



**Terms and Conditions of the  
ORGANIC FARMING SCHEME**

**Introduced by**

**The**

**MINISTER FOR AGRICULTURE, FISHERIES AND FOOD**

in implementation of

Council Regulation (EC) No. 1698/2005

1 January 2010

**Including Addenda of 3 March 2011**

A Measure included in the CAP Rural Development Plan, co-funded under the National Development Plan 2007-2013 and the European Agricultural Fund for Rural Development of the European Union.

## **1. Objective of the Organic Farming Scheme**

- 1.1. The objective of this Scheme is to deliver enhanced environmental and animal welfare benefits and to encourage producers to respond to the market demand for organically produced food.

## **2. General Provisions**

- 2.1. The Scheme shall be administered by the Department of Agriculture, Fisheries and Food and shall operate throughout the State.
- 2.2. The Scheme is jointly funded by the European Union and the National Exchequer.
- 2.3. The Scheme shall come into operation on 1 January 2010.
- 2.4. Farmers participating in the Scheme may also participate in other agri-environment measures introduced in implementation of Council Regulation (EC) No. 1698/2005.
- 2.5. Undertakings shall be for a minimum period of five years.
- 2.6. Participation in the Scheme is voluntary.
- 2.7. Farmers may include a part of their holding in this Scheme.
- 2.8. All applications will be subject to administrative checks and any other controls deemed necessary before payments are made under the Scheme.

## **3. Definitions**

- 3.1. For the purpose of this Scheme: –
  - **“AGRICULTURAL ADVISOR/AGRICULTURAL CONSULTANT”** shall mean a person with a primary degree or higher qualification in agricultural science
  - **“AGRI-ENVIRONMENT SCHEME”** shall mean the Rural Environment Protection Scheme (REPS) introduced in implementation of Council Regulation (EC) No. 1257/1999 as amended by Council Regulation (EC) No. 1783/2003; or the Rural Environment Protection Scheme, the Agri-environment Options Scheme (AEOS) or the Natura Scheme introduced in implementation of Council Regulation (EC) No. 1698/2005.
  - **“ANNUAL PAYMENT CLAIM”** shall mean a claim for Organic Farming Scheme payment submitted with the Single Payment Scheme Application (Article 8, Commission Regulations (EC) No 1975/2006).
  - **“APPLICATION”** shall mean an application for support under a five-year contract, accompanied by a business plan verified by an agricultural advisor/agricultural consultant and related documents as outlined in Section 5 and Section 7, and such other documents as may from time to time be prescribed.
  - **“APPROVED”** shall mean approved by the Minister or by an officer authorised by the Minister to convey approval.
  - **“APPROVED TRAINING COURSE”** shall include the FETAC Level 5 Introduction to Organic Farming course, or any equivalent course as may be determined by the Department of Agriculture, Fisheries and Food (DAFF).

- **“BUSINESS PLAN”** shall mean the completed prescribed form accompanying the Organic Farming Scheme application form certified by an Agricultural Advisor/Agricultural Consultant.
- **“FARM” or “HOLDING”** shall mean all the production units in the State (owned, leased, and rented) that are under the control of the applicant.
- **“FARMER”** shall mean an individual agricultural producer, whether a natural or legal person or a group of natural or legal persons, whatever legal status is granted the group and its members by national law, whose holding is within the State.
- **“FORAGE AREA”** shall mean the net area entered as grassland or permanent pasture on the applicant’s most recent EU Single Payment Scheme (SPS) application.
- **“HOLDER”** shall mean the farmer who has included the Land Parcels in his/her application for the Scheme.
- **“IN-CONVERSION PERIOD”** shall mean the period required to convert land parcels from conventional to full organic status.
- **“LAND PARCEL”** shall mean an area of land identified under the Land Parcel Identification System (LPIS).
- **“LEASE”** shall mean a term of years absolute in possession for at least 5 years from the commencement date of the contract.
- **“MINISTER”** shall mean the Minister for Agriculture, Fisheries and Food.
- **“OFS”** shall mean the Organic Farming Scheme.
- **“ORGANIC CERTIFICATION BODY (OCB)”** shall mean a private inspection body approved by the Minister.
- **“ORGANIC FARMING”** shall include dairy farming, livestock production, the cultivation of fodder and tillage crops and the growing of horticultural crops in accordance with Council Regulation (EC) No. 834/07 of 28 June 2007 as amended, and Statutory Instrument No. 30 of 2009.
- **“ORGANIC UNIT”** shall mean the Organic Unit of the Department of Agriculture, Fisheries and Food.
- **“REPS”** shall mean the Rural Environment Protection Scheme.
- **“SCHEME”** shall mean the “Organic Farming Scheme”.

