

Forest Genetic Resources Reproductive Material: Seed Stand & Seed Orchard Scheme



Forest Service

Department of Agriculture, Food
and the Marine

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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;

“*Forest Service*” means the Forestry Division and Forestry Inspectorate of the Department of Agriculture, Food and the Marine;

“*Seed*” means cones, infructescences, fruits and seeds intended for the production of planting stock;

“*Stand*” means a delineated population of trees possessing sufficient uniformity in composition;

“*Seed Orchard*” means a plantation of selected clones or families which is isolated or managed so as to avoid or reduce pollination from outside sources, and managed to produce frequent, abundant and easily harvested crops of seed.

“*Clone*”, means a group of individuals (ramets) derived originally from a single individual (ortet) by vegetative reproduction, for example by cuttings, micropropagation, grafts, layers or divisions;

Categories of seed are defined as follows in accordance with Council Directive 1999/105/EC on the marketing of forest reproductive material ;

‘*Source Identified*’ Reproductive material derived from basic material which may be either a seed source (not applicable to this Scheme) or stand located within a single region of provenance and which meets the requirements set out in Annex II of the Council Directive ;

‘*Selected*’ Reproductive material derived from basic material which shall be a stand located within a single region of provenance, which has been phenotypically selected at the population level and which meets the requirements set out in Annex III of the Council Directive;

‘*Qualified*’ Reproductive material derived from basic material which shall be seed orchards, parents of families, clones or clonal mixtures, the components of which have been phenotypically selected at the individual level and which meets certain prescribed requirements set out in Annex IV of the Directive;

‘*Tested*’ Reproductive material derived from basic material which shall consist of stands, seed orchards, parents of families, clones or clonal mixtures. The superiority of the reproductive material must have been demonstrated by comparative testing or an estimate of the superiority of the reproductive material calculated from the genetic evaluation of the components of the basic material. The material shall meet the requirements set out in Annex V of the Directive.

‘*in situ conservation*’ means the conservation of genetic material in ecosystems and natural habitats and the maintenance and recovery of viable population of species in their natural surroundings;

‘ex situ conservation’ means the conservation of genetic material outside their natural habitat;

‘ex situ collection’ means a collection of genetic material maintained outside their natural habitat;

‘Registered Forester’ means a qualified person named on the Register of Foresters and Forestry Companies; list available from the Department;

‘Completion Date’ means the date all relevant works are completed. It is the date as specified on the Form 1c for outdoor seed orchards and on the Form 2 for seed stands and indoor seed orchards;

‘Forest’ is defined in Ireland as land with a minimum area of 0.1 ha under stands of trees 5 m or higher, having a minimum width of 20 m and a canopy cover of 20% or more within the forest boundary; or trees able to reach these thresholds *in situ*. The forest definition relates to land use rather than land cover, with the result that open space within a forest boundary either permanently or temporarily unstocked with trees, along with felled areas that are awaiting regeneration, are included as forest;

‘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 Guidelines’; ‘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;

“Ancient woodland” is defined as land which has been under continuous woodland since 1660. The Down and Civil Surveys and subsequent editions of the OS maps represent key sources of information in this regard.

2 Introduction and Regulatory and Policy Background

The conservation and development of indigenous forest genetic resources is fundamental to achieving the objectives of Ireland’s national forest policy. There is a need to be less reliant on imported sources of seed and plants particularly in relation to all commercial species but especially for oak and Sitka spruce. In relation to plant health it is also vital that we reduce reliance on imports for all species to help prevent the entry of harmful pests and diseases. To meet these needs the level of seed production and use from seed stands needs to be increased. For example there are 1,395 ha of sessile oak seed stands registered, but 100% of all seed and plants are imported in some years. While seeding periodicity in oak is a major limiting factor, there is scope through measures such as fencing, vegetation control and possibly thinning to increase the level of seed collection in most years.

