



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

RECONSTITUTION OF WOODLAND SCHEME

Frost Damage

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1. Definitions

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

“Department” means the Department of Agriculture, Food and the Marine.

“Registered Forester” means a qualified person named on the Register of Foresters and Forestry Companies list available from the Department.

“Applicant” means a person who has applied for approval under the scheme or has carried out reconstitution work to a plantation following an approval under the Scheme.

“Approval” means a Reconstitution Scheme Pre-Approval granted by the Minister.

“Application - Pre-Approval, Form 1” shall mean an application for the Minister’s approval to reconstitute a plantation under the terms of all current legislation, guidelines and the conditions of this scheme.

“Application - 1st Instalment Grant, Form2” shall mean an application to receive a 1st instalment grant following the reconstitution (replanting) of a forestry plantation within the terms of the written approval granted by the Department.

“Cost of Reconstitution” refers to costs incurred as part of re-establishing the site, eg. costs of plants, plants, vegetation control.

“Reconstitution” refers to works required to re-establishing the site, eg. cost of plants, planting and vegetation control.

“Code of Best Forest Practice-Ireland” are Department guidelines of forestry operations and the manner in which they should be carried out to ensure the implementation of Sustainable Forest Management in Ireland, as agreed at the Third Ministerial Conference on the Protection of Forests in Europe, Lisbon, 1998.

“Forestry Environmental Guidelines” means the following publications as amended from time to time: ‘Forestry and Water Quality Guidelines’; ‘Forestry and Landscape Guidelines’; ‘Forestry and Archaeology Guidelines’, ‘Forest Biodiversity Guidelines’; ‘Forest Harvesting and the Environment Guidelines’; ‘Forestry and Aerial Fertilisation Requirements’; ‘Forestry Protection Guidelines’; ‘Forestry and Otter Guidelines’, ‘Forestry and Kerry Slug Guidelines’ and ‘Forestry and Freshwater Pearl Mussel Requirements’. The Minister may, from time to time, amend the guidelines or add further guidelines to this definition.

“De Minimis Aid” is aid granted to a single undertaking over a given timeframe that does not exceed a certain fixed amount; under these conditions this aid is deemed not to meet all the criteria laid down in Article 107(1) of the Treaty on the Functioning of the Europe Union and is therefore not deemed to be incompatible with the internal market.

“Damage” is defined as tree mortality or other irreversible damage such as shoot loss or deformation requiring replacement or pruning to restore correct form and growth potential”

2. Introduction

Ireland experienced two severe and significant late spring frost events in early May 2019 and again in mid-May 2020. A lesser frost event occurred in May 2021. These events affected forest holdings with recently planted trees, planted under DAFM's Afforestation Schemes. Late spring frost can particularly affect commercial forest holdings, both through direct mortality of affected trees, and by damaging trees through reductions in growth form, and consequent impacts on timber quality and values.

In order to minimise the financial impact on those private forest owners worst affected during these years, a Reconstitution of Woodland Scheme for those with who have experienced losses of 30% or greater is proposed to support owners in this situation, and to restore forest crops to their intended condition.

Late spring frost events affecting forests can arise periodically, usually once per decade. Most forest crops are capable of enduring very low temperatures in winter conditions.

However, the low height of newly planted crops means they are directly exposed to layers of very cold air close to the ground in frost conditions, typically up to 2m height. Usually, this will not impact on trees in winter, when buds and new growth have hardened off, or on older trees as these are high enough to be above the cold air masses. Where frost incidence coincides with fresh bud burst in younger tree specimens, this can have adverse effects on live tissue, growth form and timber quality. Where apical "leader" buds are killed, replacement of leader buds and shoots by less optimally placed buds can cause new growth to be crooked, affecting overall stem shape and this will impact on timber quality and values.

In less severe cases this can be corrected or mitigated by remedial pruning, but in more severe cases complete stem replacement may be warranted. Where side growing buds are affected, stem growth may not be impacted directly, but there may be changes in branchiness of trees that can also impact severely on timber quality and market value in time.