#### **4. Scheme Conditions**

- 4.1. To be eligible to participate, any applicant who has not already participated in Supplementary Measure 6 (SM6) of REPS 1, REPS 2 or REPS 3 must have completed an Approved Training Course by the date of lodgement of his/her application. For OFS applicants in 2010, however, the date of completion of the Approved Training Course may be extended to 30 September 2010. In the case of a joint application, either participant may attend the course, but he/she must attend the whole course.
- 4.2. Livestock and crop products must be produced in accordance with Council Regulation (EC) No 834/07 as amended. Statutory Instrument No. 30 of 2009 imposes additional conditions that must also be met.

- 4.3. To be eligible for payment, land must be either owned or leased for a minimum of 5 years from the commencement of the Scheme contract. Rented land is ineligible for payment.
- 4.4. Partial conversion of the farm/holding is allowed subject to the following conditions:
  - 4.4.1. If both organic and conventional crops are to be produced, different species of plant, or different varieties that can be easily differentiated at all stages of growth and production, must be used.
  - 4.4.2. If both organic and conventional livestock are to be produced, different species must be involved.
- 4.5. Participants are required to comply with the statutory management requirements (SMRs) and in addition to maintain all of the land which is encompassed within the holding in good agricultural and environmental condition (GAEC).
- 4.6. Participants must submit an application for the Single Payment Scheme each year.
- 4.7. Subject to prior approval in each case by the Organic Unit, applied for on the prescribed form OFS3, the Holder may allow a portion(s) of his/her farm/holding with full organic status to be cropped by another licensed organic producer who is also participating in this Scheme. This approval will be subject to the submission of an agreement between the parties to their respective Certification Body or Bodies setting out the organic obligations of each party. In this situation, the Holder retains management control of the portion(s) and will receive the Scheme payment due. In all of these cases, however, the portion(s) must be cropped by the Holder for a minimum of two full years within the five-year period of this commitment.
- 4.8. If the Holder is an Agri-Environment Scheme participant, he/she must fulfil all of their obligations under these schemes. In addition, the Holder must ensure that all of his/her obligations under the Single Payment Scheme are complied with. In this connection the farmer who declares the land in question on his/her Single Payment application is responsible for any non-compliance with the Statutory Management Requirements and GAEC under Cross-Compliance for the calendar year concerned. However, where the non-compliance can be attributed to a farmer who crops the land and that farmer has also submitted a Single Payment Scheme application then he/she will also be held responsible for the non-compliance found.
- 4.9. Subject to receipt of prior approval in each case from the Organic Unit, on the prescribed form OFS3A, a person may allow a portion(s) of his/her farm/holding with full organic status to be operated under an allotment system, provided the Holder retains management control of any such areas and each allotment user has signed a contract with the Holder that satisfies their Organic Certification Body or Bodies that the land will continue to be maintained organically.
- 4.10. If the Holder is a participant in an Agri-Environment Scheme or Schemes, he/she must continue to fulfil all obligations under these schemes. In addition, the Holder must ensure that all of his/her obligations under the Single Payment Scheme are complied with. In this connection the farmer who declares the land in question on his/her Single Payment Application is responsible for any non-compliance with the Statutory Management Requirements and GAEC under Cross-Compliance for the calendar year

concerned. However, where the non-compliance can be attributed to a farmer to whom the land is allotted and that farmer has also submitted a Single Payment application then he/she will also be held responsible for the non-compliance found.

