



## **TARGETED AGRICULTURAL MODERNISATION SCHEME II (TAMS II)**

### **PIG AND POULTRY INVESTMENT SCHEME**

#### **TERMS AND CONDITIONS**

**Introduced by the Minister for Agriculture, Food and the Marine**

**In implementation of European Parliament and Council Regulation (EU) No. 1305/2013  
and Commission Regulations (EU) 807/2014, 808/2014 and 809/2014**

**In implementation of European Parliament and Council Regulation (EU) 2020/2220 laying down certain  
transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD)  
and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022**

This Scheme is provided for in the 2014-2020 Rural Development Programme of Ireland  
The European Agricultural Fund for Rural Development: Europe investing in rural areas.

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## **1. Introduction**

The Department has prepared this document as an aid to ensure that farmers and advisors are aware of the requirements and conditions attaching to payments concerned and to assist in completing applications for the Pig and Poultry Investment Scheme. **When your application is submitted online you are accepting that you understand the Terms and Conditions outlined in this document and will fully comply with them.** The scheme terms and conditions applicable to an approval and payment claims is the version in circulation on the date of application.

### **1.1 Governing Regulations**

This scheme is being implemented pursuant to an approved programme under Council Regulation (EC) No. 1305/2013 of 17 December 2013 and Commission Regulations (EU) 807/2014, 808/2014 and 809/2014 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD). Regulations (EU) 1306/2013 and 640/2014 as amended lay down the details in relation to Force Majeure and Administrative Penalties.

Under Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 lays down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022.

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

### **1.2 Objective**

The principal objective of the Scheme is to assist farmers purchase new equipment for the upgrading of pig and poultry units on their farms thereby supporting farmers' compliance with animal welfare legislative requirements as follows: Council Directive 2008/120/EC of 18 Dec 2008 laying down minimum standards for the protection of pigs;  
Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production (broiler chickens);  
Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens.  
Facilitating energy efficient measures to improve competitiveness and contribute to the improvement of agricultural incomes.

### **1.3 Funding and Financing**

- (i) The Scheme is jointly funded by the European Union and the national exchequer. The funding for the Scheme is limited and all applications are subject to the operation of selection criteria. Grant aid will only be paid on approved, completed and eligible expenditure and shall be paid at the rate of 40% up to the applicable maximum investment ceiling of €80,000 **per holding**. Multiple applications per tranche are permissible. However the minimum amount of investment which is eligible for approval under this Scheme is €2,000 per application.
- (ii) Applicants who receive approval and payment for investment works at the maximum ceiling of €80,000 under this Scheme shall not be eligible to apply for grants under any other TAMS II Scheme operated by the Department under the 2014-2020 Rural Development Programme with

the exception of the applications under the Low Emission Slurry Spreading Scheme (LESS) which is not subject to the ceiling.

In cases where the applicant(s) relevant investment ceiling has been exhausted, any subsequent application under the relevant TAMS II scheme will not be accepted. Please note, as part of the grant aid payment calculation, an applicant(s) investment ceiling is reduced before the application of a penalty or a reduction.

Any approvals issued or grant-aid paid under this Scheme to the applicant or a company under his/her effective control and management within the meaning of 3.2 below shall be taken into account for this purpose i.e.: no holding shall be entitled to have taken into account for grant purposes under this Scheme any level of investment which is greater than €80,000.

In the case of an application by two or more eligible partners in a partnership registered on this Department's Register of Farm Partnership the maximum eligible investment ceiling shall be increased to €160,000 and the provisions at (ii) above will apply.

- (iii) The applicant must give an 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.
- (iv) Grant aid per investment item will be calculated on the basis of the lowest of the following amounts:
  - (i) The Department's Reference Costings applicable at the date of approval;
  - (ii) The total of the eligible invoices marked "paid", net of VAT, together with costs of own contribution in terms of labour and machinery, deemed to be eligible by the Department;
  - (iii) The cost of the investment proposed by the applicant indicated on their application. Please note proposed investment costs must be reasonable and may be subject to verification prior to ranking and selection.

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

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

#### **1.4 Commencement date of Scheme**

The Scheme will come into operation on the date announced by the Minister and closing date for receipt of applications is to be confirmed.

#### **1.5 Justification for granting aid**

Aid for investment will at all times be subject to the condition that, in the opinion of the Minister, the investment is justified.

#### **1.6 Procedures and Unforeseen or Exceptional Circumstances**

The Minister shall lay down the procedures to be followed in the operation of the Scheme and reserves

the right to alter these procedures (including the marking scheme used for the purposes of assessment of applications) from time to time. The Minister may at any time lay down further conditions under the scheme.

In the event of unforeseen or exceptional circumstances (public or animal health emergency, macro economic issues) the Minister or his/her officials may have to introduce changes to the procedures or operation of the scheme. There may be a requirement for additional supporting documents, geotagged photographs, safety training or change to inspection and auditing procedures.

### **1.7 Review of Terms and Conditions**

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 subject at all times to the provisions of any relevant European Union legislation.

The Minister reserves the right to alter the Terms and Conditions of the Scheme. Revisions to the Scheme cannot be applied to previous versions of the Scheme particularly any additional investment(s).

### **1.8 Interpretation**

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

### **1.9 Dissolution of Department of Agriculture, Food and the Marine Registered Partnerships**

- a) Where a registered farm partnership is dissolved prior to the issuing of an approval to carry out the works/investments under the Scheme the application lodged by that partnership will lapse.
- b) Where a registered farm partnership is dissolved after approval but prior to the payment claim being lodged one of the former partners must be nominated as a payee. See paragraph 6.2.
- c) Where a registered farm partnership is dissolved after payment, the former partner(s) that has control of the land on which the investment is located must give an undertaking to use that investment in accordance with paragraph 8.5.
- d) The dissolution of a partnership can result in
  - The reduction of payment
  - The reduction of investment ceilings
  - The recoupment of payments made
  - Adjustment of investment balances for ex-partners
  - Force Majeure will be taken into consideration before any recoupment/reduction takes place
- e) Where a partnership dissolves in any period between the submission of an application and up to five years after the date of final payment, notification of the dissolution must be sent to TAMS II section, Johnstown Castle Estate, Wexford, within four working weeks. Each case will be examined on its own merits.

### **1.10 Change in Identity**

If, following the issuing of an approval, or the payment of grant aid, there is a change or transfer of control of the holding from the original applicant to another entity (Individual, Partnership or Company), then a 'Request to amend TAMS II applicant details' must be completed and forwarded to TAMS Section, OFI Division, Johnstown Castle Estate Wexford (see Annex H). The request must be completed by both the existing applicant and the new entity. A change in identity, not involving inheritance or succession, will only be allowed if there is an association between the two entities transferring. For example, if a sole

applicant is transferring to a company the sole applicant must be a director of the company. Likewise if the transfer is between a sole applicant and a registered farm partnership, the sole applicant must be a partner.

In completing the form, the new entity agrees to observe and be bound to scheme terms and conditions. For example, if the original applicant applied and received approval or payment as an individual and then transfers the holding to a company, a company representative must complete the Request to amend TAMS II applicant details form. Failure to do so will delay the processing of a payment claim or may lead to a claw back of grant aid paid. The new entity may have to supply additional supporting documentation as part of the transfer, for example a copy of a company's Companies Registration Office Certificate and Memorandum and Articles of Association or one document constitution.