The Department is satisfied that such frost events have taken place during May 2019, May 2020, and May 2021 and ample meteorological evidence is available to support this, in addition to damage survey reports received by the Department. The first frost damage event took place on May 3rd, 2019 and affected crops across Ireland, the second event took place on May 14th, 2020 and severely affected western counties but was not confined to these entirely. A Met Eireann Frost Warning for agricultural crops was in place at the time of the May 2020 event. The 2021 event was of lower magnitude but there is some evidence to indicate that frost damage also occurred in 2021.

The Scheme is wholly funded by the exchequer under Commission Regulation (EU) No 1407/2013 on the application of article 107 and 108 of the Treaty on the functioning of the European Union to de minimis aid (Official Journal reference number L:2013:352). This EU regulation imposes certain obligations on applicants taking part in the scheme and consequently applicants must be familiar with the terms and conditions of this regulation. Annex 1 sets out in detail what is involved in complying with the de minimis rules.

This document sets out the administrative provisions for the implementation of the Scheme. It should be read in conjunction with the documents listed under Section 8.18 and any other relevant circulars issued by the Department.

3. General Outline and Legal Basis

3.1. The legal basis for the scheme is derived from Section 6(c) of the Forestry Act, 2014.

3.2. The scheme is 100% Exchequer funded, up to a budgetary maximum of €1 million, funded under the following legal framework:

- European Union guidelines for State aid in the agriculture and forestry sector and in rural areas 2014 – 2020.

The Minister reserves the right to reduce the grant rates or otherwise revise the conditions of the Scheme in order not to exceed the budgetary ceiling of €1 million.

3.3. The Scheme is administered by the Department of Agriculture, Food and the Marine and operates throughout the State. The Scheme shall be operational from **Wednesday, January 19th, 2022** with a closing date for applications of **Friday, April 29th, 2022**.

3.4. Participation in the Scheme is voluntary.

4. State Aid Requirements

The detailed State Aid requirements are set out in **Annex 1**.

5. Objectives of the Scheme

The objectives of this scheme are to;

- Reconstitute newly planted forests significantly affected by tree mortality and irreversible damage or deformation by supporting the replacement of affected trees arising from frost impacts.
- Allow for correction and remediation of damaged trees via corrective pruning.
- Reconstitution of the forest with plants of acceptable quality, provenances and species.
- Ensure that all works conform to the requirements of the Afforestation Scheme and associated forestry and environmental requirements.

6. General Scheme Rules and Eligibility

The measure shall be administered by the Department of Agriculture, Food and the Marine and shall operate throughout the State.

- 6.1. Individuals applying for participation in the scheme must be over 18 years of age and hold a Personal Public Service Number (PPSN). Companies must provide their company registration details (CRO number).
- 6.2. Applicants for approval must be the owner, leaseholder or joint manager of the land at the time of the application. Exceptions to this rule will only apply where: (i) the owner is deceased, and his/her legal representative submits the application; or (ii) the owner consents in writing to the submission of the application in the name of a designated third party.
- 6.3. To qualify for payment of reconstitution grants, the applicant must own, lease or be in joint management of the lands. Applicants must provide documentary evidence of ownership and of leasing or joint management where relevant if requested, as detailed in the *Forestry Standards Manual (2015)*.
- 6.4. The Department will refuse applications for grant aid where it is found that an application was made by a person other than a person that meets the above criteria.
- 6.5. **Only land afforested between 1st November 2014 and 1st June 2021 under the following schemes is eligible for grant aid under this scheme.**
 - Afforestation Scheme
 - Native Woodland Scheme
 - Neighbourwood Scheme
 - Reconstitution and Underplanting Scheme (RUS – Ash Dieback)
- 6.6. Only land where frost damage losses in planted stock **equal or exceed 30%** of the initial stocking will be considered for the scheme. Applicants must provide sufficient documentary evidence to support damage claims. Applications can be received for eligible plantations where remedial work has been conducted in the time since frost damage has occurred. Applicants must provide sufficient documentary evidence to support damage claims and remedial works carried out.
- 6.7. Support is only available for plantations that are affected by frost damage where trees have been killed or irreversibly damaged.
- 6.8. Cost eligible for the reconstitution grant aid are those approved costs necessary to carry out the remedial establishment work required to get the plantation back to the stage it was at before the frost damage occurred.
- 6.9. There should be no GPC change and care should be taken that replacement plants do not alter the GPC.
- 6.10. No payment will be made for any damage that was insured.