## 5. **Eligibility**

- 5.1. The Minister may restrict admission to the Organic Farming Scheme based on an assessment of the Business Plan provided by the applicant.
- 5.2. To be eligible to participate in this Scheme, the minimum farm area required is 3 hectares, except for horticultural producers where the minimum farm area is 1 hectare.
- 5.3. New applicants to organic farming must be able to demonstrate in the Business Plan that a minimum level of 15 Income Units from organic farming can be reached within the five-year period of the contract. Existing organic operators must be able to demonstrate that an increased level of organic output and income over the five-year period of the contract can be reached and also they can reach or exceed where appropriate, a minimum level of 15 Income Units from organic farming within the same timeframe.
- 5.4. Where an applicant cannot demonstrate a minimum of 15 Income Units as set out in the table above, he/she may demonstrate the minimum requirement to the Agricultural Advisor/Agricultural Consultant, using other acceptable criteria, for example, financial accounts, with 1 Income Unit equal to €254. In the latter case, full details must accompany the Business Plan at the time of lodgement.
- 5.5. Participants in this Scheme must be engaged in the production of crops or animals intended for food or feed and may be required to demonstrate that these products are marketed as organic.
- 5.6. Participants who wish to avail of the Scheme must:
  - Register with and be approved as an organic operator by one of the OCBs and hold a licence for the full duration of their Scheme contract, and
  - Register with the Organic Unit of the Department of Agriculture, Fisheries and Food.
- 5.7. Where livestock production is undertaken, payment shall be computed based on a minimum stocking level of 0.5 livestock units per hectare of the forage area declared.
- 5.8. REPS 3 participants are ineligible to participate in the Organic Farming Scheme until they have finished their REPS 3 contracts.
- 5.9. Participants must be aged eighteen years or over on the date of application.
- 5.10. Only parcels declared on Single Payment Scheme application forms(s) and registered with a unique number on the Department's Land Parcel Identification System (LPIS) will be considered for payment under the Organic Farming Scheme.
- 5.11. Participants are also required to comply with the various Statutory Management Requirements set down in EU legislation on the environment, public animal and plant health and animal welfare and to maintain land in Good Agricultural and Environmental Condition (GAEC).

- 5.12. Participants must include their Personal Public Service Number (PPSN) on the application form.

## **6. Selection Procedure**

- 6.1. While an application may be deemed eligible by reference to the conditions in section 5, the number of applications accepted into the Scheme will be determined by the funding available after the closing date for applications each year.
- 6.2. Applicants will be selected according to criteria which will include:
- Market requirement for proposed enterprise;
  - Potential to convert land to organic production;
  - Previous history of organic participation and production.
- 6.3. The Minister reserves the right to alter from time to time the selection criteria and their ranking.

## **7. Application Procedure**

- 7.1. Application for support under the Scheme and payment claims shall be in accordance with Article 4 of Commission Regulation (EC) No 1975/2006. Applications for support under this Scheme may be submitted at any time during the year, but to be eligible for payment in a particular year they must be submitted not later than 15 May in that year (see section 8.4). All applicants should complete the Application Form (OFS1 Rev 1) and forward it to the Local AES Office.
- 7.2. All applications must include the following documentation:
- Completed OFS1 Rev 1 form, which will include a list of land parcels, (LPIS numbers), outlining the current organic status or any other status of all the area farmed;
  - A farm map(s);
  - A copy of the current organic licence from one of the OCBs;
  - The prescribed Business Plan verified by an Agricultural Advisor/Agricultural Consultant.
  - Where an Approved Training Course is required and has been completed, a copy of the Certificate showing successful completion of the Training Course where this is available; otherwise a copy of the attendance certificate with the formal Certificate to follow later.
- 7.3. In addition the following documents must be completed and retained by the applicant at farm level:
- Conversion Plan where applicable i.e. for farmers whose holding (wholly or partly) is in conversion to Organic Farming;
  - The Annual Declaration of Farming Activity (Form OFS2 Rev 2 — See Annex 3) that was used to determine TOTAL ELIGIBLE AREA FOR PAYMENT as stated on the application form OFS1 Rev 1.
- 7.4. Ineligible applications will be rejected.

## **8. Payments and Payment Procedures**

- 8.1. To activate payment in the first year, a farmer must make a payment claim in accordance with the deadline for the submission of Single Payment applications. Where an Approved Training Course is required, no payment can be made until the formal Certificate of successful completion has been lodged in the AES local office. In addition, no later than two months after the end of the first recording year, an Annual Declaration of Farming Activity (Form OFS 2 Rev 2) must be completed by the participant and returned to the AES Local Office, to allow the second stage of the annual payment to be made. If the form is not returned within two months after the end of the year, the entire payment for that year will be forfeit.
- 8.2. All payments shall be made following administrative checks and/or on farm inspection. By submitting a completed application, the applicant agrees to permit officials or agents 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. For second and subsequent years, an annual Single Payment application must be made and then no later than two months after the end of the recording year an Annual Declaration of Farming Activity (Form OFS 2 Rev 2) must be completed by the participant and returned to their AES Local Office, to allow the second stage of the annual payment to be made. If the form is not returned within two months after the end of any year, the entire payment for that year will be forfeit.
- 8.3. Commonage land or grazing rights shall not be eligible for payment under this Scheme.
- 8.4. For applications submitted to the local AES Office between 1 January and 15 May of the same year, eligibility for payment will commence on the first day of the month following receipt of a valid application. For applications submitted from 16 May of the year in question, eligibility for payment will commence on the first day of January of the year following receipt of a valid application.
- 8.5. To be eligible for the in-conversion rate of payment for the maximum of two years, the application for the Scheme must be lodged within 2 months of the date of issue of the organic licence. Otherwise, eligibility to the full organic payment rate shall expire 2 years from the date of issue of the organic licence.
- 8.6. Payment can be made only once at the in-conversion rate on each Land Parcel. Where parcels are re-converted, payment rates during re-conversion will be at rates applicable to full organic status.

