



**Terms and Conditions of the
ORGANIC FARMING SCHEME (OFS) 2023**

Introduced by:

**THE MINISTER FOR
AGRICULTURE, FOOD AND THE MARINE**

In implementation of:

**Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018,
Council Regulations (EU) No 2021/2115 and 2021/2116 of 2 December 2021,
Commission Delegated Regulation (EU) 2022/1172 of 4 May 2022 and
Commission Implementing Regulation (EU) 2022/1173 of 31 May 2022**

DATE: 20th October 2022

OFS payments will be co-funded
by the National Exchequer and the European Agricultural Fund for Rural Development (EAFRD) of the
European Union under Ireland's CAP Strategic Plan 2023-2027.

The Department has prepared this document as an aid to ensure that farmers and advisors are aware of the requirements and conditions attaching to the payments concerned and to assist in completing applications for the OFS scheme. All applications to join the scheme must be submitted online by the applicant or his/her advisor. If applicants have any queries in relation to their application, please telephone 053 9163425 or contact Organic@agriculture.gov.ie.

In the event that there are any changes to these Terms and Conditions they will be publicised immediately on the Department's website

IMPORTANT: THIS BOOKLET HAS BEEN PREPARED AS AN AID TO APPLICANTS AND ADVISORS, BUT THE GOVERNING EU REGULATIONS FORM THE DEFINITIVE BASIS FOR THE ADMINISTRATION OF THE SCHEME IN QUESTION, PARTICULARLY WITH REGARD TO ELIGIBILITY AND, WHEN NECESSARY, ANY PENALTIES THAT MAY BE APPLIED.

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1. Objective of the Organic Farming Scheme:

The overall 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:

- a. The Scheme shall be administered by the Department of Agriculture, Food and the Marine and shall operate throughout the State.
- b. The Scheme is jointly funded by the European Union and the National Exchequer.
- c. The Scheme shall come into operation in October 2022, with a contract start date of 1st January 2023.
- d. Farmers participating in the Scheme may also participate in other agri-environment measures, subject to ANNEX 6 and ANNEX 7, introduced in implementation of Council Regulations (EU) No 2021/2115 and 2021/2116 and Commission Delegated Regulation (EU) 2022/1172 and Commission Implementing Regulation (EU) 2022/1173.
- e. Undertakings shall be for the duration of the contract.
- f. Participation in the Scheme is voluntary.
- g. Farmers may include a part of their holding in this Scheme.
- h. All applications will be subject to administrative checks and any other controls deemed necessary before payments are made under the Scheme.
- i. 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).
- j. Participants in the Scheme must keep and retain for inspection such records as prescribed by the Minister in conformity with the requirements of Regulation (EU) 2018/848 of the European Parliament and the Council. Records maintained for organic licensing purposes will fulfil this requirement.

3. Definitions:

For the purpose of this Scheme: –

- **“ACRES”** shall mean Agri-Climate Rural Environment Scheme
- **“AGRI-ENVIRONMENT SCHEMES”** provide payments to farmers who subscribe, on a voluntary basis, to environmental commitments related to the preservation of the environment and maintaining the countryside. Examples of such schemes shall include the Natura Scheme introduced in implementation of Council Regulation (EC) No. 1698/2005 and the Agri-Climate Rural Environment Scheme (ACRES) introduced in implementation of Council regulation (EC) No 1305/2013 and

Regulation (EU) 2020/2220 of the European Parliament and of the Council introduced in implementation of Council Regulations (EU) No 2021/2115 and 2021/2116 , Commission Delegated Regulation (EU) 2022/1172 and Commission Implementing Regulation (EU)2022/1173. This list is not exhaustive.

- **“AGENT”** means a person authorised by the Department to apply on behalf of an applicant for the purposes of this Scheme.
- **“ANC”** means an area of natural constraint
- **“ANNUAL PAYMENT CLAIM”** shall mean a claim for Organic Farming Scheme payment submitted annually through the Basic Income Support for Sustainability Application under Article 12 to 14 of Commission Regulation (EU) No 809/2014.
- **“APPLICATION”** shall mean an on-line application for support under a fixed contract period, accompanied by related documents as outlined in 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 QQI Level 5/CAS (Common Awards System) Introduction to Organic Farming course, or any equivalent course as may be determined by the Department of Agriculture, Food and The Marine (DAFM).
- **“BISS”** shall mean the Basic Income Support for Sustainability.
- **“COMPANY”** shall mean a legal form of business organisation. It is a separate legal entity and therefore is separate and distinct from those who run it.
- **“CONTRACT PERIOD”** shall mean: For a contract based on land undergoing conversion to organic and/or fully converted organic lands, the duration of the contract will be a period of up to five years (see section 4).
- **“ECO-SCHEMES”** shall mean a scheme for the delivery of objectives in relation to climate, the environment, water quality and biodiversity under Article 31 of the CSP Regulation (EU) 2021/2115
- **“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 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.