7. Grant Rates

This grant scheme is cost-based, subject to the costs approved by the Department at preapproval stage or the maximum rates detailed below, whichever is the lower. As a result, evidence of costs expended and receipts for items purchased must be retained and produced on the request of the Minister.

7.1. Grant aid will be paid exclusive of VAT, regardless of the applicant's VAT status.

7.2. Payments will be paid subject to works being carried out to the satisfaction of the Minister and based on costs incurred up to the maximum costs approved. 7.7 below details the grants rates payable under the Scheme. The Minister reserves the right to alter these rates at any time.

7.3. Beneficiaries of grant aid under this Scheme are required to retain all receipts and invoices relating to work undertaken to establish and maintain the plantation for a period of 6 years following payment of the 1st instalment grant. The Minister may, at his or her discretion, require the submission to the Department of such receipts and/or invoices at any time during this period.

7.4. Management costs may be charged to a maximum of 30% of direct costs subject to the maximum grant rates applicable.

7.5. The Minister reserves the right to alter the grant rates from time to time.

7.6. The grant shall be payable in a single instalment and shall not exceed the rates outlined in

7.7. Overall funding allocated for this scheme is capped at €1 million.

Grant Rates for the scheme are applied on a tiered basis, depending on damage levels experienced and whether conifer or broadleaf GPC.

Grant rates are as follows:

	% Failure rate	Max Grant rate €/ha
Conifers GPC 1-4	≥50%	850
	40% to 49%	680
	30% to 39%	510
Broadleaves GPC 5-12	≥50%	1,180
	40% to 49%	945
	30% to 39%	708

To qualify for the scheme, the entire plantation area must have experienced 30% or greater damage. Within eligible plantations satisfying this requirement, grant aid will then be given to those plots that have experienced 30% or greater damage so individual plots demonstrating damage <30% will not be eligible for payment.

Grant aid will depend on the original GPC category and level of damage.

For plots $\geq 30\%$ damage, grant aid will be allocated based on the GPC and the damage level involved.

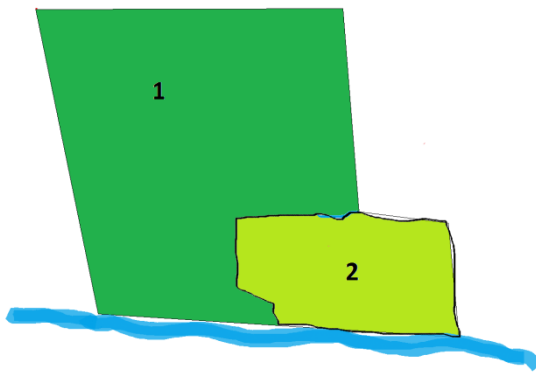
Applications must include the following details of all the plots in the plantation whether they have suffered damage, including:

- Plot numbers
- Plot GPC
- Plot area
- % damage present
- Area affected (hectares)
- % of plantation affected

Worked examples are presented below:

Example 1

- A 4ha plantation consists of Plot 1 GPC 3 and Plot 2 GPC6.
- The GPC3 plot is 3ha in area, and exhibits 15% damage throughout, including ABE components.
- The GPC 6 plot is 1.0ha in area and has 100% damage throughout.



Plot No.	GPC	Plot area	% Damage	Area affected	% of Plantation affected
1	GPC 3	3ha	15%	0.45ha	
2	GPC 6	1ha	100%	1	
Total		4ha		1.45	36.25%

Eligibility for Reconstitution

The plantation has 1.45ha of damage in total 0.45ha in plot 1 (3.0ha*15%) and 1.0ha (1ha X100%) in plot 2. This equates to 36.25% damage over the entire plantation.

As $36.25\% \geq 30\%$ and the plantation is therefore eligible for reconstitution in general.

Total Grant Aid Allowable:

Plot 1 is determined as having 15% damage throughout. This plot has less than 30% damage and no grant aid is therefore allowable.

Plot 2 has 100% damage across 1.0ha and the allowable grant aid is $\text{€}1180 * 1.0\text{ha} = \text{€}1180$.