## **2. Definitions**

For the purpose of this Scheme: -

**“agent”** means a person authorised by the Department to apply on behalf of an applicant for the purposes of this Scheme;

**“approved”** means approved by a designated officer of the Department;

**“Area of Natural Constraint”** means any land designated as eligible for the Area Based Compensatory Allowance Scheme. A full list of town lands is available on the Department's website at:  
[www.agriculture.gov.ie](http://www.agriculture.gov.ie)

**“agriculture building”** is a building or structure on the applicants holding exclusively used for agriculture/farming purpose. It excludes domestic, commercial or industrial buildings or structures;

**“date of application”** is the date the application is submitted online;

**“Department identifier”** means herd number, pig number, flock number or cereal number;

**“the Department”** means the Department of Agriculture, Food and the Marine;

**“eligible land”** means land owned or held on lease. For the purposes of determining eligible land under the Scheme, the following shall not be included:

- a. the dwelling house including associated buildings and amenity grounds not used for farming;
- b. commercial forestry which does not include shelter belts;
- c. area permanently under water excluding drains;
- d. commercial quarries, gravel and sand pits;
- e. land held in fee simple subject to grazing rights;
- f. lands held in fee simple subject to turbary rights, except where such turbary rights have not been exercised within the five years prior to the date of entry into the Scheme. An affidavit from the applicant shall be furnished confirming the position in respect of such turbary rights;
- g. grazing rights on lands where the fee simple is owned by another;
- h. commonage;

**“farmer”** shall mean a natural or legal person, or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, whose holding is situated within Community territory, as referred to in Article 299 of the Treaty, and who exercises an agricultural activity. Excluded from this definition and ineligible under the scheme are applications submitted under a business name or a trading name;

**“farming”** includes dairy farming, livestock production [including deer, goats, pig and poultry production which is subject to calculation of production units], the training of horses and the rearing of bloodstock, the cultivation of grass and tillage crops, including horticultural crops whether under protected cropping conditions or in the open;

**“holding”** shall mean all the production units managed by a farmer situated within the territory of the same Member State. The holding in the opinion of the Minister or his/her officials, has not been created for the purpose of claiming or increasing payments under the Scheme, or is not joint managed or controlled by or with another entity (see 3.4 for further details);

**“intensive enterprises”** means pigs, poultry, mushrooms, rabbits, protected horticultural crops and the production of nursery stock;

**“legal person”** means a separate legal entity with a Certificate of Incorporation and a Memorandum and Articles of Association or one document constitution;

**“lease”** means a demise for a term of years absolute in possession. The lease must have 5 years to run from the date of final payment and must be verified or stamped duty paid by the Revenue Commissioners, except in the case of a lease to a spouse. 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;

**“the Minister”** means the Minister for Agriculture, Food and the Marine.

**“owned lands”** means lands held in one of the following categories:

- 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,
- a deed of transfer/deed of assent stamped where appropriate by the Revenue Commissioners awaiting registration in Property Registration Authority with accompanying dealing number,
- land vested by the Land Commission and awaiting registration in the Property Registration Authority,
- land held with a Life Interest duly registered in the Property Registration Authority;
- a beneficial occupier who, being a family member of the registered owner, is in possession and undisputed occupation of a holding and in receipt of rents and profits for at least 5 years;

**“registered partnership”** means a partnership which has been registered by the Minister on the Department Register of Farm Partnerships;

**“reference cost”** is the Department calculated cost (excluding VAT) for each investment. It is the maximum cost used in the calculation of grant aid. Reference cost and Explanatory Notes on Costings is on Department website <https://www.gov.ie/en/publication/9e8f1-tams-ii-support-documents/#reference-costs> and is subject to revision periodically;



**“structures specifications”** is the technical standard for the building, completion or purchase of eligible investments;

**“tranche”** means a period of time in which an application can be submitted for assessment;

**“valid application”** means a fully completed application submitted online and all required supporting documentation;

**“valid claim for payment”** means a fully completed payment claim submitted online and all required supporting documentation submitted;

### **3. Eligibility**

#### **3.1 General requirements**

The Scheme is open to farmers who

- (i) Generate a minimum of 20 production units from farming – see Annex D;
- (ii) have a Department identifier

An application submitted on behalf of the estate of a deceased -“in the Reps of” is not eligible under the scheme, unless the following is provided as part of the application: Evidence of granting of Probate and/or Grant of Administration Intestate and the identification of the successor(s)/beneficiaries of the estate. If the application is deemed eligible, payment of investment works can be made by the estate or by the successor/beneficiary of the site of the investment. However, before payment can be made, the successor/beneficiary must have taken ownership of the site(s) of the investment(s).

#### **3.2 Eligibility of applicant where holding is owned/leased by a legal person**

An application may be accepted in the name of a legal person provided that legal person satisfies the eligibility criteria at 3.1. A copy of a company’s Companies Registration Office Certificate and Memorandum and Articles of Association or one document constitution must be submitted in support of the application.

#### **3.3 Responsibility of Applicants and/or Agent**

Full responsibility for the information contained in the application, payment claim and supporting documentation submitted, whether online or manually in the case of supporting documentation 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.

Full responsibility for the receipt of applications on the Department’s online system by the closing date referred to in 1.4 above rests with the applicant concerned.

It shall be the responsibility of the applicant to familiarise 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.

### **3.4 Artificial Creation of Holding or Conditions**

An application maybe rejected or payment claim maybe disallowed if in the opinion of the Minister or his/her officials, the holding or conditions concerned has been artificially created for the purpose of drawing down or maximising benefits under the Scheme. Likewise, if it is found that the holding is jointly controlled or managed with or by another entity, the application or claim may be disallowed or merged with the other entity.

In determining eligibility, an application and or payment claim will be examined by reference to:

- (a) the creation/enlargement of the holding
- (b) the creation and control of the entity applying
- (c) the management of the holding as a separate unit to other holdings
- (d) the size and scale of the investment compared to the size and activities of the holding
- (e) the location of the proposed investment compared to the applicants holding and other holdings
- (f) the ownership of the site of the investment
- (g) the payment of the investment
- (h) any other relevant issue.

The factors that may be considered when examining the creation/enlargement of holding include:

- i. the farming activity
- ii. the economic viability of the investments
- iii. the nature of the proposed investments
- iv. BPS declarations
- v. status of lands – owned, leased etc.
- vi. independent access to holdings
- vii. animals maintained separately, with separate handling, housing and feeding facilities
- viii. separate farm accounts/financial records/other documentary evidence
- ix. any other relevant issue.

## **4. What Investments are Eligible?**

### **4.1 List of Items**

A list of the eligible investments is detailed at Annex B. All Department Structural Specifications and notices relevant to this Scheme can be accessed on the Department of Agriculture, Food and the Marine website at <https://www.gov.ie/en/collection/28f4c-specifications/>

Queries of a technical nature relating to the specifications should be submitted by email to the following email address [tams@agriculture.gov.ie](mailto:tams@agriculture.gov.ie). Annex G lists the contact phone numbers for technical queries. Grant aid will not be paid for (a) second-hand materials or equipment or (b) ex-demo or (c) work carried out by contractors who do not comply with the tax clearance requirements laid down in paragraph 10 of the scheme. Only fixed investments constructed/erected/installed on eligible land are eligible for grant aid.

### **4.2 Planning Permission**

Planning permission or a declaration of exemption accompanied by stamped drawings from the relevant local authority is required for a number of the eligible investments listed in Annex B.

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.

The installation of Solar Photovoltaic (PV) panels on an agricultural building, or within the curtilage of an agricultural holding, may be considered exempted development if they meet the conditions as set out in Schedule 2, Part 3, Class 18(c) of the Planning and Development Regulations (2001). Planning permission or an exemption from planning is required if the planned development does not pass the conditions. The following is a summary of those exemptions-

#### **Ground or Wall Mounted**

The area of panels shall not exceed 25m<sup>2</sup>

The height of the free standing solar array shall not exceed 2 metres.

#### **Roof Mounted**

The area of panels shall not exceed 50m<sup>2</sup> or 50% of the total roof area whichever is the lesser.

The solar panels shall be a minimum of 50cm from the edge of the wall or roof on which it is mounted.

(Note that buildings subject to conservation status and all larger ground mounted installations require planning permission. If there is any doubt it is advisable to contact the local planning officer before applying).

Please note that solar panels may not be installed on a roof with spaced sheeting ventilation or cover over roof lights. Please see Specification S198 for more details.

Where any changes are made to the proposals covered by planning permission or a declaration of exemption from the relevant local authority, then revised planning permission or a declaration of exemption shall be obtained before grant-aid may be paid. Please section 8.3 for tolerance allowed.

It should be noted that a Grant of Planning Permission or a Certificate of Exemption must be dated on or before the date an application is submitted under the Scheme otherwise the application will be deemed ineligible and will be rejected.

### **4.3 Farming activity**

Investments shall relate only to the farming activities carried out or which, in the opinion of the Department, are reasonably likely to be carried out on the holding in question.

The slaughter of animals, the collection or disposal of fallen animals, the sale or offering for sale of meat or the holding of animals for sale or for offer for sale shall not constitute farming. Investments pertaining to premises used for the slaughter of animals, the collection or disposal of fallen animals, the sale or offering for sale of meat or the holding of animals for sale or for offer for sale shall therefore be ineligible for grant-aid.

In the case of Solar Photovoltaic (PV) panels, 100% of the electricity generated from the panels must be consumed on the applicant's holding for farming purposes. It is not permitted to use or export the electricity generated for domestic, commercial or non farming consumption. An 'On Farm Solar PV Survey' must be completed and submitted with the application to quantify the holdings electricity power requirement and the planned electricity supply from the proposed development. An application may be rejected or amended if the applicant cannot demonstrate that all of the electricity produced from the PV panels will be consumed on the applicant's agriculture holding. The maximize size of PV panels eligible for grant aid is 11kw. An applicant can install larger, but at their own cost. Please see specification S198 for

more details of the survey.