## **9. Payments rates are as follows:**

### **9.1. Horticulture Only Holdings**

- 9.1.1. Organic horticulture-only producers, with one hectare or more, are eligible for the following payments provided that at least 50% of the area eligible for organic payment is cropped<sup>1</sup> each year:

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<sup>1</sup> When calculating the percentage of the area cropped, any area under green manures cannot be included in the calculation.

	<b>Horticulture Area ≤ 6 hectares (ha)</b>	<b>Horticulture Area &gt; 6ha and up to 55ha</b>	<b>Horticulture Area &gt; 55 ha</b>
<b>In conversion</b>	€283/ha	€212/ha	€30/ha
<b>Full organic status</b>	€142/ha	€106/ha	€15/ha

## 9.2. All Other Holdings

9.2.1. Applicants with 3 hectares or more of utilisable agricultural area are eligible for the following payments:

	<b>Farmed Area of ≥ 3ha up to 55ha</b>	<b>Farmed Area &gt; 55ha</b>
<b>In conversion</b>	€212/ha	€30/ha
<b>Full organic status</b>	€106/ha	€15/ha

## 9.3. Additional Option

9.3.1. Stockless non-REPS farmers applying green cover during the conversion period may qualify for an additional payment of €240/ha per year up to a maximum of 40 ha.

## 9.4. Livestock Production Payments

9.4.1. Payment will be computed on the basis of a minimum stocking level of 0.5LU per hectare of the forage area qualifying for payment. Farmers not reaching this level will receive payment on a pro rata basis to their level of production. (See Annex 2)

## 9.5. Crop Production Payments

9.5.1. In the case of stockless organic crop producers, at least 50% of the eligible area for organic payment must be cropped each year.

9.5.2. For farmers engaged in both arable crop and livestock production, payment for arable crop production will be based on the actual area cropped by the farmer.

## 10. Penalties

10.1. Failure to comply with the scheme terms and conditions will result in an appropriate penalty/sanction. Serious breaches of Scheme conditions may lead to termination of participation and/or exclusion from the Scheme for a period commensurate with the seriousness of the breach, and the refund of monies already paid. Penalty amounts may be deducted from future payments due to the applicant under this scheme or from payments due under other schemes.

10.2. Monetary penalties will include interest payable at the rate provided for under SI No. 13 of 2006. 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 applicant under this scheme or from payments due under other EU-financed schemes. Where monetary penalties are not paid or recovered

within the period requested, the Department may take whatever further action is deemed necessary for their recovery.

