

Scottish Derogation and ‘Fruit & Vegetable Provision’

- Section 1 covers Terms and Conditions for Scottish Derogation and Fruit & Vegetable Provision for farmers who submitted a Single Payment Application Form in 2013
- Section 2 covers the Terms and Conditions for Scottish Derogation (National Reserve) and Fruit & Vegetable Provision (National Reserve) for farmers who did not submit a Single Payment Application Form in 2013

Closing date : 29th May, 2015

Section 1: Terms and Conditions for Scottish Derogation and Fruit & Vegetable Provision for farmers who submitted a Single Payment Application Form in 2013

1. The following terms and conditions govern the allocation of entitlements under the Basic Payment Scheme using the provision known as the Scottish Derogation and the Fruit & Vegetable provision.
2. Applications for an allocation of entitlements under the Scottish Derogation and the Fruit & Vegetable provision must be submitted to the Department of Agriculture, Food and the Marine using the online application process available at www.agfood.ie.
3. Where the herd number is registered in multiple names, applications submitted using that herd number are deemed to be submitted with the consent of all registered owners.
4. Where a registered Partnership wishes to submit an application for the Scottish Derogation or the Fruit & Vegetable provision, the application must be submitted using the registered Partnership number as designated by the Department of Agriculture, Food and the Marine.
5. An application will not be successful, or approval may be withdrawn, if in the opinion of the Minister or his officials, it is established that an applicant artificially created the conditions required to qualify under the Scottish Derogation or the Fruit & Vegetable provision with a view to obtaining an advantage contrary to the objectives of the Basic Payment Scheme.
6. Applicants agree that the Department may request or access data held externally in relation to them which is required for the purpose of assessment or verification of their application(s).
7. Applicants accept that eligibility under the Scottish Derogation and Fruit & Vegetable provision, and the number and value of entitlements that may be allocated to successful applicants, will be determined by the Department of Agriculture, Food and the Marine in accordance with Regulation (EU) No 1307/2013 and associated Regulations.
8. EU regulations provide that any payment entitlements unduly allocated to a farmer may be retrieved and allocated to the National Reserve.

Closing Date

9. The closing date for receipt of applications under the Scottish Derogation and the Fruit & Vegetable provision is 29th May, 2015. Where the Department requests further documentation

or information for the purposes of assessing or verifying an application, such further documentation or information should be submitted as soon as possible after receipt of such request.

Penalties for Late Applications

There will be a 25-calendar day period after the closing date for the acceptance of late applications. However, a fixed percentage penalty of 3% per working day that the application is received late will apply during this period. Please note that late penalties are applied to the payments due in the year of application.

Except in cases of force majeure, applications will be inadmissible after this 25 calendar day period has ended.

Eligibility for Scottish Derogation

10. The applicant must meet the definition of “active farmer” in 2015 as defined in Regulation (EU) No 1307/2013.
11. In addition to applying for an allocation of entitlements under the Scottish Derogation, the applicant must also submit a Basic Payment Scheme application form in 2015.
12. The applicant must never have held entitlements, either owned or leased, under the Single Payment Scheme.
13. The applicant must have been actively farming in the Beef, Dairying, Sheep or Arable sectors on 15 May 2013 whereby s/he produced, reared or grew agricultural products including through harvesting, milking, breeding animals or keeping animals for farming purposes. Applicants may be required to produce verifiable evidence of such production.
14. Applicants whose only activity was the production of hay or silage for sale will not be considered as actively farming. Applicants whose only activity was allowing the grazing of their land by animals owned by another person will not be considered as actively farming.

Allocation of Entitlements under Scottish Derogation

15. The number of entitlements allocated to a qualifying person under the Scottish Derogation will be based on the number of eligible hectares declared in 2013 and the number of eligible hectares declared in 2015, whichever is lesser.
16. As persons who qualify under the Scottish Derogation will not hold an ‘entitlement value’ from the 2014 scheme year, they will be allocated an Initial Unit Value in 2015 based on the first step of the convergence process. This value will be converged upwards so that by 2019 the value will equal 60% of the national average entitlement value.