## **5. The Application Process**

### **5.1 Applications submitted online**

Applications must be submitted online through [agfood.ie](http://agfood.ie). Applicants who wish to apply online or through their agents must first be registered for online services (OLS) with the Department. Instructions for registration can be found online at [www.agfood.ie](http://www.agfood.ie) or you can contact agfood online services helpline in the Department's Portlaoise office on 0761 064424 or email [agfood@agriculture.gov.ie](mailto:agfood@agriculture.gov.ie). Applicants can submit more than one application per tranche, subject to the minimum investment ceiling.

Where the Department identifier is registered in multiple names, applications submitted quoting the identifier are deemed to be submitted with the consent of all registered owners, e.g. in the following cases:

- Where the Department identifier is registered in more than one name i.e. Joint Herd number
- In the case of Partnerships, by all Partners
- In the case of companies, by the Company Directors

**Manual applications forms will not be accepted.** Applications which are submitted in hard-copy format, including applications which are submitted by hand shall be rejected by the Department and returned to the applicant as ineligible.

Applicants will not be able to amend applications following submission online. For this reason applicants are advised to ensure that the application is completed fully and accurately prior to submission. Supporting documentation is subject to the conditions laid out in paragraph 5.2.

### **5.2 Documentation required to be submitted with application**

The following documents must be submitted in support of your application:

- Copies of drawings and farm building layout plan as per paragraph (5.3);
- Farmyard layout plan;
- A copy of a company's Companies Registration Office Certificate and Memorandum and Articles of Association or one document constitution;
- In certain cases an engineer's report (as per paragraph 5.3(c) of Scheme conditions\*)
- On Farm Solar PV Survey

\*This report may be requested before an application is approved under the Scheme.

The following documents must be submitted in support of your claim for payment:-

- Evidence of completion of Farm Safety Code of Practice;
- Evidence of ownership of land (copy of folio and maps) in respect of proposed main investments as indicated in Annex B. If registration has not been completed, copy of stamped Deed of Transfer and Property Registration Authority dealing number;
- Evidence of leasehold title (copy of valid lease including maps) for each site;
- Marriage Certificate in the case of a lease to a spouse;
- Receipts and bank statement if requested (8.1);
- Electronic Tax Clearance Certificate (eTC) (10.2);

- Contractors Tax Clearance Certificate (eTC) (10.1);
- Quality certificates (Electrical, Slats, Concrete, Protection of Steel work, CE certificates, Welding Cert etc).
- Solar PV Panel Installation, Testing and Commissioning Certificate (see Specification S198)
- Completed ESB Networks NC6 Form (see Specification S198)

Applications that do not have **all** the required supporting documentation uploaded at time of submission will be deemed ineligible and will be rejected.

Following an administrative check, the applicant will be requested to rectify any deficiencies in the application and/or supporting documentation which were uploaded at the time of submission. Where deficiencies are not rectified within 10 working days, such applications will be rejected. All information requested following this administrative check should be submitted online through [agfood.ie](http://agfood.ie) to the Department.

### **5.3 Submission of drawings and supporting documentation in relation to application**

In the case of a structure/ building/ fixed equipment for which grant aid is been sought, one or both of the following is required:

*Farmyard layout plan – plan of all the existing and proposed structures- scale of 1:500,  
Farmyard plan must include:*

- *Name and address of the applicant*
- *Address of the fixed investment (if different from above)*
- *TAMS II number or Herd Number*
- *All existing and proposed structures*
- *All agitation points*
- *Directional arrow*
- *Roads / laneways*
- *Rivers /streams/drains (if relevant)*
- *All features/structures existing and proposed must be clearly marked and labeled on the plan*

*Farm building layout plan – plan of the investment structure /building scale of either 1:100 or 1:200*

- (a) For investments not requiring the submission of final planning permission or a declaration of exemption, the following supporting documentation shall be lodged with the application for grant aid:
  - (i) Farm building layout plan- The floor plan shall show all significant dimensions of the structure where the investment is proposed: i.e.: the overall internal width and length of the structure. The drawings shall be to a specified scale, either 1:100 or 1:200.
  - (ii) A farmyard layout plan indicating where the proposed investment is to be located, to a scale of 1:500
- (b) An Engineer's report is required for the following:

**Upgrading Poultry House** - Where the roof insulation of an existing poultry house is being upgraded, a chartered engineer's report shall be submitted certifying that the rafters and purlins are structurally sound and capable of supporting the additional load being applied for a period of 8 years.

Note 1: All dimensions shown on the drawings must be internal and in meters.

Note 2: The drawings must have sufficient dimensions that all the dimensions in the application form can be verified from the drawings.

Note 3: No grant-aid will be paid on any investment that shares a common airspace with a structure that contains an internal agitation/extraction point. All internal agitation/extraction points must be removed prior to payment claim.

- (c) Solar Photovoltaic (PV) Panels – completion of an 'On Farm Solar PV Survey' by an accepted Installer. Please see specification S198 for more details.

## **6. When the applications are received in the Department**

### **6.1 Assessment of scheme applications**

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

- Age of applicant (priority will be given to younger farmers);
- Payment under TAMS 1 Sow Welfare Scheme and Farm Safety Scheme.
- The proposed cost of the project by the applicant as completed in the Proposed Investment Tab of the online application form. For this purpose applicants will be given preference where the proposed costs are lower than the Department. Please note proposed investment costs must be reasonable and may be subject to verification prior to ranking and selection;
- Size of the holding/enterprise;
- Any part of a holding in an Area of Natural Constraint;

Copies of the most up-to-date marking sheet used by the Department for this purpose are available on request from On-Farm Investment Schemes Division, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co Wexford and are also available on the Department's website at: <http://www.agriculture.gov.ie/farmerschemespayments/farmbuildings/>

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 during periods to be determined by the Minister 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.

### **6.2 Conditions relating to approval**

The approval of aid may be withdrawn if the applicant fails to abide by the Terms and Conditions 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 an 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.

Request to withdraw a specific item or all investment items approved is allowed before or as part of claim for payment.

If following the issuing of approval under the scheme, there is a change in the control of the holding i.e. change from a natural person to a legal person or from natural person to natural person, approval for this change must be requested in writing from the Department. Grant-aid will not be paid to the new owner until the change in ownership has been approved.

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 view to obtaining an advantage contrary to the objectives of the Scheme, see 3.4 for more details.

Any expenditure spent or investment work started/delivered before the date of submission of an application is ineligible. **Deposits/expenditure paid on or after the date of submission of an application are considered eligible expenditure.** Installation or construction of a non mobile investment cannot commence until written approval has been issued to the applicant(s). The commencement of construction or the installation of investment work prior to approval is ineligible. Any sub-investment that has been installed or where work has commenced prior to approval will be rejected from the application. Applicants should be aware that there is no certainty that an eligible application will be approved, even where a deposit or expenditure has been paid. Therefore deposits/expenditure paid prior to approval are at the applicant(s) own risk. In cases where an applicant applies, places a deposit on an investment, but reapplies under the scheme as they are unsuccessful in ranking and selection, the deposit paid will be allowed if there is no substantial change to investment details between applications.

Investment must be completed to the conditions outlined in:

Reference cost <sup>1</sup>

Explanatory Notes on Costings<sup>1</sup>

Relevant Department structural specifications as detailed on the letter of approval. <sup>2</sup>

<sup>1</sup> <https://www.gov.ie/en/publication/9e8f1-tams-ii-support-documents/#reference-costs>

<sup>2</sup> <https://www.gov.ie/en/collection/28f4c-specifications/>

### 6.3 Amendment to Reference Cost

Reference costs are subject to revision periodically. If there is an amendment or change to reference costs, the change only applies to applications submitted after the date of introduction of the change to the reference cost. The change in reference cost does not apply retrospectively to submitted applications.

### 6.4 Goods and Material from non EU countries

The sourcing and purchase of investment goods or materials from a non EU country is eligible under the scheme (TAMS II). Applicant must ensure that any good or material imported from a non EU country fully complies with Customs and Revenue rules. Applicants must retain a copy of relevant import documents, proof of duties and taxes paid for examination if requested.