With regard to the regulatory background, forest reproductive material is regulated within the EU under Council Directive 1999/105/EC on the marketing of forest reproductive material. Ireland is also a member of the broadly equivalent international OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade. The Forest Service of the Department of Agriculture, Food and the Marine is responsible for the implementation of the EU Directive in Ireland. The Directive applies to the production with a view to marketing and to the actual marketing of forest reproductive material. Marketing is defined as displaying with a view to sale, offering for sale, or delivery to another person including delivery under a service contract. All suppliers of forest seed and plants such as seed collectors, brokers, nurseries etc must be formally registered with the Department. A 'Seed Collection Permit' is required for all seed collections. A 'Supplier's Document' must accompany all seed and plant material which is marketed for forestry purposes. Where seed is marketed specific seed testing data must also be provided.

The Forest Service of the Department of Agriculture, Food and the Marine is also required, under Council Directive 1999/105/EC, to maintain a National Register of Basic Material (also known in summary form as the National List of Basic Material). Seeds and plants may only be marketed if they are derived from basic material identified with a unique reference number in the national register.

Forest seeds and plants may also be subject to the requirements of the EU Plant Health Directive, Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants and plant products and against their spread within the Community.

For further information on the EU Directive on the marketing of forest reproductive material, including registering as a 'Supplier' or for information on the EU Plant Health Directive please contact Forest Service, Department of Agriculture, Food and the Marine, Kildare Street, Dublin 2. Tel: 01 607 2651, email forestprotection@agriculture.gov.ie

*Sustaining and Developing Ireland's Forest Genetic Resources*¹ sets out a strategy for forest genetic resource conservation and development and makes recommendations as to how this can be achieved. The EU Forest Strategy recommends that Member States should use the opportunities given in the new Rural Development Regulation and prioritise investments in, inter alia, improving the resilience of forest ecosystems and conserving genetic resources. The provision for funding to conserve and protect forest genetic resources at selected sites can contribute towards the achievement of this strategy by increasing self sufficiency in the production of quality seed, leading to better adapted, more resilient and productive forests, with better wood properties.

The Scheme is wholly funded by the exchequer under State aid rules as outlined in the *European Guidelines for State aid in the agriculture and forestry sector and in rural areas 2014–2020 (2014/C 204/01)*.

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 5 and any other relevant circulars issued by the Forest Service.

¹ Cahalane, G., Doody, P., Douglas, G., Fennessy, J., O'Reilly, C. and Pfeifer, A. 2007. *Sustaining and Developing Ireland's Forest Genetic Resources. An outline strategy*. COFORD, Dublin.

3 Objectives and Benefits

The Forest Genetic Resources Reproductive Material measure of the Forestry Programme 2014-2020 aims to support the conservation and development of Ireland's forest genetic resource. This will be achieved through the introduction of the Seed Stand and Seed Orchard Scheme,

The primary objective of these schemes is to:

- increase the resilience, productivity and quality of Irish forests;
- increase self sufficiency in tree seed production ;
- provide for in-situ and ex-situ conservation of forest genetic resources;
- provide breeding populations of designated broadleaf species (e.g., birch, oak and sycamore).

Only broadleaf seed stands registered on the National List of Basic Material will be funded under the Seed Stand and Seed Orchard Scheme, while the establishment of new seed orchards may include both conifer and broadleaf species.

The principal benefits of the Forest Genetic Resources Reproductive Material measure are:

- increased productivity in wood production with economic and environmental co-benefits;
- improved stem straightness and branching habit, and increased wood density, leading to higher timber recovery rates, better wood quality and a wider range of end product use;
- better resilience to Irish climatic conditions and local pests and diseases as a result of capturing genetic adaptation in land races;
- to help reduce the risk of pests and diseases being introduced to Ireland;
- in situ and ex situ conservation of genetic biodiversity; and
- enabling recurrent selection and improvement through linkages to tree improvement/breeding programmes.

4 Legal Basis

The legal basis of the Forest Genetic Resources Reproductive Material measure is the Forestry Programme 2014-2020 and the European Commission's State aid approval of that programme issued to the Department of Agriculture, Food and the Marine on the 5th February 2015, ref no. SG-Greffe (2015) D/1056/7.