- 10.3. Withdrawal of the licence by the OCB within the term of the five-year commitment shall mean termination from the Scheme and full recoupment of all aid paid, including interest payable under SI No. 13 of 2006.
- 10.4. Non-renewal of an organic licence by the participant within the five-year commitment period shall mean termination from the Scheme and full recoupment of all aid paid, including interest payable under SI No. 13 of 2006, except where a participant has ceased farming and has already completed three years in the Scheme. Where a fourth or fifth year payment has issued and the participant does not complete the full year for which payment was received, a proportionate re-imbusement will apply to that payment.
- 10.5. Reductions/penalties as per SPS rules will be applied to all over-declaration for payments.
- 10.6. Where the percentage over-claim is greater than either 2ha or 3% (whichever is the less) but not more than 20% of the area determined, a penalty of double the difference applies — the difference in area found is doubled and the penalty is calculated using the applicable rate of payment.
- 10.7. Where the percentage over-claim is greater than 20%, no aid will be paid for year in question.
- 10.8. Where any over-declaration results from irregularities committed intentionally, no aid will be paid for that year.
- 10.9. Where overpayment occurs in any year, due to an incorrect declaration by the participant of the eligible livestock units/area under this Scheme, the Department will recoup the amount of the overpayment, including interest payable under SI No. 13 of 2006.
- 10.10. Where an irregularity occurs as determined by the OCB, the Department may impose a 10% penalty on the amount due in that year under this Scheme, including interest payable under SI No. 13 of 2006.
- 10.11. Similarly where a participant continues to farm organically, i.e. licensed by an OCB, but does not retain the land parcel(s) under organic production methods for the duration of the commitment, the Department will recoup the amount paid in respect of the land parcel(s) not retained under organic production, including interest payable under SI No. 13 of 2006 and future payments will be calculated on the reduced area.
- 10.12. Where an application for the Single Payment Scheme is not submitted within the specified period under that Scheme, a penalty of 1% per working day will apply to the Organic Farming Scheme payments. If the delay in submission of the single farm payment applications amounts to more than 25 working days, the application shall be deemed inadmissible and no aid shall be granted for the year to which the application relates.
- 10.13. Where, in the course of an inspection under the Single Payment Scheme, a breach of cross-compliance is detected, the level of penalty determined under the Single Payment Scheme will also be applied to the payment under the Organic Farming Scheme.

## **11. Changes in Contract Area Farmed**

- 11.1. Where additional land is acquired and payment is required the following will operate:

- 11.2. Where the area is increased by less than 2 hectares within the five-year period of the existing commitment, participants must:
  - notify the local AES Office within six weeks of taking possession of the land, and
  - submit an Application Amendment Form (OFS 1 AM).
- 11.3. Where the area is increased by 2 hectares or more, participants must notify the local AES Office within six weeks of taking possession of the land.
- 11.4. To qualify for payment on the additional land if in year one or two of the original commitment, the participant may submit an Application Amendment Form (OFS 1 AM) and receive payment on the additional land for the remaining period of the existing commitment.
- 11.5. To qualify for payment on the additional land if in the third or later year of the original commitment, the participant must submit a new Application Form (OFS 1 Rev 1) between 1 January and 15 May to qualify for additional payment for the current year. The application form must be submitted with the documentation outlined at Section 6.
- 11.6. Where additional land is acquired and no payment is required, it is not necessary for the participant to notify the Department; however he/she must notify the Organic Certification Body.

## **12. Reduction in Area**

- 12.1. Where the area is reduced, the participant must notify the local AES Office within six weeks of the date of disposal/reduction of the land area by submitting an Application Amendment Form (OFS 1 AM).
- 12.2. Where the eligible area is reduced, the annual payment will be adjusted if and as appropriate at the commencement of the next full year.
- 12.3. If re-imburement is required, all monies paid in respect of the land disposed of or removed from organic production will be sought plus interest as outlined in Section 9.8.
- 12.4. The re-imburement of aid will not be required in the following cases:
  - where the land disposed of is included in another OFS plan of an existing OFS participant or a new OFS participant who applies to join the Scheme within six weeks of the date of takeover and continues to farm organically from the date of takeover;
  - where the existing OFS commitment is continued for the remainder of the 5 year period by the person taking over the holding from the previous participant and the person taking over submits an Application Amendment Form (OFS 1 AM) within 6 weeks of the transfer of the land;
  - where the area farmed is reduced because of land acquired under a compulsory purchase order (CPO).
- 12.5. In addition re-imburement will not be required in respect of lands sold or transferred arising from a requirement of a Court Order in divorce or judicial separation proceedings or a marital settlement or separation agreement.

### **13. Appeals**

13.1. In cases where penalties are applied under this Scheme, participants will be given ten working days after formal notification by the Department's local office in which to appeal in writing to the local office and give reasons why any penalty imposed should not be applied. The participant will be informed in writing of the outcome of the appeal. This is without prejudice to a participant's rights under the Agriculture Appeals Act, 2001.

### **14. Education and Training**

14.1. It will be the responsibility of each participant to ensure that a satisfactory level of competence in organic production methods is maintained. In addition to any requirement for an Approved Training Course, this may include ongoing attendance at dedicated training modules, organic food/farming seminars, discussion groups, demonstration farm walks etc.