## **7. Commencement of work**

### **7.1 Health and Safety**

Certain construction dangers may be encountered in the course of completion of investment works under this Scheme. Neither the Minister nor any official of the Department will be in any way liable for any damage, loss or injury to persons, animals or property in the event of any occurrence relating to the development and 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.

If the work is being undertaken by a contractor, the farmer 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. A farmer 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.

Applicants are advised of the need to acquaint themselves with the provisions of the Safety, Health and Welfare at Work Act 2005, Safety, Health and Welfare at Work Construction Regulation 2013 and the regulations made hereunder. A general guide to this Act, prepared by the Health and Safety Authority, is included in Annex F. Copies of the AF 1 form referred to in that Annex are available from the Health and Safety Authority.

### **7.2 Soundness of construction or adequacy for its purpose of investments**

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.

### **7.3 Environmental impact of proposed works**

Where the carrying out of works is liable to cause any pollution of water sources or to damage the environment in any way, the applicant must take all reasonable steps to prevent this happening. Grant-aid will not be paid where proposed works cause damage to a structure or area of historical or archaeological importance.

### **7.4 Legal provisions, consents**

All works shall be carried out in accordance with the provisions of all relevant statutes, regulations and Bye-laws, and the onus of obtaining all consents, permissions, etc. including consent to entry on or interference with land, other property or right of any other person or persons rests with the applicant.

## **8. Completion of work and claims for payment**

The claim for payment can only be made online. **Part payments are not allowed under the scheme.** Only one payment claim is allowed per approval. Any investment items not claimed are automatically



withdrawn. All works must be completed and claims must be submitted within six months of approval in the case of certain equipment and 12 months in the case of structures and fixed equipment from the date of issue of approval/extension or by a date specified in the letter of approval, whichever is earlier (See Annex B for more details).

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. 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 or deposit paid for certain mobile investments. The application for an extension must be lodged together with documentary evidence to the online system 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;
- mass concrete tanks/structures - reinforced steel in place;
- fixed equipment/mobile equipment - copy of deposit or delivery docket.

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 nonpayment of an investment or the entire claim for payment. The uploading of blank or ineligible documents to circumvent online computer validations is strictly prohibited and may lead to the application of a late submission penalty or the rejection of the claim for payment.

Payment claims lodged after the completion date will be subject to a 1% reduction of aid for each week or part thereof received late up to a maximum of 12 weeks. Claims received on or after the 13<sup>th</sup> 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 lodgment of the payment claim and are available for inspection on the applicants holding. 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, that 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.

The third party financing of an investment by lease or hire purchase is not allowed.

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. Note also the provisions of 3.3, 4.1, 8.1, 8.2, 10.1, 10.2.

In accordance with EU regulations, all EU scheme payments to farmers can only be made to a bank or

building society or credit union accounts held with the State. A copy of the relevant form is available from Direct Credit Section, Department of Agriculture, Food and the Marine, Farnham Street, Cavan or on the Department's website.

#### **8.1 Receipts in respect of work carried out by persons other than the applicant**

- All claimed costs are exclusive of VAT and must be claimed in €EURO.
- The receipts/invoices submitted must include items relevant to the works that received approval. Cash payments are ineligible unless the payment can be supported by alternative documentary evidence (see below for more details).
- Deposit or payments made prior to date of application are ineligible will be rejected.
- Payments made (including post payment cheques) after the submission of a payment claim are ineligible and will be rejected.
- Receipts for approved works and purchases must be provided before the final inspection by the Department's Officer and must accompany the completed payment claim.
- All receipts should be original, should be on headed paper and should at least include the name, address and VAT number/Tax Reference Number TRN of the supplier/contractor (if registered). In addition, the receipt must indicate -
  - (a) The name and address of the applicant,
  - (b) The invoice number and date, where applicable,
  - (c) The details of purchase in an itemised form specifically referencing serial number, where applicable,
  - (d) Actual cost of each item excluding VAT,
  - (e) The total VAT paid,
  - (f) The amount of discount, if any.
  - (g) In the case of receipts comprising of both goods and service (supply and fit), there must be a breakdown between the categories.
  - (h) In the case of receipts comprising of both goods and service (supply and fit), there must be a breakdown between the categories.
- Alternatively, an original invoice which is (i) marked paid, and (ii) contains the details set out at (a)-(h) 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, or in the case of partnerships a) the partnership name or b) at least one individual in the partnership. Receipts/invoices submitted where the applicant is a company, must be submitted in the name of that company.
- Where receipts are required in respect of eligible investments, such receipts must show the serial number(s) of the equipment concerned. (see Annex B)
- 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.

#### **8.2 Own labour or machinery supplied by applicant or family member**

In the case of some of the investments as identified in Annex B where some or all of the works are carried out by the applicant or a family member, or the company director(s) in the case of an application by a company, the hours worked and the date(s) on which they were worked must be set out on the payment claim. Where own machinery is used, the hours worked and the date(s) on which they were worked must be similarly shown on the payment claim together with the hourly rate charged. In all cases, the work must be carried out in full compliance with the Department's technical specifications in order to be eligible for grant-aid. Payment shall only be made by the Department where the hours claimed and rates charged are deemed appropriate and within Department guidelines.

Information on Guidelines are available on the Department's website at:

<http://www.agriculture.gov.ie/farmerschemespayments/tams/>

### **8.3 Maximum tolerances in the dimensions of completed structures**

Investments must be complete according to the dimensions given in the approval letter and be sited as shown on the plans presented with the application. However, the following changes are permitted, subject to compliance with the relevant Minimum Specification(s) issued at the date of approval by the Department.

- (a) the internal rearrangement of a building for example, animal area, internal feed area.

If it is necessary to make changes greater than those permitted under the tolerances listed above applicants should submit with their payment claim form PPIS 20, the revised drawings. If a tolerance has been breached and revised drawings are not submitted with a payment claim, then a 5% penalty will apply to the relevant structure.

**Note:** Nothing in this paragraph shall:

- (i) absolve the applicant/agricultural advisor/agricultural consultant/agricultural engineer from the responsibility to obtain revised planning permission where this is relevant; or
- (ii) permit the maximum level of investment eligible for grant-aid set out in the letter of approval for the structures and buildings concerned to be exceeded.

The applicant should only claim the dimension/capacity of the completed structure/investment on the payment claim.

In all cases the maximum grant-aid payable will be based on the lower of the approved/completed/found dimension of the investment(s). A penalty shall be applied if an applicant claims that the dimension or capacity of investment(s) is greater than the dimension or capacity found at inspection, subject to a 3% tolerance. If the over claim of dimension or capacity is greater than 25%, then a 100% penalty will apply to the relevant investment.

In the case of some of the equipment listed in Annex B below it 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.

Materials used in the construction of investment must, where specified, be accompanied by relevant quality certificates. All quality certificates, tax clearance certificates and other relevant documentation must be lodged with the payment claim. A payment claim may be rejected or reduced if required documentation is not lodged within the specified time frame.

Request to withdraw a specific item or all investment items approved is allowed before or as part of claim for payment.

#### **8.4 Scheme conditions with regard to Investments**

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 and, in particular, must comply with the Council Directives, especially the provisions of paragraphs 1(b), 2, 4, 5 6, 8 and 9 of Article 3 and Annex I of Council Directive 2008/120/EC together with Annex I and II of Directive 2007/43/EC and the Annex to Directive 1999/74/EC

##### **(i) Certification of materials used in the construction of developments**

Materials used in the construction of developments must, where specified, be accompanied by relevant certificates, e.g. concrete quality certificate, slab certificate, a structural steel protective coating certificate etc. as specified in the relevant specifications.

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.

Every sheet of cladding material used must have an identifiable stamp approved by the Department (Specification S. 102).

All building materials that are covered by a Harmonized Standard under the Construction products regulations shall be CE marked and accompanied by a Declaration of Performance and CE certificate as specified in the relevant Department specification. **All steel frames for buildings shall be CE Certified and accompanied by a Declaration of Performance.** In the case where the steel frames for the buildings are fabricated by the applicant the CE Certificate for the purchase of the material and the welding certificate must be provided.

##### **(ii) Maximum aided investment for ancillary concrete**

Concrete equivalent to an 8m wide apron must be provided along the working side of the structure. The working side is determined to be the long side for single sided houses or the gable end for double sided houses.

##### **(iii) Solar Photovoltaic (PV) Panels**

Solar Photovoltaic (PV) Panels can only be installed and commissioned by Department accepted installers. The maximum size of PV panels eligible for grant aid is 11kw. Electricity generated from the panels must be consumed on the applicant's holding for farming purposes. It is not permitted to use or export the electricity generated for domestic, commercial or non farming consumption.