- **“GAEC”** shall mean good agricultural and environmental condition.
- **“IACS”** shall mean the Integrated Administration & Control System established under Council Regulation (EC) No.1306/2013 and Commission Regulation No 809/2014.
- **“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 absolute possession of the holding by the licensee for a minimum of five years from the commencement date of the Scheme contract.
- **“MINISTER”** shall mean the Minister for Agriculture, Food and the Marine.
- **“OFS”** shall mean the Organic Farming Scheme.
- **“ORGANIC CONTROL 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 Regulation (EU) 2018/848 of the European Parliament and the Council
- **“ORGANIC UNIT”** shall mean the Organic Unit of the Department of Agriculture, Food and the Marine.
- **“OTHER DECLARATION”** shall mean any declaration or document, which has to be submitted or kept by a beneficiary or a third party to comply with the specific requirements of the Scheme.
- **“PARTNERSHIP”** shall mean a legal partnership registered on the Register of Partnerships maintained by the Department.
- **“POULTRY ENTERPRISE”** shall mean 150 or more laying hens on a holding per annum and 250 or more poultry for meat production on a holding per annum.
- **“SCHEME”** shall mean the “Organic Farming Scheme”.
- **“SMR”** shall mean Statutory Management Requirement.
- **“YOUNG FARMER”** shall mean a farmer who is forty years of age or less on date of application. A farmer shall be deemed to be forty years of age up until the date of their forty-first birthday.

4. Scheme Conditions:

- a. Land parcel's that are undergoing conversion to organic status and fully converted land parcels will be eligible for a contract of up to five years.
- b. Any applicant who has not already participated in Supplementary Measure 6 (SM6) of REPS 1, REPS 2 or REPS 3 or previous OFS must successfully complete an Approved Training Course and upload the formal Certificate of successful completion on the on-line OFS Application System on or before 1 October 2023. In the case of a joint application or Farm Partnerships, any of the participants may complete the course.
- c. Livestock and crop products must be produced in accordance with Regulation (EU) 2018/848 of the European Parliament and the Council as amended. Statutory Instrument No. 494 of 2022 imposes additional conditions that must also be met.
- d. To be eligible for payment, land must be either owned or leased by the applicant for a minimum of five years and for the full duration of the Scheme contract period and declared on their annual BISS application for the duration of the contract period. The farmer who applies for the OFS must declare all of the land on his/her BISS application and must be an organic licence holder. If the BISS application is made in joint names both names will be on the OFS application and therefore both names should be stated on the Organic Licence.
- e. Partial conversion of the farm/holding is allowed subject to the following conditions:
 - 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.
 - If both organic and conventional livestock are to be produced, different species must be involved.
- f. 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).
- g. Participants must submit an on-line application for the BISS each year. Each on-line OFS application must relate solely to one BISS application. **An on-line application for BISS each year will be deemed to be the annual payment claim under the OFS.**
- h. Farmers participating in ACRES may also participate in and draw down payment under OFS but may not claim payment in OFS for certain ACRES actions. (*See Annex 6 for list of OFS payment allowable on ACRES Actions*)
- i. The Minister may restrict admission to the Organic Farming Scheme based on a Ranking System for Selection.
- j. Farmers participating in the Eco-Scheme may also participate in and draw down payment under OFS but may not select the Eco-Scheme practice Limiting Chemical Nitrogen Usage. (*See Annex 7 for list of Interaction between Organic Farming Scheme (OFS) and Eco-Schemes*)

5. Eligibility:

- a. Participants who wish to avail of the Scheme must:
- Be an active farmer
 - Be registered with the Organic Unit of the Department of Agriculture, Food and the Marine.
 - Be registered with and be approved as an organic operator by one of the OCBs and hold a licence on or before date of submission of OFS application or at the latest hold a licence from the commencement date of their OFS contract.
 - Be aged eighteen years or over on the date of application.
 - Declare all land farmed in the applicant's name on the Integrated Administration and Control System (IACS)
 - Have already participated in Supplementary Measure 6 (SM6) of REPS 1, REPS 2 or REPS 3 or previous OFS or must successfully complete an Approved Training Course and upload the formal Certificate of successful completion on the on-line OFS Application System on or before 1st October 2023. In the case of a joint application or a partnership application, at least one of the participants must complete the course.
- b. To be eligible to participate in this Scheme, the minimum organic farm area required is 3 hectares, except for horticultural producers where the minimum organic farm area required is 1 hectare. However, consideration will be given to horticulture applications of less than 1 hectare. In these cases, the required supporting documentation, e.g. latest set of accounts must be submitted on request to demonstrate that the applicant is managing a commercial enterprise.
- c. All applicants must reach a minimum ranking of 25 marks to be deemed eligible for consideration for inclusion in the Scheme. (See Annex 4 - Ranking System for Selection)