### **15. Force Majeure**

15.1. Where a participant is unable to continue complying with the commitments given for reasons beyond his/her control, a case may be made under *force majeure* to terminate his/her participation in the Scheme. In such cases the participant or his or her representative should inform the Organic Unit in writing with relevant evidence, within ten working days of being able to do so. Without prejudice to the actual circumstances to be taken into consideration in individual cases, the following categories of *force majeure* may be recognised:

- death of the participant,
- long term professional incapacity of the participant,
- expropriation of a large part of the holding if such expropriation could not have been anticipated on joining the Scheme,
- a natural disaster affecting the holding's agricultural land,
- the accidental destruction of livestock buildings on the farm,
- an outbreak of disease affecting all or part of the livestock on the farm
- the disposal or vacation of land to satisfy a court order or legal settlement in cases of marital breakdown.

### **16. Right of Entry**

16.1. The Minister reserves the right to carry out inspections at reasonable times of any land, premises, plant, equipment, livestock and records of applicants/participants in this Scheme.

16.2. Failure to allow an inspection by the Department to proceed may lead to withholding or recovery of any aid.

## **17. Approval of an Application**

- 17.1. The approval of any application shall at all times be subject to the condition that, in the opinion of the Department, the application is justified.

## **18. Responsibility of Applicant**

- 18.1. It shall be the responsibility of the applicant to familiarise himself/herself with the Scheme Terms and Conditions and with the consequences for breaches of the Scheme. The approval or payment of aid under this Scheme does not imply the acceptance by the Minister of any responsibility as regards the obligations undertaken by the participant.

## **19. Failure to abide by the terms and conditions of the Scheme**

- 19.1. Where, for the purposes of obtaining payment under this Scheme to which these terms and conditions relate, the participant knowingly makes a false or misleading statement or withholds essential information, his/her participation in the Scheme may be terminated and all or part of the aid paid shall be reimbursed. The Minister reserves the right to offset such amounts against other monies payable by the Department under EU-financed or co-financed Schemes to the applicant in such cases. The Minister also reserves the right to exclude such a person from further participation in the Scheme for such period as shall be determined, but in any event not exceeding five years.
- 19.2. Where a participant fails to abide by the terms and conditions of the Scheme or if there is any material change in the circumstances of the participant which would be in conflict with the letter or the spirit of the scheme, participation may be terminated and all or part of the aid paid shall be reimbursed. The Minister also reserves the right to offset such amounts against other monies payable by the Department to him/her.
- 19.3. The obtaining of aid or the attempt to obtain aid under this Scheme by fraudulent means by the participant or others acting alone or together may render such persons liable to prosecution.

## **20. Review of Financial Aids**

- 20.1. The Minister reserves the right to vary the amount of financial aid wherever specified in the Scheme subject to the provisions of any relevant European Union legislation and to national budgetary constraints.

## **21. Procedures**

- 21.1. The Minister reserves the right to alter from time to time the procedures to be followed in the operation of these Schemes.

## **22. Conditions of Payment**

- 22.1. Every payment under this Scheme shall be subject to conditions laid down by the Minister, which must be complied with in full by the applicant.

## **23. Tax Clearance Requirement**

- 23.1. Payment of financial aid as provided for in this Scheme may be subject to the condition that a tax clearance certificate from the Revenue Commissioners be

furnished before a payment can be issued.

#### **24. Information and Data Protection**

- 24.1. The Minister reserves the right to make public information regarding the areas covered by this Scheme including the number of participants, hectares covered etc. and other information required for environmental purposes and to make information available to other Government Departments and/or agencies involved with the implementation of EU cross-compliance requirements under the Single Payment Scheme.
- 24.2. The Minister may from time to time disclose information relating to participants in the Scheme to other Government Departments and/or agencies for the purpose of implementing national and European legislation.
- 24.3. Participants agree to be bound by the provisions of Article 57(3) and Annex VI, paragraph 2.1 of Commission Regulation No 1974/2006, which provides, *inter alia*, for the publication of a list of scheme beneficiaries and the amount of public contributions allocated.

#### **25. Further Conditions**

- 25.1. The Minister may at any time alter the conditions of this Scheme or lay down others.