Example 2

A 10ha plantation contains Plot 1, a 9.0ha plot of GPC3 and Plot 2, a 1.0 ha plot of GPC6. Plot 1 exhibits no damage. Plot 2 exhibits 80% damage.

Plot No.	GPC	Plot area	% Damage	Area affected	% of Plantation affected
1	GPC 3	9ha	0%	0	
2	GPC 6	1ha	80%	0.8ha	
Total		10 ha		0.8ha	8%

Total Grant Aid Allowable:

As the overall plantation minimum of 30% damage has not been reached Plot 1 and Plot 2 have no grant payable.

8. Application

- 8.1. Support will be available only for projects which have been granted approval by the Department, following the submission of a Reconstitution of Woodland Scheme (Frost Damage), Application - Pre-Approval, Form 1. Aid under RWS will be granted solely in connection with duly justified and substantiated costs; and no over-compensation will take place. No costs will be allowable for cultivation, fencing or other works other than plants, planting, vegetation control and management costs of 30%.
- 8.2. Grants will be paid in one instalment. The grant (Form 2) may be claimed immediately after reconstitution. All payments of grants and any premiums remaining to be claimed and/or paid under the original *afforestation contract*, will be conditional on the frost damaged area being successfully re-established and maintained in compliance with the conditions of approval under this scheme and, where appropriate, under the afforestation contract, and as outlined in the *Forestry Standards Manual*. Any area planted outside of the approved area will not be eligible for grant aid.
- 8.3. A separate Reconstitution application must be made in respect of each *afforestation contract* that was affected by frost. Applications will only be accepted on the official hard copy application Form 1 and only one Form 1 can be submitted per contract. The following documents should also be included in the application:
- Site location map, based on a Discovery Series 1:50,000 map and showing the main access approach onto the site. The standard mapping conventions set out in the Forest Service Forestry Standards Manual apply.
 - Certified species map identifying the damaged area.
 - A table listing all the original plots and percentage tree damage level per plot, and number of sample plots taken in each plot to support your assessment.
 - Species map with GPC categories signed by the Registered Forester and declaring that all areas submitted comply with the terms and conditions of the scheme. This map is used for area and grant calculation. A 1:5,000 colour aerial photograph printed from the Departments online mapping system, iFORIS Internet (iNET) and an original OSI 1:5,000 map is required; the standard mapping conventions set out in the Forestry Standards Manual shall apply.
 - Tax clearance certificate (if applicable).
 - Provenance Declaration Form

The closing date for applications to the scheme will be **Friday, April 29th, 2022**.

- 8.4. Application for payment: The reconstitution grant will be paid in one instalment and payment is applied for using the Form 2. The time limit for receipt of the Form 2 in the Department along with supporting documentation shall be 12 weeks after the date of completion of the reconstitution of the plantation. Where the applicant requires an extension, an application must be submitted to forestryappenq@agriculture.gov.ie before 5pm of the last working day of the Form 2 expiry date. The maximum extension that can be granted is 4 weeks and only one extension will be granted. The applicant and his/her Registered Forester must complete the application following a site visit and a detailed field assessment by the registered forester. If the application for payment is not submitted within the timeframe specified, the application is deemed ineligible for support. Given the time elapsed since the period of damage, submission of quality supporting documentary

evidence such as provenance certificates, receipts and previous damage reports or declarations will be critical. Applicants must ensure that sufficient documentation is provided in support of applications. Failure to reconstitute a damaged grant-aided plantation is a breach of the afforestation grant and premium schemes and may result in recoupment of all grants and premiums paid.