6. Selection Procedure:

- a. While an application may be deemed eligible by reference to the conditions in section 4, the number of applications accepted into the Scheme will be determined by the funding.
- b. Under the current application period participants will be selected according to criteria which will include:
- Prioritisation of female farmers
 - Prioritisation of young farmers
 - Prioritisation of existing organic farmers where the OFS contract expires on 31 December 2022
 - Achieving sectoral balance across horticulture, livestock and cereal
 - Prioritisation of total conversion over partial conversion
 - Prioritisation of larger organic area
 - Prioritisation of mixed farms

- Acknowledgement of higher density production systems
- c. If an applicant is awarded marks for either, Horticulture, Cereals or Dairy as the predominant organic enterprise under Sectoral Balance Enterprise, then they must maintain this enterprise and the baseline area under this enterprise for the full duration of the Organic Farming Scheme contract. Failure to comply with this condition may result in an appropriate penalty.
 - d. Selection, prioritisation and scoring criteria may vary for each new application period.
 - e. The Minister may reject applications or require them to be varied if, in his opinion, they are not likely to contribute to the objectives of the Schemes.
 - f. The submission of a valid application does not guarantee entry to the Scheme.
 - g. Selected successful applicants will be notified in writing of their acceptance into the Scheme and the commencement date of their contract.

7. Application Procedure:

- a. Application for support under the Scheme and payment claims shall be in accordance with Commission Implementing Regulation (EU) No 2022/1173. Applications must be submitted online through agfood.ie. Instructions for registration for agfood can be found online at www.agfood.ie by contacting agfood online services helpline in the Department's Portlaoise office on +353(0)49 4368288 or email agfood@agriculture.gov.ie. An on-line application for support under this Scheme must be submitted from the October 2022 opening date and not later than 9th December 2022.
- b. Where an Approved Training Course is required and has been completed, a copy of the Certificate showing successful completion of the Training course by the applicant must be uploaded as part of the OFS online application. Where the Training course is successfully completed after the date of lodgement of the application, a copy of the Certificate showing successful completion of the Training course must be uploaded as part of the OFS online application on or before 1st October 2023.
- c. Ineligible applications will be rejected.

8. Payments and Payment Procedures:

- a. To activate payment in the first and subsequent years, a farmer must make a payment claim in accordance with the deadline for the submission of the Basic Income Support for Sustainability application. Only parcels declared on the on-line Basic Income Support for Sustainability application each year 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. The maximum eligible area on which payment can be claimed is the eligible organic land declared on the initial online BISS application in the year of commencement of OFS contract subject to the provisions of Section 11, Adding Land to an Existing OFS Contract.

- b. Where an Approved Training Course is required, the annual payment cannot be made until the formal Certificate of successful completion has been uploaded on the on-line OFS Application System on or before 1st October 2023. Failure to do so by the deadline will result in termination of the OFS contract and full recoument of any monies already paid.
- c. In addition, to allow the second stage of the annual payment to be made for participants with organic livestock other than bovines, an Annual Declaration of Farming Activity (Form OFS2) must be completed no later than one month after the end of each calendar year. Where the Annual Declaration of Farming Activity (OFS2) is not completed by the end of January, an appropriate administrative penalty will apply as outlined in Annex 2. A sample copy of Form OFS 2 can be found at Annex 5.
- d. All payments shall be made following administrative checks and/or on farm inspection. By submitting an on-line 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.
- e. The following shall not be eligible for payment under this scheme:
- Conventional land,
 - Commonage,
 - Grazing rights,
 - Rented land,
 - Forestry,
 - Farmyards,
 - Farm roadways
 - Other non-organic productive land
- f. For online applications submitted from the October 2022 opening date to the 9th December 2022 closing date, eligibility for payment will commence on the 1st January 2023. Any applications received later than 9th December 2022 closing date will be deemed ineligible.
- g. To be eligible for the in-conversion rate of payment for the maximum of two years, the online application for the Scheme must be lodged within 4 months of the commencement date of the organic licence. Otherwise, eligibility to the full organic payment rate shall expire 2 years from the commencement date of the organic licence.
- h. 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. Payment Rates

a. **Horticulture Holdings:**

Organic horticulture producers, with an organic horticulture area of one hectare or more, are eligible for the following payments provided that at least 50% of the area eligible for organic payment is cropped¹ each year:

	Year 1-2 (in-conversion) 1 - 70 ha €/ha	Year 1-2 (in-conversion) > 70 ha €/ha	Year 3 – 5 (fully converted) 1 - 70 ha €/ha	Year 3 – 5 (fully converted) > 70 ha €/ha
Horticulture	€800/ha	€60/ha	€600/ha	€30/ha

b. **Tillage Holdings:**

Organic tillage producers, with an organic tillage area of six hectares or more, are eligible for the following payments:

	Year 1-2 (in-conversion) 1 - 70 ha €/ha	Year 1-2 (in-conversion) > 70 ha €/ha	Year 3 – 5 (fully converted) 1 - 70 ha €/ha	Year 3 – 5 (fully converted) > 70 ha €/ha
Tillage	€320/ha	€60/ha	€270/ha	€30/ha

c. **Dairy Holdings:**

Dairy producers, with an organic area of six hectares or more, are eligible for the following payments:

	Year 1-2 (in-conversion) 1 - 70 ha €/ha	Year 1-2 (in-conversion) > 70 ha €/ha	Year 3 – 5 (fully converted) 1 - 70 ha €/ha	Year 3 – 5 (fully converted) > 70 ha €/ha
Dairy	€350/ha	€60/ha	€300/ha	€30/ha

d. **Dry Stock (Beef & Sheep) and All Other Holdings:**

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

	Year 1-2 (in-conversion) 1 - 70 ha €/ha	Year 1-2 (in-conversion) > 70 ha €/ha	Year 3 – 5 (fully converted) 1 - 70 ha €/ha	Year 3 – 5 (fully converted) > 70 ha €/ha
Drystock	€300/ha	€60/ha	€250/ha	€30/ha

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

e. Participation Payment:

- An annual participation payment will be paid to all OFS participants to cover administrative costs which is in addition to the per hectare payment. Both payments will be incorporated into the annual OFS payment. An amount of €2,000 will be paid to OFS participants in the first year of conversion and €1,400 for every subsequent year of the contract. In the case of Registered Farm Partnership's, the participation payment will be payable to each of the herdowners in the partnership up to a maximum of three.

f. Livestock Production Payments:

- Payment will be computed on the basis of a minimum stocking level of 0.1 LU per hectare (6.5kg Organic Nitrate per ha/per annum) of the forage area declared on your BISS application. 1 LU = 65kg Organic Nitrogen. Farmers not reaching this level will receive payment on a pro rata basis to their level of production.

g. Crop Production Payments:

- In the case of stockless organic crop producers, payment will be made in full where at least 50% of the eligible area for organic payment is cropped each year or pro-rata where less than 50%.
- For farmers engaged in both arable crop and livestock production where less than 50% of the arable area is cropped, payment will be calculated on a pro-rata basis.

h. Building Soil Fertility

- In order to improve fertility of the soil, non-livestock farmers may declare parcels as "Environmental Management of Fallow Land" on their BISS application and receive OFS payment on those parcels.

10. Penalties:

- a. Failure to comply with the Scheme Terms and Conditions will result in an appropriate penalty/sanction as outlined in Annex 3. 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.
- b. Monetary penalties will include interest payable at the rate provided for under SI No. 497 of 2022. 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.

- c. Withdrawal of the licence by the Department or OCB within the term of the OFS contract shall mean termination from the Scheme and full recoupment of all aid paid, including interest payable under SI No. 497 of 2022.
- d. Non-renewal of an organic licence by the participant within the OFS contract period shall mean termination from the Scheme and full recoupment of all aid paid, including interest payable under SI No. 497 of 2022, 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-imburement will apply to that payment.
- e. Reductions/penalties as per BISS/IACS rules will be applied to all over-declarations/under-declarations. See Annex 2 and Annex 3.
- f. Where the percentage over-claim is greater than either 2ha or 3% (whichever is the less) of the area determined, a penalty of one and a half times the difference applies — the difference in area found is multiplied by 1.5 and the penalty is calculated using the applicable rate of payment. The penalty will not exceed 100% of the amount based on the area declared.
- g. Where any over declaration occurs and where degressive aid rates apply, e.g. applicant's area exceeds the 70 ha payment band, the payment rate used to calculate deductions will be the average payment rate based on the areas declared by applicant.
- h. Where an irregularity occurs as determined by the Department or reported by the OCB and confirmed by the Department, a penalty, where relevant and as per the Penalty Schedule, will be applied, including interest payable under SI No. 497 of 2022.
- i. Where a participant continues to farm organically, i.e. licensed by an OCB, but does not retain all the land parcel(s) under organic production methods for the duration of the contract period, 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. 497 of 2022 and future payments will be calculated on the reduced area with due regard to the exception outlined in Section 12 (c ,d, e & f) hereunder
- j. Where an on-line application for the Basic Income Support for Sustainability is not submitted within the specified period of the Basic Income Support for Sustainability terms and conditions, a penalty of 1% per working day will apply to the Organic Farming Scheme payments. If the delay in submission of the on-line BISS application amounts to more than 25 calendar days, except in the case of force majeure, the application shall be deemed inadmissible, and no aid shall be granted for the year to which the application relates.
- k. Where, in the course of an inspection under the Basic Income Support for Sustainability, a breach of cross-compliance is detected, the level of penalty determined under the Basic Income Support for Sustainability will also be applied to the payment under the Organic Farming Scheme.