### Livestock Unit (LU) Equivalents & Computation

When calculating the number of livestock units (LU) on the farm, the following LU equivalents should be used:

Dairy Cow	1.0 LU
Suckler Cow	1.0 LU
Cattle 0–1 year	0.4 LU
Cattle 1–2 year	0.6 LU
Cattle over 2 years & or Bulls	1.0 LU
Mountain Ewe + Lamb	0.15 LU
Lowland Ewe + Lamb	0.15 LU
Lowland Hogget	0.15 LU
Mountain Hogget	0.15 LU
Goat (milking)	0.25 LU
Goat (non-milking)	0.15 LU
Horse	1.00 LU <sup>2</sup>
Deer (Red)	0.38 LU
Deer (Fallow/Sika)	0.15 LU
Sow (farrow to finish)	1.1 LU
Sow (farrow to weaner)	0.8 LU
Finishing pig	0.08 LU <sup>3</sup>
Laying hen	0.015 LU
Broiler	0.005 LU
Turkey	0.03 LU

<sup>2</sup> Female or male horses of 2 years or older, with passport, in the organic operator's name indicating eligibility for human consumption and certified as organic by OCB. All other horses are ineligible and therefore cannot be included in calculating a participant's number of livestock units.

<sup>3</sup> For finishing pigs, a throughput of 2 pigs/pig place/year is assumed. Example: From REPS record sheet, 40 finishing pigs per pig place would equate to 80 pigs throughput per year.

### **Calculation of Payments**

#### **Livestock Production**

Under the Scheme, organic livestock producers will receive payment computed on the basis of a minimum stocking level of 0.5 livestock units per hectare of eligible forage area declared. This arrangement allows for farmers to receive payment on a pro rata basis to their level of production. The eligible area for payment must be computed from the participant's Annual Declaration of Farming Activity (Form OFS2).

#### **Examples**

A farmer has 40 hectares (all in forage). He/She has 10 livestock units and is entitled to payment at the in-conversion rate. This farmer will receive a payment of €4,240 i.e. 10 livestock units divided by minimum stocking density of 0.5LU = 20 hectares X €212.

A farmer has 10 hectares (all in forage). He/She has 10 livestock units and is entitled to payment at the in-conversion rate. This farmer will receive a payment of €2,120 i.e. 10 ha X €212.

A farmer has 60 hectares (all in forage). He/She has 15 livestock units and is entitled to payment at the full organic rate. This farmer will receive a payment of €3,180 i.e. 30 ha X €106.

#### **Crop Production**

To provide for adequate rotation to facilitate the organic crop production cycle and in the exclusive case of organic crop producers (non-livestock systems), at least 50% of the eligible area for organic payment must be cropped each year.

For mixed farming enterprises, payment for crop production will be based on the area cropped by the farmer.

#### **Examples**

An organic crop producer farming 30 hectares with at least 15 hectares under crops will receive payment in respect of 30 hectares.

A farmer has 10 hectares (5 hectares are in forage and 5 hectares are under crop production), has 2 livestock units and is entitled to payment at the in-conversion rate. This farmer will receive payment as follows:

Livestock element:	€848 i.e. based on 4 hectares
Crop element of:	€1,060 i.e. based on the actual area under crop production i.e. 5 hectares.
Total payment	€1,908.

## ADDENDA

### **Addenda to Terms and Conditions of the Organic Farming Scheme introduced by the Minister for Agriculture, Fisheries and Food in implementation of Council Regulation (EC) No. 1698/2005 1 January, 2010**

On page 3 of the Organic Farming Scheme conditions, Article 4.1 is amended as follows:

“To be eligible to participate, any applicant who has not already participated in Supplementary Measure 6 (SM6) of REPS 1, REPS 2 or REPS 3 must have completed an Approved Training Course by 30<sup>th</sup> June of the year in which his/her application is lodged. In the case of a joint application, either participant may attend the course, but he/she must attend the whole course.

On page 6 of the Organic Farming Scheme conditions, Article 7.1 is amended as follows:

“Application for support under the Scheme and payment claims shall be in accordance with Article 4 of Commission Regulation (EC) No 1975/2006. Applications for support under this Scheme must be submitted not later than 16 May 2011 (see section 8.4). All applicants should complete the Application Form (OFS1 Rev 1) and forward it to the Organic Unit of the Department of Agriculture, Fisheries & Food, Johnstown Castle, Wexford.

On page 6 of the Organic Farming Scheme conditions, Article 7.2 is amended as follows:

“All applications must include the following documentation:

- Completed OFS1 Rev 1 form, which will include a list of land parcels, (LPIS numbers), outlining the current organic status or any other status of all the areas farmed;
- A farm map(s);
- A copy of the current organic licence from one of the OCBs;
- The prescribed Business Plan verified by an Agricultural Advisor/Agricultural Consultant.
- Where an Approved Training Course is required and has been completed, a copy of the Certificate showing successful completion of the Training course where this is available; otherwise a copy of the attendance certificate. Where the Training course is successfully completed after the date of lodgement of the application, then a copy of the attendance certificate must be lodged in the Organic Unit, Department of Agriculture, Fisheries and Food, Johnstown Castle, Wexford by 30<sup>th</sup> June 2011. A copy of the Certificate showing successful completion of the Training course in such cases must also be lodged in the Organic Unit before 31<sup>st</sup> December 2011.”