- 8.5. Where a notification (i.e., a remedial works letter) is issued to the applicant specifying remedial works required to bring his/her plantation up to standard, the date specified in that letter by which the works must be completed is binding on the applicant. In exceptional circumstances, the Minister may grant an extension to that date. Requests for such extensions must be submitted in writing by the applicant and registered forester at least five days before the expiry of the original deadline for completion. Failure to complete the specified works to the satisfaction of the Department within the timeframe specified may result in withdrawal of approval and/or a penalty, as set out in the document titled *Forestry Schemes Penalty Schedules (DAFM 2015)*.
- 8.6. The grant will be paid only when the entire reconstituted area is up to the required standard. If part of the site fails inspection, payment will be withheld on the entire area until remedial works are carried out and site is established to the required standard.
- 8.7. Where the Department decides that it is not possible to bring the site, or part thereof, up to the required standard, no (further) payment will be made for that area. Where the grant, or part thereof, is not to be paid, the Department shall also require repayment of the amount paid under this scheme and the original afforestation scheme in respect of the site or in respect of the area that does not meet the required standard.
- 8.8. Payments shall be made in respect of applicants who make valid applications prepared by a registered forester and who have reconstituted the frost damaged area in accordance with the Form 1 approval and in compliance with:
- All relevant EU requirements and national legislation for the time being in force,
 - The terms and conditions of this Scheme as set out in this document (and any revisions thereof), any circulars amending the scheme requirements, the application forms, letters of approval and, where appropriate letters of approval issued under the afforestation contract and remedial works notifications,
 - Forestry Standards Manual,
 - Environmental requirements for Afforestation,
 - Forestry Scheme Penalty Schedules,
- 8.9. Non-payment of a forester or forestry company for services provided will be a matter for resolution between the plantation owner and the forester or forestry company and the Minister shall bear no liability.
- 8.10. Grant payments will be based on either the area claimed as eligible for payment by the applicant (on Form 2) or the area determined by the Department to be eligible for payment, whichever is the lesser. The Department's computerised mapping and payment system (IFORIS) is used by the Department to capture a digital representation of the payment area based on the applicant's claim map. Capturing the claim map in a digital form allows for the accurate measurement and calculation of the payment area. The process of electronically capturing the claim map is referred to as digitisation. Applicants must familiarise themselves with the terminology as follows:

- The **claimed area** is the total area specified in the application as being claimed for payment. The claimed area is calculated by the applicant by deducting any part of the plot that is not eligible to receive a grant payment from the digitised area (refer to Forestry Schemes Manual 2015 for further details).
- The **digitised area** of a contract (i.e., the entire plantation) is the sum of the areas of the individual forest plots (excluding biodiversity) comprising that contract number or plantation. For each plot contained in an application for payment, the digitised area is the entire area of the forest plot within the perimeter boundary of that plot measured by the Department's IFORIS system.
- The **determined area** is the area determined by the Department to be eligible for payment. The determined area is calculated by excluding any ineligible areas (e.g., power line corridors, rock, gas lines).
- Whichever is the lesser of the claimed area or the determined area is deemed to be the area eligible for payment, known as the payable area. This is the area on which payments will be based, subject to compliance with the requirements of the scheme.

Where an area delineated as the payable area on a map submitted by the applicant differs from the area specified on the species plot table attached to a map or the area specified on the Form 2 the lesser of these areas will be deemed to be the area claimed by the applicant.

- 8.11. All payments will be made Electric Fund Transfer (EFT) directly to the applicant's bank account.

As the contract under this Scheme is between the applicant and the Department, payment is made to the applicant. However, applicants may mandate grant payments (not premiums) to a registered forester or forestry company using a mandate document that satisfies the requirements of the Minister as set out in the *Forestry Schemes Manual*. Such mandates are a voluntary arrangement between the applicant and his/her registered forester or company. Mandates to other parties e.g., contractors or foresters not registered with the Forest Service, will not be facilitated. Where a payment fails to be made in accordance with a valid mandate no liability shall be attached to the Minister.

9. Conditions of Aid

Where an applicant makes an application for aid that is deemed valid and is approved by the Department, a contract then exists under the Scheme between the applicant and the Minister.

9.1. The terms and conditions of this Scheme as set out in this document (which may be revised from time to time by the Minister), any circulars amending the scheme requirements, all application forms including Form 1, letters of approval and, where appropriate, remedial works notifications, form the terms and conditions of this contract. The contract will be identified by the contract number (CN) assigned to it by the Department when the application for approval (Form 1) is received.

9.2. Taxation Requirements

It is a condition of grant aid of this measure that all grant-aided activities shall be conducted in compliance with the laws of the State relating, *inter alia*, to tax and employment.

- **Tax Clearance:**

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 is issued.