#### **8.5 Use of investments**

The applicant or the successor (see 1.10 change in Identity) shall be required to use the investment(s) for its intended purpose for a minimum of 5 years from the date of issue of the payment in respect of the investment(s) grant-aided. Failure to do so will result in 100% recoupment of grant aid of the relevant investment.

In the case of replacement equipment, the replacement must be of at least a similar capacity or dimension as to that which has been replaced. Proof of purchase of the replacement equipment may be requested.

## **9. Farm Safety Training Course**

It shall be mandatory that all applicants will have completed within the last five years prior to the date of application or submission of their claim for payment the half day Farm Safety Code of Practice (given by Teagasc or other trained persons) or have completed the FETAC Level 6 new award system QQ1 Advanced Certificate in Agriculture (Green Cert.). The following outlines the requirement depending on applicant type -

- Registered Farm Partnership or a Company the course must have been completed by the young farmer. In the case of a company with no young farmer the course may be completed by one of the directors or the farm manager.
- Joint application from two eligible young farmers in a registered farm partnership only one of the applicants needs to have completed the course.
- Individual applicants that have a nominated herd keeper either the herdowner or herd keeper can complete the safety course.

Your claim for payment will not be processed unless evidence of completion of the course is provided.

## **10. Tax requirements**

### **10.1 Contractor's tax clearance requirements**

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 investment included in this Scheme, such contractor must be tax compliant where the total receipts from that contractor exceed €650.

Evidence of tax compliance must be submitted at the time of lodgment of the completed payment claim, which must be completed in full, i.e. including the declaration in regard to contractors used. Contractors can register their eTC and access code by emailing [TAMSIIcontractors@agriculture.gov.ie](mailto:TAMSIIcontractors@agriculture.gov.ie). For contractors not already registered with the Department, a CCS Customer Registration Form (see Annex E) must be completed and submitted to the email address above. If a contractor is a company, the company form should be completed. If the contractor is a sole trader, the individual form should be completed. 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.

### **10.2 Applicant's tax clearance**

All Applicants will be required to submit their eTC reference and access code to the local office when creating a payment under TAMS II. Upon receipt of an applicant's tax reference and authorisation code for the first time Department's AES staff will verify the tax clearance details on Revenue's website (ROS). Once verified the eTC details will be recorded on the Departments Corporate Customer System (CCS). You will be prevented from creating a draft claim for payment unless your eTC details are held by this Department. In the case of a partnership, the eTC shall be either in the name of the partnership OR individual eTC's for each member of the partnership.

## **11. Inspection by the Department**

### **11.1 Compliance Inspection**

The Department reserves the right to carry out inspections at any time on eligibility for the scheme and on approved works and any supporting documents. In submitting a Pig and Poultry Investment Scheme application, applicants agree to permit officials of the Department to carry out on farm inspections with or without prior notice at any reasonable time(s) and without prejudice to public liability. **Every on the spot inspection will be the subject of a report.**

### **11.2 Right of entry**

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. An application for aid or a claim for payment will be rejected if the beneficiary or his representative prevents an on-the-spot check from being carried out, except in cases of force majeure or in exceptional circumstances.

## **12. Penalties and Reductions**

**12.1** Failure to comply with the Scheme's terms and conditions and eligibility criteria will result in an appropriate penalty/reduction. Grant aid claimed shall be refused or withdrawn in full where the eligibility criteria are not complied with. In cases where a reduction and/or penalty is applied, the reduction and/or penalty amount is applied **after** the calculation of the applicant's investment balance.

**12.2** Penalties will apply to certain specific breaches of the Scheme and are set out in Annex C. Any outstanding debts due to the Department will be subject to interest charges in accordance with the provisions of SI No.13 of 2006, European Communities (Recovery of Amounts) (Amendment) Regulations 2006. Such debts will be recovered from future payments due if not already refunded in full by the applicant. Interest will be calculated for the period elapsing between the notification of the repayment obligation to the farmer and either repayment or deduction. Penalty amounts may be deducted from future payments due to the beneficiary under other EU funded schemes. Where monetary penalties are not paid or recovered within the period requested, the Department may take whatever action is deemed necessary for their recovery.

**12.3** Serious breaches of the scheme terms and conditions may lead to the support being refused or withdrawn in full. Furthermore the beneficiary shall be excluded from the same measure or type of operation for the calendar year of the funding and for the following calendar year.

**12.4** Where an applicant is found to have intentionally made a false declaration in respect of any application for grant-aid under this Scheme, including in regard to any payment claim or any accompanying documentation relating thereto, the applicant shall be excluded from receiving support under the same measure or type of operation for the calendar year of the finding and for the following calendar year. (Article 35.640/2014). For this purpose, "measure" has the meaning ascribed to it by Council Regulation (EC) 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

**12.5** In cases where penalties are applied, participants will have 10 working days from the date of formal notification of the penalty by the Agricultural Environment and Structures (AES) Division 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. This initial appeal shall be without prejudice to the right to appeal to the Statutory Agricultural Appeals Office.

### **13. General conditions relating to the Scheme**

#### **13.1 Publicity**

Information in relation to the introduction of TAMS II Schemes and revision of Schemes where required will be published on the Department's website <http://www.agriculture.gov.ie/> under the heading "Press Releases".

The requirements of 2.2 of Annex III of Regulation 808/2014 must also be adhered to in relation to the responsibilities of the beneficiaries in acknowledging support under the European Agricultural Fund for Rural Development where the applicant has a professional website.

Where the total TAMS II grant aid exceeds €50,000, the applicant must place a permanent explanatory plaque, with EU logo (see below) containing information about the project and highlighting the financial support from the Union. The plaque must be a minimum size of 300mm \* 200 mm (A4 size), permanently fixed to the grant aided investment and visible to the public - for example the entrance area of a building. Text on the plaque must contain the phrase –'The European Agricultural Fund for Rural Development: Europe investing in rural areas' and containing information about the project. Text must take up at least 25 % of the plaque.



#### **13.2 General Data Protection Notice**

##### **Part A**

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

1. The Department of Agriculture, Food and the Marine 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 General Data Protection Regulations (EU 2016/679) will come into effect on 25 May 2018.
4. The Data Controller for the collection and processing of all personal data in the Department of Agriculture, Food and the Marine is the Department itself, as a legal entity.
5. The Data Protection Officer can be contacted as follows:

*Data Protection Officer*  
*Data Protection Unit*

*Corporate Affairs  
Department of Agriculture, Food and the Marine  
Grattan Business Park,  
Dublin Road, Portlaoise  
Co Laois  
R32 RY6V*

*Phone: 057 8694301*

*Email: [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. 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.  
Currently our customers have the following rights (up to 24 May 2018):
  - Access to their data
  - Rectification of their data
  - Erasure of their data
  - Right to lodge a complaint with the Supervisory Authority

From **25 May 2018** onwards all Department customers will also have the following additional rights:

- 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 Targeted Agricultural Modernisation Scheme (TAMS).

#### **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 TAMS 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 TAMS 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 Target Agricultural Modernisation Scheme (TAMS) is implemented pursuant to EU Regulation 1305/2013 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 TAMS 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 a TAMS 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 Síochána, and other bodies, in accordance with Section 8 of the Data Protection Acts 1988 and 2003. The introduction of the General Data Protection Regulation in May 2018, and any further national Data Protection legislation, may change the requirements and the legislative basis for such requests.

As part of this scheme, if you are approved into the programme, you may be requested by the Department or relevant agents acting on its behalf, to supply data in relation to your participation to the Scheme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the 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 TAMS is not currently transmitted outside of the EU.

12. Retention Period:

The data submitted in support of the application by the data subject under TAMS 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 TAMS, cannot be processed further.

14. Automated Decision Making:

Personal data provided in the submission of an application under TAMS 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 in accordance with the regulations (EU Regulations 1306/2013 & 809/2014).

15. In accordance with EU Regulation 1306/2013, the Department is obliged to ensure annual ex-post publication of all of the beneficiaries of CAP funding, both legal and non-legal persons. In accordance with this Regulation the Department must, by 31 May each year, publish the following data:

- The name of the beneficiary (unless the amount of payment under CAP funds is less than €1,250, in which case the individual will be identified by a code)
- The municipality where the beneficiary is resident
- The amount of payment corresponding to each measure received by a beneficiary, and
- The nature and description of each measure

The data contained in this publication may be processed by auditing and investigating bodies of the Communities and the Member States for the purposes of safeguarding the Communities' financial interests. The data therein cannot be used for direct marketing or other purposes and this will be made clear on the website.