- I. Where a breach of conditionality is detected or notified to the paying agency, at a minimum, the level of penalty determined will also be applied to payments under this Scheme. Breaches detected at inspections will be cross reported.

11. Adding Land to an Existing OFS Contract:

Where additional land is acquired in the course of an approved contract, and it is desired to bring this into payment the following will operate:

FOR CONTRACTS OF UP TO FIVE YEARS DURATION INVOLVING FULLY CONVERTED ORGANIC LAND PARCELS 11(a) WILL APPLY.

- a. Applications to bring additional land under contract may be submitted up to and including year five of the applicant's contract. Payment on this eligible additional land will only be considered if the land is included in the participant's organic licence from 1 January of the relevant year and declared on their BISS for the relevant year. In such cases, a full year payment will be made. Part-year payments will not be made.

NOTE: 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.

FOR CONTRACTS OF UP TO FIVE YEARS DURATION INVOLVING LAND PARCELS THAT ARE UNDERGOING CONVERSION TO ORGANIC STATUS 11(b) WILL APPLY.

- b. Applications to bring such additional land under contract may only be submitted in **years one, two, three or four** of the applicant's contract. Payment on this eligible additional land will only be considered if the land is included in the participant's organic licence from 1 January of the relevant year and declared on their BISS for the relevant year. In such cases, a full year payment will be made. Part-year payments will not be made.

NOTE: In conversion land cannot be added to an existing OFS contract in year five. 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.

12. Reduction in Area:

Where the eligible area is reduced, the annual payment will be adjusted accordingly.

- a. If reimbursement is required, all monies paid in respect of lands removed from organic production will be sought plus interest as outlined in [Section 10.b](#)

The re-imburement of aid will not be required in the following cases:

- b. Where the OFS participant dies within the contract period

- c. Where the existing OFS participant, having completed three years in the Scheme, is definitively retiring from farming.
- d. Where part of the holding on which the OFS commitment exists is transferred.
- e. Where the area farmed is reduced because of land acquired under a compulsory purchase order (CPO).
- f. In addition, re-imbursement 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. OFS and Afforestation:

Afforestation is recognised as contributing to the creation of a valuable landscape mosaic at farm-level. Parcels which are included in an OFS contract can be converted to forestry during the OFS contract period without penalty.

14. Joint/Multiple Applicants:

Where the application is made in more than one name, each person named will be jointly and severally responsible for delivery of the commitments entered into and be jointly and severally subject to all Scheme Terms & Conditions.

Where the application is made in more than one name, the applicants must have a single herd number and declare all their lands on IACS under this herd number.

15. Farm Partnerships:

Farmers in a Farm Partnership registered with the Department are eligible to apply for the Scheme provided that:

- a) The application is made in the same name as the Basic Income Support for Sustainability Application
- b) The Basic Income Support for Sustainability application is accompanied by a list of the LPIS parcels each individual partner has brought to the partnership.
- c) With regard to the training course, one partner in the partnership must complete or have completed the relevant training course as outlined in Section 4.
- d) Minimum area for partnership shall be the same as for an individual applicant.
- e) Maximum area for higher payment in each category as outlined in Section 9 shall be the maximum multiplied by the number of herdowners in the partnership up to a maximum of three.
- f) All partners are jointly and severally responsible for delivery of all OFS actions on the lands farmed by the partnership.

16. Appeals:

In cases where penalties are applied under this Scheme, participants will be given ten working days after formal notification by the Department in which to appeal in writing to 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.

17. Monitoring and Evaluation:

Monitoring and evaluation of the OFS shall be carried out in line with the provisions of Regulation (EU) No 2115/2021 of the European Parliament and of the Council including any subsequent secondary legislation on monitoring and evaluation and any future amendments thereof. Participants in the OFS shall facilitate the monitoring and evaluation process in every way, including any necessary site-visits by the Department or its agents

18. Force Majeure:

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 15 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:

- a. Death of the participant.
- b. Long term professional incapacity of the participant,
- c. Expropriation of a large part of the holding if such expropriation could not have been anticipated on joining the Scheme.
- d. A natural disaster affecting the holding's agricultural land,
- e. The accidental destruction of livestock buildings on the farm,
- f. An outbreak of disease affecting all or part of the livestock on the farm
- g. The disposal or vacation of land to satisfy a court order or legal settlement in cases of martial breakdown.

19. Death of participant:

- a. Where a participant dies during the contract period, force majeure shall be applied terminating the agreement and no reimbursement of aid already paid shall be sought and where a valid payment claim is on hands payment will be made up to date of death.
- b. Alternatively, an eligible survivor who is entitled to give the necessary undertakings may apply to take over the contract for the period remaining.