- **Value Added Tax:**

Applicants and their Agents shall comply with all requirements of VAT law. All payments under the Scheme will be made net of VAT, regardless of the applicant's VAT status.

9.3. Penalties

Failure to comply with the terms and conditions of the Scheme, which includes the *Code of Best Forest Practice – Ireland; Forestry Schemes Manual*; circulars amending scheme requirements; and the relevant environmental guidelines and requirements, may result in an appropriate penalty or sanction being applied.

Penalties which shall apply to certain specific breaches of the Scheme are set out in the document titled *Forestry Schemes Penalty Schedules (DAFM 2015)* which are a condition of grant aid. Penalties associated with the afforestation scheme will apply to the Reconstitution Scheme (Frost Damage), where applicable. Other breaches of the Scheme not specified in the Scheme Penalties Schedules may also incur a penalty. However, all or any failure to comply with the scheme or any breaches of its terms and conditions may result in a penalty. Penalties may include the repayment of all or part of the grant.

Monetary penalties shall include interest payable at the rate provided for under *S.I. No. 13 of 2006*. Interest shall be calculated for the period elapsing between a date specified in a notification to the applicant of the repayment obligation and either repayment or recovery by deduction.

Penalty amounts may be deducted from future payments due to the Applicant under the forestry schemes or from payments due under other schemes administered by the Department. Where monetary penalties are not paid or recovered within the period requested, the Department may take whatever action is deemed necessary for their recovery. The Department may also recover the monies as a simple contract debt in a court of competent jurisdiction.

The principle of proportionality will apply. Penalties may be imposed that are, in the opinion of the Minister, proportionate to the alleged breach of the Scheme.

The imposition of a penalty shall not relieve an Applicant of an obligation to comply with an instruction from the Minister to undertake remedial works in respect of a forest.

9.4. **Appeals**

The applicant, or a registered forester acting on behalf and with the written permission of the applicant, may appeal against a decision of the Department regarding (i) an application for a pre-approval; (ii) a grant or (iii) a penalty.

Appeals relating to a decision on approvals should be made in writing, giving detailed grounds for the appeal, to the Appeals Unit, Forestry Division, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford. While re-examining a decision by a deciding officer, the Appeals Unit shall not be confined to the grounds on which the decision of the deciding officer was based but may decide the question as if it were being decided for the first time.

Appeals relating to a decision on a payment, or the imposition of a penalty may request an internal review procedure within the Department of Agriculture, Food and the Marine. If the applicant is dissatisfied with the decision of the internal review, the person may appeal to the Forestry Appeals Office (AAO) within 3 months of notification of the decision under appeal. The appeal must be made in writing and addressed to the Director, Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois, R32DTW5.

9.5. **Inspections**

The Minister reserves the right to carry out inspections of any land or premises the subject of a grant aid application or grant under this Scheme. Applicants are obliged to ensure that, where required, adequate access to the land and forests is provided to allow inspections by the Department.

9.6. **Failure to abide by the terms and conditions of the scheme**

9.6.1. Where, for the purposes of obtaining payment under this Scheme, the applicant or a person acting on his/her behalf, knowingly makes a false or misleading statement or declaration or withholds essential information, his/her participation in the scheme may be terminated and all or part of the aid paid shall be reimbursed. Consequently, at his or her discretion, the Minister may also require repayment of aid paid under the afforestation contract.

9.6.2. Where an applicant or a person acting on his/her behalf, fails to abide by the terms and conditions of the scheme or where there is any material change in the circumstances of the applicant which would conflict with the spirit of the scheme, his/her participation in the scheme may be terminated and all or part of the aid paid shall be reimbursed. Consequently, at his or her discretion, the Minister may also require repayment of aid paid under the afforestation contract

9.6.3. The obtaining of aid under the scheme by fraudulent means by the applicant or a person acting on his/her behalf, or others acting alone or together may render such persons liable to prosecution.

9.7. **Review of Procedures and Grant Aid**

9.7.1. The Minister reserves the right to alter the procedures and conditions to be followed in the operation of this Scheme. Such changes shall be notified in writing prior to taking effect and providing reasonable notice of such changes to Registered Foresters and Registered Forestry Companies.

9.7.2. The Minister reserves the right to review and vary, where occasion so demands, the amount of financial aid wherever specified in the Scheme.