5 Environmental Considerations

Applications shall be subject to a preliminary environmental assessment and where necessary a consultation process by the Department to ensure that proposed projects are compatible with the protection and enhancement of the environment and are unlikely to have a negative impact on, inter alia, water quality, biodiversity, archaeology and the landscape. Further information about the Forest Service environmental assessment

and consultation process is provided in Chapter 13 of the *Forestry Standards and Procedures Manual 2015*.

All projects approved under the Scheme shall, where applicable, be carried out in compliance with:

- Code of Best Forest Practice – Ireland;
- National Forest Standard;
- Forestry Environmental Guidelines; and
- Forestry Standards and Procedures Manual 2015.

Hedgerows must be considered carefully when planning the establishment and ongoing management of seed stands and seed orchards in terms of the impacts these activities may have on these important landscape features, which form part of the historical and archaeological heritage of the country. It should be noted by potential applicants that hedgerows, ditches and open drains are designated as Landscape Features under the Good Agricultural and Environmental Condition (GAEC) of Cross Compliance with effect from 2009.

Where designated archaeological sites, monuments, or features or other areas of elevated archaeological potential are identified, applications shall be subject to an assessment framework, beginning with a screening process, followed by desk-based archaeological assessment and supported by field inspections where appropriate. In these situations the assessment should also include checks of the Record of Monuments and Places (RMP) and other relevant sources of information.

Archaeological exclusion zones within or adjoining forests shall not be used for the storage and preparation of materials, timber stacking, vehicle maintenance, refuelling, or parking.

All development should be considered within the context of the protection of water quality, including objectives associated with various statutory and non-statutory designations such as the objectives of Water Framework Directive waterbodies, the conservation objectives of aquatic-based SACs, and the objectives underpinning the establishment by the Forest Service and others, of the Fisheries Sensitive Areas and the Acid Sensitive Areas. Where appropriate, opportunities for forest development to contribute towards the enhancement of water quality, aquatic ecosystems and species will be explored and realised.

In the case of outdoor seed orchards an appropriate ecological assessment shall be prepared by applicants in sites where Annex I habitats or the habitat of Annex I birds or Annex II species occur or are likely to occur.

6 General Rules

All queries and documentation regarding the scheme should be directed to

Mr. Brian Clifford
Forest Sector Development Division
Agriculture House 3W
Kildare Street
Dublin 2

Tel: + 353 1 6072683
Email: brian.clifford@agriculture.gov.ie

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

Seed stands and seed orchards will only be supported under this measure if they are compliant with Council Directive 1999/105/EC on the marketing of forest reproductive material as transposed into Irish law by SI No. 618/2002 - European Communities (Marketing of Forest Reproductive Material) Regulations 2002.

Only projects which receive prior written approval from the Department, and which are undertaken in compliance with the terms and conditions of approval, will be eligible for support. Support will take the form of grants and in the case of outdoor seed orchards premiums towards the costs of maintenance. Applicants have a responsibility to ensure that plantations are maintained throughout the period of the contract which is a condition of continued payment.

Public and private forest holders including forest nursery owners will be eligible for support.

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).

In order to qualify for payment, the applicant must own, lease or be in joint management of the land. Applicants must provide documentary evidence of ownership or of leasing or joint management where relevant, as detailed in the *Forestry Standards and Procedures Manual 2015*. The Department will refuse applications for aid where it is found that an application was made by a person other than a person that meets this above criteria. Any payment already made will be recovered and interest will apply.

A contract is deemed to exist under the Scheme between the applicant and the Minister from the date of completion of all works, activated on the date of payment of the 1st Instalment Grant. 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 (beginning ST for seed stands and SO for seed orchards) assigned to it by the Department when the application for approval (Form 1) is received.

Interest is payable on all debts raised at the appropriate rate.

The measure shall operate for a period to be determined by the Minister.

Areas may be removed from the scheme at the discretion of DAFM with 30 days notice.

Only existing broadleaf seed stands will be funded. The establishment of new seed orchards can include both conifer and broadleaf species.

Participation in the scheme is voluntary.

A 1st instalment grant will not be paid until ownership has been established.

All payments will be made directly to the applicant.