20. Right of Entry:

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

21. Approval of an Application:

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

22. Responsibility of Applicant:

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. If the applicant is a participant in one of the other Agri-Environment Schemes, he/she must fulfil all of their obligations under these schemes. In addition, the applicant must ensure that all of his/her obligations under BISS are complied with. In this regard the farmer who declares the land in question on his/her on-line BISS application is responsible for any non-compliance with the Statutory Management Requirements and GAEC under Cross-Compliance for the calendar year concerned.

23. Failure to abide by the terms and conditions of the Scheme:

- a. 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.
- b. 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.
- c. 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.

24. Review of Financial Aids:

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.

25. Procedures:

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

26. Conditions of Payment:

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.

27. Tax Clearance Requirement:

Payment of financial aid as provided for in these Schemes may be subject to the condition that a tax clearance certificate from the Revenue Commissioners be furnished before a payment can be issued.

28. Information and Data Protection:

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 BISS.

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

Commission Implementing Regulation (EC) Number 908/2014 laying down rules for the application of Regulation (EU) No 1306/2013 requires EU Member States to publish details of legal persons who are recipients of CAP subsidy payments on a single national website. Examples of legal persons are registered companies, other incorporated bodies, limited liability partnerships and trusts. Details of natural persons such as sole traders are not included on the searchable database.

All applicants under the Scheme should note that Regulation 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the CAP, provides for the publication of details of CAP beneficiaries, whether natural or legal persons and that the data may be processed by auditing and investigating bodies of the European Union and the Member States for the purpose of safeguarding the Union's financial interests.

In accordance with the provisions of Regulation (EU) Number 1306/2013 of the European Parliament and of the Council, the Department of Agriculture, Food and the Marine may be required to publish on a website, details of the names, addresses and amounts received by beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD). The rights of data subjects and how they may be exercised, in this respect, are laid down in the Data Protection Acts, 1988 and 2003. The data therein 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. You should also be aware that all the information supplied on your application form and in any supporting documentation shall be made available to any

other Department or Agency or Local Authority for the purpose of audits, cross-compliance controls and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Act.

Participants agree to be bound by Commission Delegated Regulation (EU) No 807/2014 supplementing Regulation (EU) No 1305/2013 of the European Parliament and of the Council, which provides, *inter alia*, for the publication of a list of Scheme beneficiaries and the amount of public contributions allocated.

29. Further Conditions:

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:–

SPECIES	AGE	COEFFICIENT LIVESTOCK UNIT PER HECTARE (LU/HA)
BOVINE	Under 1 year old	0.4
	1 but less than 2 years old	0.7
	Male, 2 years old and over	1
	Heifers, 2 years old and over	0.8
	Dairy cows	1
	Other cows, 2 years old and over	0.8
SHEEP		0.1
GOAT		0.1
DEER* (RED)		0.3
DEER* (FALLOW/SIKA)		0.15

*While deer may be included in the stocking rate calculations, they are only considered eligible subject to an on-site inspection by the Department

SOW (farrow to finish)	1.0
SOW (farrow to weaner)	0.8
FINISHING PIG	0.1
LAYING HEN	0.006
GOOSE	0.01
TURKEY	0.01
BROILER	0.003
DUCK	0.003

Administrative Penalties:

- a. Late submission of the annual application for BISS will result in the application of penalties for the OFS as outlined in paragraph 10 of these Terms and Conditions.
- b. Late submission of the Annual Declaration of Farming Activity (OFS 2) will result in the imposition of 100% payment penalty on any additional payment beyond bovine, tillage and horticulture.
- c. The revoking of the organic licence will result in the termination of the contract and the full recoupment of all aid paid under the Scheme including, where applicable, interest payable under SI No. 497 of 2022.
- d. The non-renewal of an organic licence by the scheme participant during the contract period shall result in termination and recoupment of all aid paid under the Scheme including, where applicable, interest payable under SI No. 497 of 2022.
- e. Where a breach of cross-compliance requirements (GAEC, SMRs) is detected or cross reported the penalty will be cumulative with any other specific breaches of OFS found.
- f. Any breaches of cross compliance detected on inspection will be cross reported and may lead to appropriate penalties on your BISS, ANC, ACRES or other Scheme payments.
- g. In addition to the Scheme specific penalties, reductions/penalties as per BISS/IACS rules will be applied to area over-declarations/under declarations.
- h. Cross Reporting – As per penalty section 10i. of this document.

Penalty Schedule (Organic Farming Scheme).