16. Technical information on data collected:

Technical information on the cookies used on our Department's website is available at the following link:

<https://www.agriculture.gov.ie/legalnotices/privacy/>

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

<https://www.agriculture.gov.ie/dataprotection/>

### **13.3 Inheritance Enquiry Unit**

The Inheritance Enquiry Unit is available to the family members and the legal representatives of deceased farmers to:

- Identify those schemes in which the deceased person participated and establish whether there are any outstanding payments due to the estate of the deceased.
- Assist the legal representatives in contacting various sections of the Department
- Advise on what legal documents are required
- Make arrangements for the issue of any outstanding payments due to estate of the deceased and for the transfer of Single payment entitlements (if any)

The Unit will act as a single repository for legal documentation submitted by representatives of the deceased thus removing the necessity for forwarding duplicate copies to several sections within the Department

As soon as possible, the legal representative of the estate of a deceased farmer and/or the solicitor acting on behalf of the estate should contact:

Inheritance Enquiry Unit, Department of Agriculture Food and the Marine, Eircom Building,  
Knockmay Road, Portlaoise.

Tel: 1890 252 238 or 0761 064428

Fax: 05786 89990

Email: [inheritance@agriculture.gov.ie](mailto:inheritance@agriculture.gov.ie)

#### **13.4 Force Majeure or Exceptional Circumstances**

Without prejudice to the actual circumstances to be taken into consideration in individual cases the following categories of force majeure may 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;
- 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.

Cases of *force majeure* or exceptional circumstances shall be notified in writing by the beneficiary or his/her agricultural advisor/agricultural consultant/agricultural engineer, together with relevant evidence, to the relevant local AES office 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.

#### **13.5 Appeals to the Agriculture Appeals Office**

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.

## **ANNEX A**

### **Legal Documentation Required from an Applicant**

The following evidence of title is required for participation in this Scheme. Only copies of the following documentation, certified as true copies of the originals by an agricultural advisor/agricultural consultant, socio-economic advisor or solicitor, should accompany the application. Unless specifically requested, original documents should not be furnished. All conveyances must be undertaken by a solicitor.

#### **A. Lands Owned**

##### **(i) Registered Land** (*Land registered in the Property Registration Authority*)

Up-to-date copy Folio/s with File Plan(s) showing the applicant as the registered owner/joint Owner/tenant-in-common **or**, where registration has not been completed, a Deed of Transfer or Deed of Assent, stamped where appropriate, transferring the land to the applicant solely, jointly or in common together with Map of the land so transferred, Property Registration Authority Dealing Number and up-to-date copy/s of the parent Folio/s and File Plan/s.

##### **(ii) Unregistered Land** (*Deeds registered in the Property Registration Authority*)

The title Deeds to the land, the most recent of which is the stamped Deed of Conveyance or Deed of Assent, stamped where appropriate, conveying the land to the applicant solely, jointly or in common and duly registered in the Property Registration Authority together with Map of the land so conveyed.

##### **(iii) First Registration**

Land the subject of an Application for First Registration under Section 49, Land Registration Act, 1964 are not eligible for the purposes of this Scheme unless same is registered prior to making application under the Scheme. Applications for First Registration by way of Transmissions on Death, Compulsory Registration and those based on a full unregistered title are acceptable provided same are certified as such by the Property Registration Authority.

##### **(iv) Land Commission Land**

Where the title to land allotted by the Land Commission has not yet been registered in the Property Registration Authority, the following is acceptable evidence of title:-

- a) Letter of confirmation of the allotment to the applicant from the Lands Division of the Department.
- b) Where land was allotted to a previous owner, the applicant shall furnish documentary evidence, Deed of Conveyance/Assent, stamped where appropriate, of beneficial ownership and/or confirmation from Lands Division that the applicant is now the present allottee.

##### **(v) Inheritance**

An applicant entitled to benefit from the estate of a deceased person shall provide, in addition to the documents of title of the deceased as per (i),(ii), (iii) and (iv) above, the relevant Grant of Probate/Letters of Administration (with Will annexed or Intestate) and Deed of Assent showing such entitlement together with Map and Property Registration Authority Dealing Number in the case of registered land or Property Registration Authority deed registration in the case of unregistered land.

#### **B. Entailed Estate**

Where the applicant holds title by way of a Life Interest, the Settlement, or relevant extract therefrom, shall be furnished with the application.

**C. Leases**

The term or residue of the Lease shall cover a minimum of five years from the date of final payment and: -

- i. be accompanied by a Map of the lands leased
- ii. state term and operative dates
- iii. state the annual rent
- iv. state the area, location and Folio number/s and Register (registered land)
- v. state area, townland, Barony and County (unregistered land)
- vi. any amendments or extensions to Leases shall be effected by way of a deed of variation or endorsement
- vii. on request, the provision of ownership documents from the lessor for the lands subject to the lease.

## **ANNEX B**

### **List of eligible investments**

Investment	Sub-Investment	Planning Permission required	Detailed Drawings required (5.3)	Farm Yard Sketch (FYP) (5.3)	Nitrates Relevant	Own Labour permitted
<b>Medicine Dispenser Units * ( Site ownership/lease required)</b>						
	Individual pen Fixed in Water medicine dispenser for pig unit	No	Yes	FYP	No	Yes
	Individual pen Fixed in feed medicine dispenser for pig unit	No	Yes	FYP	No	Yes
	Fixed in Water medicine dispenser for poultry unit	No	Yes	FYP	No	Yes
<b>Water meters #</b>						
	water meter for pig housing	No	Yes	FYP	No	Yes
	water meter for poultry housing	No	Yes	FYP	No	Yes
<b>Solar Panels (permanently attached to buildings used for pig/poultry/egg production) * ( Site ownership/lease required)</b>						
	Solar panels for electricity production (photovoltaic)	Yes	Yes	FYP	No	Yes
	Solar panels for water heating	Yes	Yes	FYP	No	Yes
<b>Solar Photovoltaic (PV) Panels * ( Site ownership/lease required)</b>						
	Solar Photovoltaic Panels including inverter & Controller	Yes	Yes	FYP	No	No
	Solar PV Rechargeable Batter	No	No	FYP	No	No
<b>Heat Recovery Units/Heat Pumps * ( Site ownership/lease required)</b>						
	Heat recovery units for pigs and poultry	No	Yes	FYP	No	No
	Air source heat pumps	No	Yes	FYP	No	No
<b>Energy efficient boilers * ( Site ownership/lease required)</b>						
	Biomass boiler	No	Yes	FYP	No	No
<b>Feed System Upgrade for medication reduction and energy efficiency * ( Site ownership/lease required)</b>						
	New Wet-Feed mixing system to allow feed to ferment (controller, tanks and pumps)	No	Yes	FYP	No	Yes

Investment	Sub-Investment	Planning Permission required	Detailed Drawings required (5.3)	Farm Yard Sketch (FYP) (5.3)	Nitrates Relevant	Own Labour permitted
	Upgrade existing wet feed system to allow feed to ferment (new tanks and pumps)	No	Yes	FYP	No	Yes
	Frequency controller for feed pumps and feed mixer motors	No	Yes	FYP	No	Yes
<b>Energy Efficiency Upgrade for farrowing house * ( Site ownership/lease required)</b>						
	Energy efficient lighting (LED)	No	Yes	FYP	No	Yes
	Insulated doors	No	Yes	FYP	No	Yes
	Wall Insulation	No	Yes	FYP	No	Yes
	Roof insulation	No	Yes	FYP	No	Yes
	Ventilation System	No	Yes	FYP	No	Yes
	Electrical Heat Pads	No	Yes	FYP	No	Yes
	Water heat Pads	No	Yes	FYP	No	Yes
	Insulated Creep boxes - Covered	No	Yes	FYP	No	Yes
<b>Energy Efficiency Upgrade for Weaner housing * ( Site ownership/lease required)</b>						
	Energy efficient lighting (LED)	No	Yes	FYP	No	Yes
	Insulated doors	No	Yes	FYP	No	Yes
	Wall Insulation	No	Yes	FYP	No	Yes
	Roof insulation	No	Yes	FYP	No	Yes
	Ventilation System	No	Yes	FYP	No	Yes
	Electrical Heat Pads	No	Yes	FYP	No	Yes
	Water heat Pads	No	Yes	FYP	No	Yes
	Creep covers	No	Yes	FYP	No	Yes
	Indirect Heating system	No	Yes	FYP	No	Yes
<b>Energy Efficiency Upgrade for Fattener housing * ( Site ownership/lease required)</b>						
	Energy efficient lighting (LED)	No	Yes	FYP	No	Yes
	Insulated doors	No	Yes	FYP	No	Yes
	Wall Insulation	No	Yes	FYP	No	Yes
	Roof insulation	No	Yes	FYP	No	Yes
	Ventilation System	No	Yes	FYP	No	Yes
<b>Energy Efficiency Upgrade Poultry House * ( Site ownership/lease required)</b>						
	Roof Insulation	No	Yes	FYP	No	Yes
	Wall Insulation	No	Yes	FYP	No	Yes
	Insulated Doors	No	Yes	FYP	No	Yes
	Energy efficient lighting (LED) for free range layer house	No	Yes	FYP	No	Yes
	Energy efficient lighting (LED) for broiler houses	No	Yes	FYP	No	Yes

