on financial feasibility.

**Any additional information (e.g. more detailed budgets/projection, business accounts etc.)**



This guidance explains in practical terms what you must do if you are a Client commissioning construction work in order to fulfil your legal duties.

### 1. WHAT IS A CLIENT?

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A 'Client' is any person who commissions or procures the carrying out of a construction project. A **Project** includes the preparation design, planning and the construction activities. '**Construction**' is broadly defined and includes: maintenance of an investment, repair, redecoration, fitting out, alteration, structural cleaning as well as civil engineering and engineering construction work.

### 2. Am I a Client?

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Examples of Clients include:

- A pub owner who engages a contractor to carry out repair or maintenance work to their premises
- A farmer who builds a cattle shed or a milking parlour
- Any person building a house or having construction work carried out on their house
- Any person extending a factory, supermarket or other building
- Any person who engages a contractor to commission, decommission, dismantle or repair building services (mechanical, electrical etc.) which are normally fixed to a structure.

### What Regulations apply to me?

The duties of the Client come from the Safety, Health and Welfare at Work (Construction) Regulations 2013. There are also duties for construction work under Section 17 of the Safety, Health and Welfare at Work Act 2005.

### 3. What must I do as a Client?

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1. Appoint, in writing, a competent Project Supervisor for the Design Process (PSDP) before design work starts
2. Appoint, in writing, a competent Project Supervisor for the Construction Stage (PSCS) before construction begins
3. Be satisfied that each designer, contractor and project supervisor appointed is competent to carry out the work and has the adequate resources to complete it in a safe manner
4. Co-operate with the Project Supervisor and supply necessary information
5. Retain and make available the Safety File for the completed investment
6. Provide a copy of the safety and health plan prepared by the PSDP to every person tendering for the project. In the case of a project on a person's own domestic dwelling it is sufficient to just provide the safety and health plan to the PSCS once appointed.
7. Notify the Authority of the appointment of the PSDP where construction is scheduled to last more than 500 person days or 30 working days (see form AF1)
8. Allow a reasonable amount of time for the safe completion of the project

#### 4. When must I appoint Project Supervisors?

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You must appoint in writing a competent Project Supervisors for the Design Process (PSDP) before design work starts and a competent Project Supervisor for the Construction Stage (PSCS) before construction work starts, in order to co-ordinate the design and construction. They must acknowledge in writing that they accept the appointment. There can only be one PSDP and PSCS for one project at a given time.

You do not have to appoint Project Supervisors if:

- there is only one contractor involved and;
- the project does not last longer than 30 days or 500 person days and;
- the work does not involve a *particular risk*

*Examples of a particular risk includes* : Working in deep trenches and excavations, falling from a height where there is an aggravated risk of injury, use of chemical or biological substances, including work involving asbestos, work with ionizing radiation ( usually x-ray examination of structural joints etc.), work near high voltage power lines, work over or near water, work in confined, unventilated spaces, work carried out by drivers using an air supply system, work in a compressed air atmosphere, work involving the assembly or dismantling of heavy prefabricated components.

#### 5. Who can act as Project Supervisor and how do I know if they are competent?

---

When making the appointments of Project Supervisors, you must satisfy yourself that those appointed are competent to carry out the duties under the Regulations.

You as a Client will need to make reasonable enquires to check that the person or company to be appointed as the PSDP or PSCS is able to fulfil the responsibilities of the position. A designer or a contractor may be appointed so long as they are competent. The extent of these enquiries will depend on the scale, complexity, the hazards of the project and any particular risks and may include, but not limited to, enquiring about the following:

- Membership of professional bodies;
- Knowledge of design and construction, particularly in relation to the nature of the project;
- Safety and Health qualifications, training (e.g. degree, diploma, certificate, continual professional development);
- Safety and Health experience on similar projects. (e.g. knowledge of preparing a Safety File).
- Sufficient staff with qualifications, training, and experience, both within the company and from other sources, relevant to the project.
- Evidence of a functioning safety management system.
- Evidence of Regulatory Compliance.

#### 6. What must the Project Supervisors do?

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The Project Supervisors Design Process must:

- Communicate necessary control measures, design assumptions, or remaining risks to the PSCS so they can be dealt with in the Safety and Health Plan;
- Ensure that the work of designers is co-ordinated to ensure safety;
- Organise co-operation between designers;
- Prepare a written safety and health plan for any project where construction will take more than 500 person days or 30 working days or there is a Particular Risk and deliver it to the client prior to tender;.
- Prepare a safety file for the completed investment and give it to the client;
- The PSDP may issue directions to designers or contractors or others;
- Notify the Authority and client of non-compliance with any written directions issued.