Non-Compliance	Scheme Penalty
<ul style="list-style-type: none"> • Baseline Breach – Breaches will be cross reported and may lead to additional penalties in other Schemes. 	
1) Livestock manure applied in excess of 170kgs/Organic Nitrogen per hectare per annum	100%
2) Restrictions on the use of substances having hormonal or thyrostatic action and beta-agonists in farm animals. (SMR 5)	100%
3) Animal Welfare: (SMR11 Calves, SMR12 Pigs, SMR13 All Farm Animals)	100%
Storage and/or use of unauthorised pesticides (insecticides, herbicides, biocides) on the organic holding.	100%
Storage and/or use of unauthorised fertilisers on the organic holding.	100%
Inadequate segregation/separation of conventional and organic enterprise/lands on farm.	20%
Where there is <u>partial conversion</u> of the holding:	
<u>For crop production</u> : the same species or not easily identifiable variety sown.	50%
<u>For animal production</u> Same species of animal on both holdings	50%
Failure to keep records as required	50%
Inadequate record keeping	20%
Use of non-organic seed /vegetative propagating material where not permitted	20%
Use of allopathic (conventional) medicines where not permitted or non-compliance with withdrawal period.	20%
Use of non-organic feed where not permitted.	50%
Origin of livestock not in conformity with requirements of the regulation.	20%
Animal housing not meeting minimum requirements of the regulation.	20%
Farm practices not in compliance with the organic regulations	20%
Farm Management practices requiring derogation, undertaken without prior approval.	20%

Cont'd

Non-Compliance	Scheme Penalty
Action not managed as set out in specifications in ANNEX 6 of the OFS Terms & Conditions. Payment on area found is allowed however as action not managed as per specifications:-	<ul style="list-style-type: none">• Penalty is the non-complaint area multiplied by the annual payment rate for the action for one year
<p>NOTE:</p> <ol style="list-style-type: none">1. Where a second breach for the same action occurs then the penalty amount will be doubled.2. The maximum annual penalty cannot exceed the maximum payment amount for the year.3. All Baseline breaches are cross reported to the Basic Payment Unit of DAFM and these penalties are also applicable to your BISS payments.	

2023 OFS Ranking and Selection Criteria - Annex 4

Selection Criteria	Additional Criteria	Marks
Female Farmer		40
Young Farmer (Aged <41 as defined in the OFS Terms & Conditions).		40
Existing OFS Participants where OFS contract ends on 31 Dec 2022		100
Sectoral Balance Enterprise As per AHCS or as per BISS application form. Max 100 Marks	Horticulture only	100
	Non-dairy with horticulture portion of holding ≥ 1ha	50
	<hr/>	
	Cereal only	100
	Non-dairy with cereal portion of holding ≥3ha	50
<hr/>		
	Livestock: Dairy	100
	Beef	10
	Sheep	10
	Poultry	50
Total Conversion versus Partial Conversion (% of eligible organic area of holding) as per BISS application. 0.1 mark per 1% of land converted. Max 10 marks	Examples	
	100% Converted	10
	<hr/>	
50% Converted	5	
<hr/>		
20% Converted	2	
Organic Area 1 mark per eligible ha. Max 50 marks	Examples	
	70 ha	50
	<hr/>	
50 ha	50	
<hr/>		
20 ha	20	
Mixed Farm (Operators with arable and forage on BISS). Max marks 30	Mixed Farm	30
Stocking Density Max Marks 30	Stocking Density > = 0.1 LU	10
	<hr/>	
	Stocking Density < = 0.35 LU	20
<hr/>		
	Stocking Density < = 0.5 LU	30

Clarifications:

- There is a requirement to have a minimum organic farm area of 3 hectares, except for horticultural (including fruit) producers where the minimum organic farm area is 1 hectare.
- There is a requirement to be registered with one of the Organic Control Bodies and with the Department of Agriculture, Food and the Marine and to be in possession of a valid organic licence.
- Eligible organic area is classified as owned or leased organic land.
- A **Female Farmer** shall mean a natural or legal person or a female member of a legal partnership registered on the Register of Partnerships maintained by the Department
- Under **Young Farmer**, the applicant, or the age of the youngest herd owner or partner is used. No marks can be awarded to companies as they are not a natural person.
- Under **Existing OFS Participants where OFS contract ends on 31 Dec 2022** marks are awarded to ensure there is a continuous supply of organically produced food to respond to the market demand for organic produce
- Under **Sectoral Balance Enterprise**, “Horticulture only” encompasses holdings where the predominant enterprise is horticulture i.e. a greater % of the holding is devoted to horticulture than to any other organic enterprise on the holding.
- Under **Sectoral Balance Enterprise**, “Cereal only” encompasses holdings where the predominant enterprise is cereal i.e. a greater % of the holding is devoted to cereal than to any other organic enterprise on the holding.
- Under **Sectoral Balance Enterprise** an applicant will only get marks for one category.
- Under **Sectoral Balance Enterprise**, if an applicant is awarded marks for either Horticulture, Cereals or Dairy as the predominant organic enterprise, then they must maintain this enterprise and the baseline area under this enterprise for the full duration of the Organic Farming Scheme contract.
- Under **Total Conversion vs Partial Conversion**, based on the marks allocated of “0.1 marks per 1% of land converted” - this means that 100% of a holding converted will qualify for 10 marks irrespective of hectareage, 50% of a holding converted will qualify for 5 marks irrespective of hectareage, less than 20% of a holding converted will result in less than 2 marks under this category.
- Under **Mixed Farm**, there must be a minimum of 3 hectares under organic cereals and/or 1 hectare under organic horticulture together with other enterprise to qualify for marks in this category
- Under **Stocking Density**, marks are awarded based on the level of production on the holding as one of the overall objectives of the Scheme is to encourage producers to respond to the market demand for organic produce