Investment	Sub-Investment	Planning Permission required	Detailed Drawings required (5.3)	Farm Yard Sketch (FYP) (5.3)	Nitrates Relevant	Own Labour permitted
	Ventilation fans and control system for free range layer house	No	Yes	FYP	No	Yes
	Ventilation fans and control system for broiler house	No	Yes	FYP	No	Yes
	Replacement concrete floor for temperature control	No	Yes	FYP	No	Yes
	Indirect heating system	No	Yes	FYP	No	Yes
<b>Disease reduction facilities for existing poultry houses * ( Site ownership/lease required)</b>						
	Concrete outside pop holes for free range poultry houses	No	Yes	FYP	No	Yes
	Drinker system for poultry broiler house	No	Yes	FYP	No	Yes
	Drinker system for free range poultry layer house	No	Yes	FYP	No	Yes
	Ancillary concrete	No	Yes	FYP	No	Yes

**Investment \*** = 12 months from the date of issue of approval to the completion of investment and submission of payment claim.

**Investment #** = 6 months from the date of issue of approval to the completion of investment and submission of payment claim



## **ANNEX C**

### **Schedule of Penalties**

Failure to comply with the provisions of S.I. No. 31 of 2014 Good Agriculture Practice for the Protection of Waters and the Animal Welfare and Dairy Hygiene Regulations may result in a cross compliance penalty.

Applicants found not to be in compliance with farm waste and farm nutrient storage requirements, dairy hygiene or animal welfare regulations as a result of an on-farm inspection will be cross reported to the relevant section of the Department, which may result in penalties or sanctions.

Please note - As part of the calculation of grant aid payment, an applicant(s) investment ceiling is reduced before the application of a penalty or a reduction.

<b>Non Compliance</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. Exclusion from the scheme for the calendar year of the finding and for the following calendar year.
The use of investment(s) for purposes other than those intended for a period of 5 years from date of final payment.	100% recoupment of grant-aid paid.
Changes to the location of an investment not been submitted with the payment claim.	5% reduction in grant-aid for relevant investment(s). *
Over-claim of investment(s) dimension/quantities by more than 3%	Subtraction of over-claimed dimension/quantities from dimension/quantities found at inspection to determine dimension/quantities for payment *
Over-claim of investment(s) dimension/quantities by more than 25%	100% reduction in grant-aid for relevant investment(s) *
Non use of Investment or change in eligibility of the applicants.	100% reduction in grant-aid for relevant investment(s)
Over-claim of eligible expenditure by more than 10%	Subtraction of over-claim from eligible amount payable
Investments not in accordance with Department's Specifications (where the deficiency cannot be remedied)	
1. Deficiency found at first pre/post-payment inspection	10% reduction in grant-aid for relevant investment(s) *
2. Deficiencies that affect structural integrity, life or safety of the investment.	100% reduction in grant-aid of relevant investment *
3. Treatment of structural steel not in accordance with Specifications.	10% reduction in grant-aid of relevant investment *
4. Deficiencies that do not affect structural integrity, expected life or safety of the investment.	10% reduction in grant-aid of relevant investment *

Investments not in accordance with Department's Specifications, where the deficiency can be remedied													
a) Deficiency found at first pre/post-payment inspection	10% reduction in grant-aid for relevant investment(s) *												
b) Deficiency found at second pre/post-payment inspection	10% or 100% reduction in grant-aid for relevant investment(s) depending on the severity and effect on structural integrity *												
Failure to comply with publicity requirements as set out in Paragraph 12.1	May attract a 1% reduction.												
The commencement of construction or installation of investment work prior to approval.	Rejection of relevant sub-investment.												
Non submission of required supporting documents within specified timeframe	100% reduction in grant-aid for relevant investment(s)/sub investments												
Late submission of payment claim													
Claim submitted 1 to 12 weeks late	1% reduction in grant-aid per week or part thereof												
Claim submitted 13 weeks or more late	100% reduction in grant aid												
Dissolution of a registered farm partnership following payment of grant-aid.													
Investment ceiling reduced to €80,000:	Recoupment of any grant-aid paid in excess of €80,000												
The rate of recoupment will decrease by 20% for each year the partnership is in place following payment of the grant-aid:	<table> <tr> <th>Year</th><th>Rate of Recoupment</th></tr> <tr> <td>0-1</td><td>100%</td></tr> <tr> <td>1-2</td><td>80%</td></tr> <tr> <td>2-3</td><td>60%</td></tr> <tr> <td>3-4</td><td>40%</td></tr> <tr> <td>4-5</td><td>20%</td></tr> </table>	Year	Rate of Recoupment	0-1	100%	1-2	80%	2-3	60%	3-4	40%	4-5	20%
Year	Rate of Recoupment												
0-1	100%												
1-2	80%												
2-3	60%												
3-4	40%												
4-5	20%												

\*Penalty calculation is based on reference costs

## **ANNEX D**

### **Calculation of Production Units for Intensive Enterprises**

The table below sets out how Production Units on the holding are calculated in respect of the following intensive enterprises:

Pig Production:	
Sow Breeding only	0.8 unit
Sow Breeding and Finishing	1.1 units
Pigs Finishing only	6.0 units/100 pig places
Broilers	3.0 units/1000 bird places
Broiler Breeders	8.0 units/1000 birds
Layers	3.0 units/1000 birds
Turkeys (fattening)	3.0 units/1000 birds
Free Range Egg Production	1.5 units/100 birds
Ducks/Geese/Other Farmed Fowl	3.0 units/1000 birds places

**ANNEX E**

(CCS CR/CY)

**CCS CUSTOMER REGISTRATION FORM – COMPANY****TO BE COMPLETED BY THE CUSTOMER**

*VAT No:		And/Or *COMPANY IDENTIFIER:	
*COMPANY NAME:			
TRADING NAME:			
*NATIONALITY:		*LANGUAGE:	
EMPLOYER NO:		CONTACT NAME:	
*POSTAL ADDRESS:		*BUSINESS ADDRESS (if different)	
Eircode: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		Eircode: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
Telephone No:		Fax No:	
Mobile No:		Email Address:	
<i>Remittance advices and other correspondence will issue to this email address</i>			
TAX CLEARANCE DETAILS: (Access Code and TRN required for eTC)			
<p>If your business is liable for <b>Professional Services</b> it is subject to <b>Withholding Tax</b>.          If your business relates to either the <b>Construction, Forestry or Meat Processing Industries</b> payments are subject to <b>Relevant Contracts Tax</b>. Please tick the relevant box below.</p> <p><b>Withholding Tax</b> <input type="checkbox"/>                      <b>Relevant Contract Tax</b> <input type="checkbox"/></p>			
CURRENT BUSINESS ID OR ROLE WITH DEPARTMENT:			
Signature:			
Date:			
<p>Please complete this form fully and return to <b>TAMS II Section, On Farm Investments, Johnstown Castle Estate, Wexford</b>. Completed Forms can also be returned by email to: <a href="mailto:TAMSIIcontractors@agriculture.gov.ie">TAMSIIcontractors@agriculture.gov.ie</a>. Please submit bank details if you intend to receive payments from the Department of Agriculture, Food &amp; the Marine.</p>			
<i>*Any field denoted by an asterisk is mandatory and must be completed</i>			

**Why do we look for this data?**

Every customer of the Department, including companies, has a customer record on the Department's computer database known as the Corporate Customer System (CCS). This is a centralised system which ensures that customer data is kept accurate and up to date.

**We look for this data to ensure that your company details are inputted accurately onto CCS.**

**Is there a legal basis for the Department seeking this data?**

All the personal details collected by the Department are in line with our statutory obligations and in line with the current Data Protection legislation.