9.8. **Conditions of Approval**

An approval issued under this scheme may be subject to additional conditions as laid down by the Minister.

9.9. **Information, Data Protection and GDPR**

The Department reserves the right to make information regarding the Scheme available to the public, subject to the provisions of the Data Protection Acts 1998 to 2018.

Information supplied to the Department may be disclosed under the Freedom of Information Acts 1997 and 2003. If an applicant considers that any information supplied to the Department is either confidential or commercially sensitive, the applicant should identify such information when submitting an application and specify the reasons for its sensitivity.

The Department will consult with the applicant about this information before making any decision in relation to any request received under the Freedom of Information Acts.

The Department of Agriculture, Food and the Marine may use personal data already held on record in order to process applications for Forestry Schemes and licences. This data may include data previously collected by the Department in respect of another scheme or data submitted as part of a licensing process. The data is required for the processing of payments, assessment of eligibility under a scheme and facilitating the monitoring of compliance with scheme requirements. The use of data already held by the Department avoids the need for applicants to re-submit data and thereby facilitates prompt processing of applications for payment.

Forestry Division schemes and licences are implemented and processed under the following legislation:

- Forestry Act, 2014.
- Forestry Regulations, 2017 (SI Number 191/2017), as amended.
- Commission Regulation (EU) No 1407/2013 on the application of articles 107 and 108 of the Treaty on the Functioning of the European Union with regard to de minimis aid (Official Journal L:2013:352I).
- Destructive Insects and Pests Acts, 1958 and 1991, No. 11 of 1958 & No. 4 of 1991.
- European Communities (Marketing of Forest Reproductive Material) Regulations, 2002 (SI Number 618/2002),
- European Communities (Phytosanitary Measures) Regulations 2004 (SI Number 578/2004)
- European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 (SI Number 894/2004)
- European Union (Timber and Timber Products) (Placing on the Market) Regulations 2014 (SI Number 316/2014)

- European Union (FLEGT Licensing Scheme for Imports of Timber) Regulations, 2015 (SI Number 251/2015).

Data provided to Forestry Division of the Department are accessed by the Department's Accounts Division in order to facilitate the making of payments to you. The Department is also obliged by law to provide information concerning applicants in response to requests received from the office of the Revenue Commissioners, An Garda Síochána and other bodies in accordance with current Data Protection legislation. The Department does not transfer personal data in relation to forestry schemes outside the EU.

The data collected for the purpose of processing payments will be held by the Department for as long as there is a business need to do so in line with the purpose(s) for which the data was collected. After this time, the data will be marked for destruction and destroyed in accordance with internal guidelines or guidelines for destruction set out by the National Archives Office or associated permissions received from that Office.

The data protection rights of the individual have been further enhanced by the introduction of the General Data Protection Regulation (GDPR) that comes into effect on the 25 May 2018. Rights for individuals under the GDPR include a right to:

- Access their personal data.
- Correct or rectify their personal data.
- Have information erased.
- Restriction of processing.
- Object or withdraw consent to processing.
- Data portability.
- Make a complaint to the Data Protection Commissioner's Office.

The Department's Data Protection Unit may be contacted by post or email as follows:

Data Protection Unit
 Department of Agriculture, Food and the Marine
 Pavilion A, Grattan Business Park
 Dublin Road, Portlaoise
 Co. Laois
 Email: data.protection@agriculture.gov.ie

All information relating to Data Protection rights pertaining to the Department and the Department's clients can be found on the Department's Data Protection website page: www.agriculture.gov.ie (under customer service) or go directly to www.agriculture/dataprotection.gov.ie.

Queries

All queries and documentation regarding the scheme should be directed to Approvals Section
 Department of Agriculture, Food & the Marine,
 Johnstown Castle Estate
 Co. Wexford
 Tel: 053 91 63425
 Email: forestryappenq@agriculture.gov.ie
 Web: [gov.ie - Schemes and Payments \(www.gov.ie\)](http://gov.ie - Schemes and Payments (www.gov.ie))

ANNEX 1

State Aid Rules

Aid will be granted to applicants under the Reconstitution of Woodland Scheme (Frost Damage) through the General De Minimis Regulation i.e., Commission Regulation (EU) No 1407/2013 on the application of Articles 107 and 108 of the Treaty of the Functioning of the European Union to de minimis aid.