Eligibility for Fruit and Vegetable Provision

17. The Fruit and Vegetable provision relates to persons who were not eligible to receive a direct payment in 2013 and consequently do not hold an automatic Allocation Right that would allow them to establish entitlements under the Basic Payment Scheme. (Note: Unlike the Scottish Derogation, applicants under the Fruit and Vegetable provision may have held entitlements previously under the Single Payment Scheme.)
18. Applicants under this provision must meet the definition of “active farmer” in 2015 as defined in Regulation (EU) No 1307/2013.
19. In addition to applying for an allocation of entitlements under the Fruit and Vegetable provision, the applicant must also submit a Basic Payment Scheme application form in 2015.
20. The applicant must have been actively farming on 15 May 2013 whereby s/he produced fruits and/or vegetables on a minimum area of one hectare. Where applicable, applicants will be required to produce verifiable evidence of such production.

Allocation of Entitlements under the Fruit & Vegetable Provision

21. The number of entitlements allocated to a qualifying person will be based on the number of eligible hectares declared in 2013 and the number of eligible hectares declared in 2015, whichever is less.
22. Where persons who qualify under the Fruit & Vegetable provision do not own any entitlements under the 2014 scheme year, they will be allocated an Initial Unit Value in 2015 based on the first step of the convergence process. This value will be converged upwards so that by 2019 that value will equal 60% of the national average entitlement value.
23. Where persons who qualify under the Fruit & Vegetable provision already own entitlements under the 2014 scheme year, or have received a payment under the Grassland Sheep Scheme, that ‘reference value’ will be carried forward and used to calculate the Initial Unit Value of entitlements allocated to that person under the Basic Payment Scheme. Entitlements which have a value below 90% of the national average entitlement value will converge upwards while those above 100% of the national average entitlement value will converge downwards.

Contact Details

The Scottish Derogation/Fruit & Vegetable Section may be contacted at 0761 064447 between 9:15 am and 12:30 pm **Monday to Friday**, between 2:00 pm and 5:00pm Monday to Friday, excluding Public Holidays.

Alternatively e-mail queries can be submitted to scottishderogation@agriculture.gov.ie.

**Section 2: Terms and Conditions for Scottish Derogation (National Reserve) and
'Fruit & Vegetable Provision' (National Reserve)
(Farmers who did not submit an SPS application in 2013)**

24. The following terms and conditions govern the allocation of entitlements under the Basic Payment Scheme using the two provisions known as the Scottish Derogation (NR) and the Fruit & Vegetable provision (NR).
25. Applicants under the Scottish Derogation and the Fruit & Vegetable Provision who did not submit a 2013 Single Payment Scheme application, and consequently did not declare eligible land in that year, will be processed as a 'specific disadvantage' group under the National Reserve.
26. Applications for an allocation of entitlements under the Scottish Derogation and the Fruit & Vegetable provision must be submitted to the Department of Agriculture, Food and the Marine using the online application process available at www.agfood.ie.
27. Where the herd number is registered in multiple names, applications submitted using that herdnumber are deemed to be submitted with the consent of all registered owners.
28. Where a registered Partnership wishes to submit an application for the Scottish Derogation (NR) or the Fruit & Vegetable provision (NR) the application must be submitted using the registered Partnership number as designated by the Department of Agriculture, Food and the Marine.
29. An application will not be successful, or approval may be withdrawn, if in the opinion of the Minister or his officials, it is established that an applicant artificially created the conditions required to qualify under the Scottish Derogation or the Fruit & Vegetable provision with a view to obtaining an advantage contrary to the objectives of the Basic Payment Scheme.
30. Applicants agree that the Department may request or access data held externally in relation to them which is required for the purpose of assessment or verification of their application(s).
31. Applicants accept that eligibility under the Scottish Derogation and Fruit & Vegetable provision, and the number and value of entitlements that may be allocated to successful applicants, will be determined by the Department of Agriculture, Food and the Marine in accordance with Regulation (EU) No 1307/2013 and associated Regulations.
32. EU regulations provide that any payment entitlements unduly allocated to a farmer may be retrieved and allocated to the National Reserve.