The Minister reserves the right to carry out inspections at reasonable times on any land submitted for pre-approval or on any land for which grants or premiums have been paid or claimed under this Scheme during a contract term. Applicants are obliged to ensure that, where required, adequate access to the land and forests is provided to allow inspections by the Department.

Any payments not applied for in accordance with the Scheme and/or not approved for payment by the expiry of the contract may be forfeited at the discretion of the Minister. The Minister reserves the right to forfeit any payments on the basis of non-compliance with the requirements of the scheme.

All forms are available on the Departments website at <http://www.agriculture.gov.ie/forests-service/>

It is a condition of this Scheme that all grant-aided activities shall be conducted in compliance with the laws of the State relating, inter alia, to tax and employment. Proof of compliance, such as the provision of Tax Clearance Certificates, shall be required by the Department.

This is a fixed grant scheme and all grants paid are exclusive of VAT.

No work should be undertaken prior to the application being received by the Department.

All outdoor seed stands applications will be subject to appropriate assessment procedures in relation to possible impacts on Natura 2000 sites.

7 Scheme Description

7.1 Outline

Firstly, the scheme itself shall consist of the following elements;

Element 1: Seed Stands

Element 1 is aimed at improving the management and conservation of registered Broadleaf Seed Stands included on the National List of Basic Material so as to increase the frequency, quality and volume of commercial seed production and collection. Grant-aided seed stands must produce seed, as verified by the Department, at least once during the contract period, or evidence must be provided that due to climatic conditions seeding has not occurred at a level to justify collection. Element 1 also facilitates the management and conservation of ancient woodland oak stands registered in the category 'Source Identified' for the purpose of gene conservation, so as to increase the frequency, quality and volume of acorns produced and collected for biodiversity-focused planting elsewhere.

Element 2: Seed Orchards

Element 2 will support the establishment of new seed orchards, both clonal and seedling, both indoor and outdoor.

Receipt of applications under this scheme will be accepted from the 1st June 2015.

7.2 Element 1: Seed Stands

7.2.1 Eligibility

The scheme is open to private and public forest-holders including forest nurseries.

Only broadleaf seed stands listed in the National List of Basic Material are eligible.

The maximum area eligible for funding is 5ha (10ha for oak) although the total area of the seed stand can be larger.

The scheme does allow for new seed stands to be registered at which point they will become eligible to apply for support. In particular, the scheme would like to encourage the registration of more sessile and pedunculate oak seed stands, and also seed stands for minor species and understorey species, as listed under the Native Woodland Scheme. To register a new seed stand, forest owners should contact:

Forest Sector Development Division
Department of Agriculture, Food and the Marine, Agriculture House
Kildare Street, Dublin 2
Phone: +353 (0) 1 6072683
Email brian.clifford@agriculture.gov.ie

It should be noted however that not all seed stands will be supported. For example where there is surplus seed already being produced, support will not be provided (see section on selection process). The Scheme will support the improvement and management of seed stands which are classified as selected, or tested for the following species:

- Pedunculate oak (*Quercus robur*)
- Sessile oak (*Quercus petraea*)
- Sycamore (*Acer pseudoplatanus*)
- Spanish chestnut (*Castanea sativa*)
- Silver birch (*Betula pendula*)
- Downy birch (*Betula pubescens*)

In addition, the Scheme will also support the improvement and management of sessile oak and pedunculate oak seed stands within ancient woodland, where those seed stands have been registered in the category 'Source Identified' for gene conservation. This material can be used under both elements of the Native Woodland Scheme, together with material from registered seed stands which are listed in the category 'Selected' and regarded as being indigenous. This material may also be acceptable for use in other biodiversity focused grant-aided projects (e.g. under the NeighbourWood Scheme) but will generally not be accepted for use within other Forest Service grant schemes (due to its unknown form and performance regarding timber production).

Seed stands for other species may also be funded under the Scheme, on application.

Seed stands which are in receipt of forest premiums are not eligible for support under the measure.

Seed stands must have a Forest Management Plan (FMP) regardless of their area. FMPs for seed stands can be prepared by the forest owner. This plan must address the stated objective of producing seed over the next 7 years and beyond. Form 1 applications must indicate whether such a plan already exists or that a plan will be drafted and ready at Form 2 stage. FMPs must be based on the Forest Service FMP template and rules associated with these plans.