**Am I entitled to get a copy of my company's data held on CCS?**

Yes, you are entitled to receive a copy of your company's data held on CCS. You can apply to receive this by writing or emailing the Data Protection Unit. A fee of €6.35 may apply to such requests. Further information can be found on the Data Protection page on the Department website <http://www.agriculture.gov.ie/customerservice/>

**If I see the data about my company on CCS is incorrect, can I have this rectified?**

Yes, you are entitled to have any errors rectified by writing to CCS Admin Section, Government Buildings, Farnham Street, Cavan H12 D459 or by e-mailing [ccsadmin@agriculture.gov.ie](mailto:ccsadmin@agriculture.gov.ie).

**Can I check my company's data if it is registered for the Department's Online Services?**

Yes, you can check your company's data when you log on to your company's Online Services account.

**How can I be sure that my company's data is held securely on CCS and that it will be kept confidential?**

The Department is classified as a Data Controller under the Data Protection Acts and must therefore abide by regulatory requirements that set out how it should collect, use and safeguard personal information. Only Department staff requiring access to your record in their normal work can access your company's data on CCS.

This form containing your company's data will be stored securely and then disposed of by confidential shredding.

**Is my company's data on CCS shared with third parties outside the Department?**

Yes, your company's data may be shared with other Departments/Agencies for purposes including ID verification or statistical reasons and will be done in line with our Data Protection obligations under current Data Protection legislation.

## CCS CUSTOMER REGISTRATION FORM – INDIVIDUAL (CCS CR/IL)

TO BE COMPLETED BY THE CUSTOMER

*PPS No	
*TITLE:	*FORENAME:                      *SURNAME:
SUFFIX:	*GENDER:
Name Known by: <small>(if different to forename above)</small> *Mothers Birth Surname:	
*DATE OF BIRTH:	BIRTH CERT PRESENTED: YES/NO
*NATIONALITY:	*LANGUAGE:
STATUS <small>(FOR STATISTICAL PURPOSES):</small> FULL TIME FARMER <input type="checkbox"/> PART TIME FARMER <input type="checkbox"/> NON FARMER <input type="checkbox"/>	
*POSTAL ADDRESS:	*BUSINESS ADDRESS (if different)
Eircode: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Eircode: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Telephone No:	Fax No:
Mobile No:	Email Address:
TAX CLEARANCE DETAILS: <i>(Access Code and TRN required for eTC)</i>	
VAT Number (if applicable):	
Are you liable for:    Withholding Tax <input type="checkbox"/> Relevant Contract Tax <input type="checkbox"/>	
CURRENT BUSINESS ID OR ROLE WITH DEPARTMENT:	
Signature:	
Date:	
Please complete this form fully and return to <b>TAMS II Section, On Farm Investments, Johnstown Castle Estate, Wexford.</b> Completed Forms can also be returned by email to: <a href="mailto:TAMSIIcontractors@agriculture.gov.ie">TAMSIIcontractors@agriculture.gov.ie</a> . Please submit bank details if you intend to receive payments from the Department of Agriculture, Food & the Marine.	
*Any field denoted by an asterisk is mandatory and must be completed	

## Data Protection Notice

1. The personal data sought from you is required for the purpose of entering your details onto the DAFM Corporate Customer System (CCS). Failure to provide all the personal data required to facilitate the entering of your details onto CCS will result in DAFM being unable to conduct business with you.
  2. For customers supplying the Department, the legal basis for processing the personal data is Article 6(1) (b) of Regulation (EU) 2016/79 of the European Parliament and of the Council of 27 April 2016 (the General Data Protection Regulation) i.e. processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract. For customers paying the Department, the legal basis for processing is Article 6(1) (c) of the same Regulation i.e. processing is necessary for compliance with a legal obligation to which the controller is subject.
  3. Data provision being statutory or contractual obligation:  
The data provided for this purpose is being requested under a contractual obligation in cases where DAFM issue payments or as being necessary to the collection of rates, tolls or other charges imposed under any Act or Statutory Instrument administered by the Minister for Agriculture, Food and the Marine
  4. Information provided on this form will be shared with other Business Areas within the Department for the purposes of facilitating and processing payments or collecting charges in a timely and efficient manner. DAFM is also obliged by law to provide data on request to the Central Statistics Office under Section 30 of the Statistics Act 1993, to the Department of Social Protection (DSP) under Section 262 of the Social Welfare Consolidation Act 2005 Act (as amended) and to the Revenue Commissioners, An Garda Síochána, and other bodies, in accordance with Section 8 of the Data Protection Acts 1988 and 2003. The introduction of the General Data Protection Regulation in May 2018, and any further national Data Protection legislation, may change the requirements and the legislative basis for such requests.
  5. The data submitted 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. It will then 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. Each individual has data protection rights, which have been further enhanced by the introduction of the General Data Protection Regulation (GDPR) effective from 25 May 2018. These rights, where applicable, are:
    - A right to access, rectify or erase their personal data
    - A right to restriction of processing
    - A right to object or withdraw consent to processing
    - A right to data portability
    - A right to make a complaint to the Data Protection Commissioners Office  
<https://www.dataprotection.ie>
- Further information is available here - [www.agriculture.gov.ie/dataprotection/](http://www.agriculture.gov.ie/dataprotection/)
7. The Data Controller for the collection and processing of all personal data in the Department of Agriculture, Food and the Marine is the Minister for DAFM as a legal entity.
  8. The Data Protection Officer can be contacted in relation to any of your rights outline as above:  
Data Protection Officer, Data Protection Unit, Corporate Affairs, Department of Agriculture, Food and the Marine, Pavilion A, Grattan Business Park, Dublin Road, Portlaoise, Co. Laois. R32 K857.  
Email: [dataprotectionofficer@agriculture.gov.ie](mailto:dataprotectionofficer@agriculture.gov.ie)
  9. Technical information on the cookies used on our Department's website is available at the following link:  
<https://www.agriculture.gov.ie/legalnotices/privacy/>

## **ANNEX F**



HEALTH AND SAFETY

# **CLIENT INFORMATION SHEET**

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?**

---

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 a investment, repair, redecoration, fitting out, alteration, structural cleaning as well as civil engineering and engineering construction work.

### **2. Am I a Client?**

---

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?**

---

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?

---

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?

---

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)

## **ANNEX G**

### **Contact Details**

Queries of a technical nature relating to the specifications should be submitted by email to the following email address [tams@agriculture.gov.ie](mailto:tams@agriculture.gov.ie). A technical helpline number [076 1064452](tel:0761064452) is available between 10.00 am to 12.30 pm and 2.00 pm to 4.30 Monday to Friday excluding public holidays.

For all other TAMS queries contact TAMS II Admin on 0761 064467.

Contractors can register their eTC and access code by emailing [TAMSIIcontractors@agriculture.gov.ie](mailto:TAMSIIcontractors@agriculture.gov.ie).

## **ANNEX H**



### **TAMS II - REQUEST TO AMEND TAMS II APPLICANT DETAILS**

**Only complete this form if you have an existing TAMS approval(s) or Payment and the holding is being transferred to another entity (Individual, Partnership or Company) and you wish to transfer all current TAMS II Approvals/Payments**

*Please complete section A & B fully*

**Section A - Existing Applicant-** (completed by existing applicant)

TAMS II ID: \_\_\_\_\_

Date of transfer: \_\_\_\_\_

I/we agreed to the transfer of all current approvals or payments issued under TAMS II schemes to the entity (Individual, Partnership or Company) detailed below. I/we agree to the transfer of investment(s) to the new entity. I/We understand that I/we surrender all rights and future payments under the scheme.

Signed \_\_\_\_\_ Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

Signed \_\_\_\_\_ Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

**Section B- Replacement Applicant** (completed by different or replacement applicant)

Name: \_\_\_\_\_

Partnership Number (if relevant): \_\_\_\_\_

Address: \_\_\_\_\_

I/we agree to the transfer of approval/payment from the original applicant. I/we agree and accept the transfer of investment(s) from the original applicant.

I/we have read and understand the conditions of the TAMS II schemes and agree to observe and be bound to these terms and conditions

Signed \_\_\_\_\_ Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

Signed \_\_\_\_\_ Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

**If transferring to a company, you must submit your company documents i.e. Certificate of Incorporation, with Memorandum and Articles of Association/One Document Constitution**

Please return this form by email (attachment) to [tamsrole@agriculture.gov.ie](mailto:tamsrole@agriculture.gov.ie) or by post to: TAMS Section, OFI Division, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Wexford

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