The Project Supervisor Construction Stage must:

- Co-ordinate the implementation of the construction regulations by contractors;
- Organise co-operation between contractors and the provision of information;
- Co-ordinate the reporting of accidents to the Authority;
- Notify the Authority before construction commences where construction is scheduled to last more than 500 person days or 30 working days;
- Provide information to the site safety representative;
- Co-ordinate the checking of safe working procedures;
- Co-ordinate measures to restrict unauthorised entry on to the site;
- Co-ordinate the provision and maintenance of welfare facilities;
- Co-ordinate arrangements to ensure that craft, general construction workers, and security workers have a Safety Awareness card, e.g. Safe Pass and a Construction Skills card where required;
- Co-ordinate the appointment of a site safety representative
- Appoint a safety adviser where there are more than 100 on site;
- Provide all necessary safety file information to the PSDP;
- Monitor the compliance of contractors and others and take corrective action where necessary;
- The PSCS may issue directions to designers or contractors;
- Notify the Authority and the client of non-compliance with any written directions issued.

#### 7. What must I do as a Client with the Safety and Health Plan?

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The client must make sure that every person being considered or tendering for the role of Project Supervisor for the Construction Stage gets a copy of the safety and health plan. Its purpose is to “flag-up”, at an early stage, any safety and health issues specific to that project. In the case of a project on a person’s own domestic dwelling it is sufficient to just provide the safety and health plan to the PSCS once appointed.

#### 8. What is the Safety File?

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The Safety File is a key document intended for the safety of end users of the investment or those who will extend or maintain the investment in future. The PSDP must prepare and pass the Safety File to the Client at completion, you as the Client must keep the Safety File and make it available when required e.g. to subsequent designers or contractors engaged in maintenance or renovation of the investment or pass it on to any new owner of the built investment.

If you as a client sell or otherwise dispose of your interest in the investment, then you must pass on the Safety File to the new owner. Where a Client disposes of his or her interest in part of an investment or development then you must pass on the relevant section of the Safety File for the relevant part. This might happen in the case of the selling of an office floor of a building, or the selling of a house or a number of houses in a new estate. The person receiving the Safety File must keep it available for inspection.

#### Where can I get more information?

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Further information including the Guidelines to the Safety Health and Welfare at Work (Construction) Regulations are available at [www.hsa.ie](http://www.hsa.ie)

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## Annex C

### Organic Processing Investment Grant Scheme Ranking and Selection Criteria

Aid paid/No previous aid paid (under Organic Processing Investment Grant Scheme) <b>Marks 25</b>	Integrated Production Processing <b>Marks 25</b>	Sectoral Balance Enterprise <b>Max 50 Marks</b>		High Volume Processor Verified by Annual Accounts <b>Max Marks 50</b>	
Marks	Marks	Criteria	Marks	Criteria	Marks
<b>No previous aid paid - 25 marks.</b>  <b>A reduction of 1 mark will apply for every €20,000 (or part thereof) claimed, including this application.</b>	25 marks	Horticulture	50	Low < €1m	50
		Dairy	50	Medium ≥€1m and ≤€5m	30
		Tillage	50		
		Poultry	50		
		Aquaculture	50	High >€5m	10
		Beef	10		
		Sheep	10		

**No previous aid paid under the Scheme** – 25 marks for an application where no aid has been paid previously to the applicant under the Scheme (2023 – 2027)

**Integrated Production Processing** – 25 marks if the application indicates and is deemed to include an integrated production process (as defined in section 2).

**Sectoral Balance Enterprise** – Applicants may only receive marks for one enterprise. The enterprise must be included on the applicant’s latest Organic licence. Marks will be awarded in respect of the enterprise most relevant to the application received.

**High Volume Processor** – Marks will be awarded based on the verified turnover amount included in the latest set of accounts submitted with the application.

## **ANNEX D**

### **Organic Processing Investment Grant Scheme Application Checklist**

Before submitting your application please complete checklist below by ticking appropriate box:

	<b>Yes</b>	<b>No</b>	<b>Not Applicable</b>
Does the proposed investment meet the objectives of the scheme?			
Is Planning Permission or a Letter of Exemption required for your investment, if so, is it included in your application?			
Is all required documentation submitted with this application?			
Is the application signed?			

## **ANNEX E**

### **Dual Funding Check – Organic Processor Investment Grant Scheme (OPIG) & LEADER**

<b>OPIG applicant name:</b>	
<b>OPIG applicant address:</b>	
<b>OPIG applicant phone no.:</b>	

**To:** LEADER Policy and Operations Unit, Department of Rural and Community Development, Government Offices, Ballina, Co Mayo F26 E8N6

**E-mail:** [OR1420@drcd.gov.ie](mailto:OR1420@drcd.gov.ie)

I, \_\_\_\_\_ of the above address hereby request from LEADER Policy and Operations Unit affirmation that I have not applied for grant aid under the LEADER programme for the following investment, for which I intend to submit an application to Department of Agriculture, Food and the Marine (DAFM) under the OPIG:

**Investment details:** \_\_\_\_\_

Yours sincerely,

\_\_\_\_\_ (applicant signature)      Date: \_\_\_\_\_

<b>LEADER Policy and Operations Unit response:</b>	
<b>LEADER official:</b>	
<b>Date:</b>	