Submission of the FMP for the seed stand will be a condition of payment at Form 2 stage.

7.2.2 Allowable costs and Grant Rates

Eligible costs will include the following:

- provision of access paths,
- fencing,
- control of ground vegetation,
- ongoing maintenance (including vegetation management)
- non-commercial thinning/pruning to open up crowns to promote seed production,
- maintenance of documented record of specific operations undertaken to enhance seed production,
- other related operations, as agreed with Forest Service.

Beneficiaries will be eligible for a fixed grant of 100% of eligible costs amounting to a maximum of €525/ha (based on €75/ha each year for 7 years), payable in two instalments. The scheme is based on the assumption that the cost of works completed

prior to submission of Form 2 will exceed €525/ha. The 1st grant instalment (75%) will be payable upon verification of completed works. The second grant instalment will be payable upon submission of evidence that seed has been produced and collected within the eligible area. The beneficiary will be obliged to maintain the seed stand for 7 years from the date of completion of works. Grant payments will be as follows;

1 st Instalment € / ha	2 nd Instalment € / ha	Total grant available € / ha
€400	€125	€525

Owners can submit single applications which can be made up of more than one seed stand up to a maximum of 10 individual stands, once these seed stands are registered separately in the National Register of Basic Material. Seed stands registered after the launch date of this scheme must not be contiguous with one another unless they are separate species. Where the application consists of multiple seed stands the grant payable can be cumulated across all seed stands regardless of where the costs occur. For example if the application consists of two seed stands of 5ha each where the costs incurred in Seed Stand A is €1,000 and in B is €4,250, the total grant payable is €5,250.

The maximum number of seed stands that any one forest owner can receive grant aid on over the timeframe of the forestry programme 2014 -2020, is 40.

Additional financial support up to a maximum of €300 per seed stand may also be available to cover the cost of drafting the Forest Management Plan (FMP); this is available under the terms and conditions of that measure and will be paid when the first instalment of the grant is paid. This support only applies to private forest holders.

Successful applicants will be required to provide an undertaking to adequately maintain the Seed Stand for seed production and collection for a period of 7 years. All invoices and receipts must be retained for 6 years after payment of the 2nd instalment grant, during which time the Department may seek to examine and verify.

7.2.3 Form 1: Application for Grant Aid

Completed applications will only be accepted during the months of January and February (June and July for 2015). Any applications received outside of these month(s) will be held on the system and processed as part of the following year's tranche only when requested in writing by the applicant. Approvals will issue subject to funding availability from the 1st – 31st March (August for 2015) at which point the scheme is deemed closed for that year. All applications will be evaluated and scored according to the specified criteria for the individual scheme (see below). Approvals are issued on the basis that all works and subsequent Form 2 will be submitted before the 31st October of the year of application. Where works cannot be completed in time to facilitate this deadline a once off three month extension can be provided. In these situations applicants must notify the Department by email at forestryprogram2014-2020@agriculture.gov.ie seeking this extension before 5pm on the 31st October. Form 2's which are not submitted within these deadlines will be deemed ineligible for support.

If the value of eligible applications exceeds the budget available then only the highest scoring applications will receive approval. Other approvals may issue after March (August for 2015) as additional funds become available but only on the basis that Form 2's can be submitted by the 31st October and an undertaking to this effect is provided by applicants offered this approval.

The Department reserves the right to amend these dates.

All Form 1 applications submitted for ancient woodland oak stands registered in the category as 'Source Identified' for the purpose of gene conservation will be referred to the NWPS for consultation.