General

It is the responsibility of each applicant to familiarise themselves with the rules set out under Commission Regulation (EU) No 1407/2013 and the consequences of failure to comply with them. This includes not receiving any aid, where the total amount of the *de minimis* aid granted under the RSW would exceed the maximum *de minimis* threshold set.

The total amount of *de minimis* aid granted to a single undertaking (as defined in paragraph 2 a-d of Commission Regulation (EU) No 1407/2013) shall not exceed €200,000 over any period of three fiscal years.

De minimis aid shall be deemed granted from the moment the applicant receives approval to receive the aid from this Department, regardless of when the aid is actually paid.

Cumulation of aid

De minimis aid granted under Commission Regulation (EU) No 1407/2013 may be cumulated with other *de minimis* aid. Where it is cumulated with *de minimis* aid granted in accordance with Commission Regulation (EU) No 360/2012 (undertakings providing services of general economic interest) the ceiling laid down in that Regulation shall apply i.e. €500,000 over any period of three fiscal years.

However, where it is cumulated with *de minimis* aid for the agriculture sector (Commission Regulation (EU) 1408/2013), the ceiling of €200,000 over any period of three fiscal years shall apply.

Department obligations under De Minimis

In accordance with Commission Regulation (EU) No 1407/2013, the Department will:

- Inform each applicant on the amount of *de minimis* aid granted and the purpose for which the aid was granted.
- Monitor the total amount of *de minimis* aid granted to ensure that the relevant ceilings are not breached and that the cumulation rules are in full compliance.
- Obtain a declaration from each applicant, regarding the amount of *de minimis* aid, covered by this Regulation or by other *de minimis* regulations, received during the fiscal year concerned and the previous two fiscal years i.e., for applications made in 2015 the declaration should state all *de minimis* aid received for 2015, 2014 and 2013.
- Verify that the *de minimis* ceiling will not be breached by the new *de minimis* aid granted, and that all conditions laid down in this Regulation are complied with, before granting any new *de minimis* aid.
- Record, compile and maintain all records regarding the application of this regulation. Records regarding individual *de minimis* aid will be maintained for a period of 10 fiscal years from the date on which the aid was granted.

Obligations of participants under De Minimis

At the time of application, applicants must inform the Department, about any other *de minimis* aid received, covered by this Regulation and/or by other *de minimis* regulations, during the current fiscal year and the two previous fiscal years.

Schemes paid under de minimis include the following:

General De minimis

1. Forestry

- 2007-2013 non farmers, premium amount exceeding €150/ha (as per Annex of 1698/2014)
- 2014 – 2020 Forestry for Fibre, GPC 12 (grant and premium payments)

2. Other

- Innovation Vouchers
- Competitive Start Fund
- Job Expansion Fund
- Lean Start
- Market Research Grant
- Mentor Programme
- New Market Research Programme
- Recruitment of Key Managers
- Telecom Standards Scheme

3. Agriculture De minimis

- Bord Bia BLQAS (Beef/Lamb Quality Assurance Scheme)
- BVD Eradication
- Beef Technology Adaption Programme
- Sheep Technology Adaption Programme
- Development Programme for Dairy
- Imported Fodder Transport Scheme
- Milking Skills Programme
- Beef Genomics Programme
- Kerry Cattle Scheme
- Superlevy Instalment Scheme

From 2020:

- Agriculture CashFlow Support Loan
- BEEP Payments 2019
- BVD Compensation BEEF
- BVD Compensation DAIRY
- Calf Investment Scheme (TAMS)
- Emergency Flood Relief 2016
- Flood Damage Relief Measure 2017
- Fodder Measure for Tillage Farmers 2018
- Fodder Transport Support Measure
- Kerry Purebred Cattle Scheme
- SEAI
- Sheep EID Tag Subsidy
- Sheep Technology Adoption Programme (STAP)
- Weather Related Crop Loss Support Measure 2017

Application for payment must include details of these payments as follows:

	de Minimis payments already made		
De Minimis aid description	n-2	n-1	n
GRAND TOTAL			