On page 7 of the Organic Farming Scheme conditions, Article 8.4 is amended as follows:

“For applications submitted to the Organic Unit between 1 January and 16 May 2011, eligibility for payment will commence on the first day of the month following receipt of a valid application.”

On page 7 of the Organic Farming Scheme conditions, Articles 8.1 and 8.2 are amended to state that OFS Application (OFS1 Rev 1) and Annual Declaration of Farming Activity (Form OFS2 Rev 3) should be submitted to **Organic Unit, Department of Agriculture, Fisheries and Food, Johnstown Castle, Wexford**

### Annex 3

## Sample Annual Declaration of Activity Form (OFS 2 REV2)

### ANNUAL DECLARATION OF FARMING ACTIVITY

**OFS 2  
REV2**

**Farmer (Name & Address):** \_\_\_\_\_

**Payment for Year:** 2011 (Year 2) **REPS / Organic Farming Scheme No:** \_\_\_\_\_

This form must be completed and returned to the Local Office without delay at the end of each calendar year, otherwise payment of the second instalment (25%) cannot be made.

Actual number of animals at end of each month <sup>1</sup>													<b>A</b> Totals for the 12 months	Average No. (A) / 12	Livestock Units (LU's) <sup>3</sup>	Average No. multiplied by Live- stock Units					
Livestock Type <sup>2</sup>	J	F	M	A	M	J	J	A	S	O	N	D									
Suckler Cow	2	2	2	2	2	2	2	2	2	2	2	2	24	2	1	2.000					
Cattle 0-1	0	0	2	2	2	2	2	2	2	2	2	0	18	1.5	0.4	0.600					
Ewes	10	10	10	10	10	10	10	10	10	10	10	10	120	10	0.15	1.500					
<b>C Forage Area (ha) (net)</b> (Claimed Area from relevant SPS declaration)													<b>B TOTAL (Livestock Units)</b>		4.100						
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"><b>C</b> Forage Area (ha) (net) (Claimed Area from relevant SPS declaration)</td> <td style="width: 10%; border: none; text-align: center;">10</td> <td style="width: 33%; border: none;"><b>D</b> Cropped Area (ha)(net) (Claimed Area from relevant SPS declaration)</td> <td style="width: 10%; border: none; text-align: center;">15</td> <td style="width: 33%; border: none;"><b>E</b> Total Eligible area (ha) (Cannot exceed C + D across)</td> <td style="width: 10%; border: none; text-align: center;">23.2</td> </tr> </table>													<b>C</b> Forage Area (ha) (net) (Claimed Area from relevant SPS declaration)	10	<b>D</b> Cropped Area (ha)(net) (Claimed Area from relevant SPS declaration)	15	<b>E</b> Total Eligible area (ha) (Cannot exceed C + D across)	23.2			
<b>C</b> Forage Area (ha) (net) (Claimed Area from relevant SPS declaration)	10	<b>D</b> Cropped Area (ha)(net) (Claimed Area from relevant SPS declaration)	15	<b>E</b> Total Eligible area (ha) (Cannot exceed C + D across)	23.2																
<b>F</b> Green Manure Option For Inconversion Lands (ha) (net) (Claimed Area from relevant SPS declaration)													0								

**Declaration By Applicant:**  
I/We declare that, to the best of my knowledge, all particulars given on this form are correct. I agree to observe and be bound by all conditions of the scheme and to make available all required information to the Department of Agriculture, Fisheries & Food. I understand that it is the applicant's responsibility to acquaint himself/herself with the conditions of the Scheme.

Signature ..... Signature ..... Date \_\_ / \_\_ / \_\_\_\_

<sup>1</sup> For the first year complete from month of commencement of the Organic Farming Scheme and thereafter for full calendar year

<sup>2</sup> See Annex 1 of the Terms and Conditions of the Organic Farming Scheme for the list of Livestock Types e.g. cattle 0-1 year

<sup>3</sup> See Annex 1 of the Terms and Conditions of the Organic Farming Scheme for Livestock Units requirements and computation