7.2.3.1 Qualification Criteria

In order to qualify for the evaluation stage of the process the following rules apply:

- i. Seed stands must be 1ha or more, be fully stocked, healthy and be of seed producing age; information regarding these criteria must be included in the application. The application should also contain a description of the stand and include the category "selected", , or "tested" or in the case of ancient woodlands the category 'Source Identified' for gene conservation purpose.
- ii. Applications will only be accepted on the official application Form 1.
- iii. Form 1 applications must indicate whether a Forest Management Plan (FMP) already exists for the seed stand or alternatively if a FMP will be drafted and presented at Form 2 stage.
- iv. The estimated cost and description of interventions proposed must be included in the application.
- v. Qualifications and experience of the key personnel involved must be submitted.
- vi. Signed declaration to include statement of contract duration (7 years).
- vii. The following documents should also be included in the application;
 - Seed stand national register reference number confirming area and species;
 - Location map
 - Proof of ownership of land;
 - Tax clearance certificate;

A tick box is available on the Form 1 to indicate that a FMP grant is required (private seed stands only).

7.2.3.2 Evaluation Criteria

Applications for funding under this measure will be selected by reference to the following criteria, listed in order of priority:

- Extent of current and forecasted seed demand for the species and provenance included in the application, (150 points);
- Anticipated contribution of the application to meeting demand. Marks will be allocated based on the % contribution the stand will make to total demand for this type of seed. Marks will be distributed on the basis of which applications contribute the most, for example 150 to the highest and 50 for the least, (150 points);
- Knowledge, expertise and roles of the persons is involved in managing the seed stand for the contract duration (150 points);
- The level of monitoring envisaged to determine the extent of seeding (50 points);

Projects will be selected by the Department of Agriculture, Food and the Marine on the basis of these criteria. Where appropriate, applicants may wish to include additional documentation or references to support the information provided in Form 1. Only applications that achieve 300 points or more will be eligible for approval, subject to the availability of funds. Where the number of eligible applications exceeds the level of available funding, the granting of approval will be determined in descending order of points awarded. Applications which exceed the 300 points threshold but which are not funded will be carried over to the following year for consideration, if the applicant notifies the Department in writing. The 300 points threshold can be changed at the Departments discretion.

7.2.4 Form 2: Application for payment of 1st grant Instalment

In order to facilitate this deadline applicants must submit completed Form 2 documentation, including FMP's, no later than 5 pm on the 31th October of the year of application (Form 2 expiry date). Supporting documentation submitted under Form 1 may need to be resubmitted where substantial changes have taken place. If the application for payment cannot be submitted within this timeframe a once off three month extension can be given. In these situations applicants must notify the Department by email at forestryprogram2014-2020@agriculture.gov.ie. If the deadline of the 31st October expires without any request for an extension, the Form 2 is deemed ineligible for support.

Payment of the 1st instalment grant will be made upon satisfactory completion of works set out in the application form. The date of completion of these works is known as the completion date and is the start date for the 7 year contract term.

For each year of the contract period beneficiaries will be required to email the Forest Service the following information;

- Species and amount of seed collected annually including copies of Seed Collection Permits and Master Certificates of Identity

- Name and address of seed purchasers (unless seed is used by the company or person owning the seed stand) including copies of seed Supplier's Documents issued under Council Directive 1999/105/EC
- Volume and species of seed purchased by each purchaser

The first email report shall cover the period from the completion date to the 31 December of the following calendar year. Thereafter, an email report shall be submitted for each calendar year for the duration of the contract, before 31 March of the following year. The final report will be submitted within 3 months from the completion date plus 7 years. If the Department has not received email reports within the timeframe specified a debt may be raised to recover the 1st instalment grant and where relevant the 2nd instalment grant also. If email reports cannot be submitted within this timeframe a once off four week extension can be given. In these situations applicants must notify the Department by email at forestryprogram2014-2020@agriculture.gov.ie seeking the extension before the deadline expires.

7.2.5 Form 3: 2nd Instalment

The second instalment (25%) of the grant will be paid on receipt of proof of production in respect of each seed stand included in the application. Proof of production must be submitted within the 7 year contract period. There is no penalty or clawback of money already paid where seed has not been produced once all annual email reports have been submitted. However, where no seed is produced or where proof of production has not been provided within 7 years of the completion date, the remaining 25% payment is automatically forfeit. Applicants may apply for a once off 3 month extension to this deadline but must do so before 5pm of the last working day of the 7 year expiry date. In these situations applicants must notify the Department by email at forestryprogram2014-2020@agriculture.gov.ie.