OFS 2 - Annual Declaration of Farming Activity

This form ***MUST BE*** completed **annually by the end of January**, otherwise a penalty shall be imposed as outlined in Annex 2 of the Terms and Conditions of the OFS.. **Herd No:** _____

Farmer (Name & Address): _____

All livestock on your farm in 20XX excluding bovine should be included in the box below. (Total number on the farm at the end of each month to be included).

Payment for Year: 20XX

Actual number of animals at end of each month

N.B. Bovines must NOT be included as Department already has your figures.

Livestock Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Sheep												
Goat												
Deer (red)												
Deer (Fallow/Sika)												
Sow (farrow to finish)												
Sow (farrow to weaner)												
Finishing Pig												
Laying Hen												
Goose												
Turkey												
Broiler												
Duck												

Declaration by Applicant:

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

Interaction between Organic Farming Scheme (OFS) and ACRES

ACRES action	Organic Farming Scheme
Barn owl nest box	Allowed along with OFS payment
Brassica fodder stubble	Allowed but only where OFS payment is foregone for the LPIS parcel
Catch crops	Allowed along with OFS payment
Commonage	Allowed - there is no OFS payment on commonage
Conservation of rare breeds	Allowed along with OFS payment
Coppicing of Hedgerows	Allowed along with OFS payment
Environmental management of arable fallow	Allowed but only where OFS payment is foregone for the LPIS parcel
Extensively grazed pasture	Allowed but only where OFS payment is foregone for the LPIS parcel
Geese and Swans	Allowed but only where OFS payment is foregone for the LPIS
Grass margins - arable	Allowed but only where OFS payment is foregone for the area of the margin
Grass margins - grassland	Allowed but only where OFS payment is foregone for the area of the margin
Laying of hedgerows	Allowed along with OFS payment
Low emission slurry spreading	Allowed along with OFS payment
Low input grassland	Allowed but only where OFS payment is foregone for the LPIS parcel
Low input peat grassland	Allowed but only where OFS payment is foregone for the LPIS parcel
Management of intensive grassland next to a watercourse	Allowed but only where OFS payment is foregone for the LPIS parcel
Minimum tillage	Allowed along with OFS payment
Over winter stubble	Allowed along with OFS payment
Planting a new hedgerow	Allowed along with OFS payment
Planting a traditional orchard	Allowed along with OFS payment
Planting trees in Riparian buffer zones	Allowed along with OFS payment
Protection and maintenance of archaeological monuments- arable	Allowed but only where OFS payment is foregone for area of 0.1ha
Protection and maintenance of archaeological monuments - grassland	Allowed along with OFS payment
Riparian buffer strip - arable	Allowed but only where OFS payment is foregone for the area of the margin
Riparian buffer strip - grassland	Allowed but only where OFS payment is foregone for the area of the margin
Riparian buffer zone - arable	Allowed but only where OFS payment is foregone for the LPIS parcel

Riparian buffer zone - grassland	Allowed but only where OFS payment is foregone for the LPIS parcel
Ryegrass seed set for birds	Allowed but only where OFS payment is foregone for the area of the margin
Traditional dry stone wall management	Allowed along with OFS payment
Tree belts for ammonia capture from farmyards	Allowed but only where OFS payment is foregone for the LPIS parcel
Tree planting	Allowed along with OFS payment
Unharvested cereal headlands	Allowed but only where OFS payment is foregone for the area of the headland
Winter bird food plot	Allowed but only where OFS payment is foregone for the LPIS parcel
Winter bird food strip	Allowed but only where OFS payment is foregone for the area of the margin
ACRES Co-Operation Project (non-commonage) land receiving results-based payments	Allowed but ACRES payment rate reduced by €250/ha

Interaction between Organic Farming Scheme (OFS) and Eco-Schemes

Eco Scheme Agricultural Practices	Organic Farming Scheme
Space for Nature	Allowed along with OFS payment
Extensive Livestock Production	Allowed along with OFS payment
Limiting Chemical Nitrogen Usage	An OFS participant is not allowed to select this action
Planting of Native Trees and hedges	Allowed along with OFS payment
Use of a GPS-controlled fertiliser spreader and or GPS controlled sprayer	Allowed along with OFS payment
Soil Sampling and Appropriate Liming on all eligible hectares	Allowed along with OFS payment
Planting of a break crop(s)	Allowed along with OFS payment
Sowing of a Multi Species Sward	Allowed along with OFS payment