Closing Date

33. The closing date for receipt of applications under the Scottish Derogation (NR) and the Fruit & Vegetable provision (NR) is 29th May 2015. Where the Department requests further documentation or information for the purposes of assessing or verifying an application, such further documentation or information should be submitted as soon as possible after receipt of such request.

Penalties for Late Applications

There will be a 25-calendar day period after the closing date during which late applications will be accepted. However, a fixed percentage penalty of 3% per working day that the application is received late will apply during this period. Please note that late penalties are applied to the payments due in the year of application.

Except in cases of force majeure, applications will be inadmissible after this 25 calendar day period has ended.

Eligibility for Scottish Derogation (NR)

34. The applicant must meet the definition of “active farmer” in 2015 as defined in Regulation (EU) No 1307/2013.
35. In addition to applying for an allocation of entitlements under the Scottish Derogation (NR), the applicant must also submit a Basic Payment Scheme application form in 2015.
36. The applicant must never have held entitlements, either owned or leased, under the Single Payment Scheme.
37. The applicant must have been actively farming in the Beef, Dairying, Sheep or Arable Sectors on 15 May 2013 who produced an agricultural product in the Beef, Dairying, Sheep or Arable sectors in 2013. Applicants may be required to provide additional verifiable evidence of such production.
38. Applicants whose only activity was the production of hay or silage for sale will not be considered as actively farming. Applicants whose only activity was allowing the grazing of their land by animals owned by another person will not be considered as actively farming.

Eligibility for Fruit and Vegetable Provision (NR)

39. The Fruit and Vegetable provision relates to persons who were not eligible to receive a direct payment in 2013 and consequently do not hold an automatic Allocation Right that would allow them to establish entitlements under the Basic Payment Scheme. (Note: Unlike the Scottish Derogation, applicants under the Fruit and Vegetable provision may have held entitlements previously.)
40. Applicants under this provision must meet the definition of “active farmer” in 2015 as defined in Regulation (EU) No 1307/2013.
41. In addition to applying for an allocation of entitlements under the Fruit and Vegetable provision, the applicant must also submit a Basic Payment Scheme application form in 2015.
42. The applicant must have been actively farming on 15 May 2013 whereby s/he produced fruits and/or vegetables on a **minimum area of one hectare**. Applicants will be required to produce verifiable evidence of such production.

Declaration of Eligible Land under Scottish Derogation (NR) and Fruit & Vegetable Provision (NR)

43. Where the applicant did not submit a Single Payment Scheme application declaring eligible land in 2013, s/he will be required to declare all land that was in their possession and available for their use on 31 May 2013 on this application form and provide Land Parcel Identification Numbers.
44. Where Land Parcel Identification Numbers have not been allocated, the applicant should identify each plot of eligible land using the mapping facility made available as part of the application process.
45. An applicant applying under the Fruit & Vegetable provision (NR) must have produced fruit and/or vegetables on a minimum of one hectare in 2013.
46. The number of eligible hectares available to the applicant will be based on the number of hectares declared by him/her in 2015 or the number of eligible hectares available to the applicant in 2013, whichever is lesser.
47. Note: All land submitted by the applicant as being in his/her possession on 31 May 2013 will be verified against all eligible land declared in Ireland in 2013. If the land declared on this application form was declared under the Single Payment Scheme by another farmer in 2013, then that land will not be available to the applicant as part of his application under these provisions.

Allocation of Entitlements under Scottish Derogation (NR)

48. A person who qualifies under the Scottish Derogation (NR) will be allocated entitlements from the National Reserve at the national average value that applies in the year of application. However the number of entitlements will be based on a fixed percentage of the number of eligible hectares declared in 2013/2015 whichever is the lesser.

Allocation of Entitlements under the Fruit & Vegetable Provision (NR)

49. A person who qualifies under the Fruit & Vegetable provision (NR) will be allocated entitlements at the national average value that applies in the year of application. However the number of entitlements will be based on a fixed percentage of the number of eligible hectares declared in 2013/2015 whichever is the lesser.

Contact Details

50. The Scottish Derogation (NR)/Fruit & Vegetable (NR) Section may be contacted at 0761 064447 between 9:15 am and 12:30 pm **Monday to Friday**, between 2:00 pm and 5:00pm Monday to Friday, excluding Public Holidays.

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