Proof of production can only be valid if the relevant District Forest Inspector from the Department of Agriculture, Food and the Marine has been contacted by e mail at least 5 working days before collection is due to begin. This e mail must also be copied to forestryprogram2014-2020@agriculture.gov.ie. The email will contain the following details;

- Seed Stand unique national register reference number
- Seed Collection Permit Number
- Forest holder details
- Mobile and land line number
- Time and dates that seed collection will be taking place
- Location of seed stand
- Directions to site or arrangements to meet

Proof of seed use for forestry purposes can be provided by the 'Supplier's Document' and copies of invoices issued and receipts provided. A declaration must also be provided by the recipient of the seed (the nursery) to the effect that the seed was received from the applicant and that the seed will be used to grow trees for grant aided schemes included in the forestry programme or for reforestation. Irregularities in the documentation may lead to a debt being raised and recovery of the 1st instalment grant.

Proof of production is required on one occasion only per seed stand in order to qualify for the second instalment of the grant.

7.2.6 Contract Term

The contract starts on the completion date of works and is activated on the date of payment of the 1st instalment grant. The contract term for seed stands is 7 years plus 3 months for submission of the final report. A further 3 months is added to the contract term if an extension was granted in relation to submitting the final annual report.

Where circumstances exist that may require an extension of the contract term (for example, outstanding remedial works), the expiry date of a contract may be extended at the discretion of the Minister. This may be required in order to finalise works which will lead to seed production outside of the 7 year period. In exceptional circumstances a maximum of three additional years may be granted. An extension to the contract period (as opposed to an extension for submission of an e mail report) may be sought within 3 months from the completion date plus 7 years. This application should state the length of the extension being sought, the reasons for the extension and the outstanding works required. A contract extension does not imply additional financial support above that already described herein.

The Department can terminate the contract if annual e mail reports are not submitted on time or when work is not completed to the satisfaction of the Department or if annual e mail reports do not reflect what is happening on the ground or where information submitted is found to be inaccurate. The Department may decide to terminate the contract for other reasons to be specified in the contract termination letter. In these cases a debt will be raised to recover all payments made which will include interest at the appropriate rate and no further payments will be made. The Department will give three weeks prior notice of contract termination during which time the applicant can enter an appeal.

Appeals should be made in writing, giving detailed grounds for the appeal, to the Appeals Section, Forest Service, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford. Appeals are currently considered by the Forestry Appeals Committee. The appeals procedure is currently under review.

7.3 *Element 2: Seed Orchards*

Two types of seed orchards are supported under this scheme, outdoor and indoor. The term seed orchards will refer to both hereafter. Seed Orchards, outdoor and indoor are regulated under the Council Directive on the marketing of forest reproductive material. Outdoor seed orchards are subject to the provisions of the Forestry Act and consequently they will be treated as forests and may be subject to replanting if removed. It follows therefore that these seed orchards must comply with the requirements, terms and conditions of grant aided schemes included in the forestry programme. Outdoor seed orchards forms will be handled manually through IForIS. Applicants should refer to the Afforestation Scheme documents which can be found at;

<http://www.agriculture.gov.ie/media/migration/forestry/grantandpremiumschemes/2015/AfforestationScheme20142020181214.pdf>.

Indoor seed orchards are not subject to the provisions of the Forestry Act; consequently they are not regarded as forests. This means a different administrative regime is required for these orchards and applications for grant aid are not made through IForIS.

7.3.1 Eligibility

The maximum eligible area for outdoor seed orchards will be 5ha; the seed orchard area can be larger but only up to 5ha will be eligible for funding.

Public and private forest-holders will be eligible for support including nurseries.

Reforestation sites are eligible for support under this scheme.

It should be noted however that not all seed orchard proposals will be funded. For example where there is sufficient supply of seed of approved species and provenances already being produced, support will not be approved. The Scheme will support the establishment of seed orchards compliant with Council Directive 1999/105/EC for the following species:

- Pedunculate oak (*Quercus robur*)
- Sessile oak (*Quercus petraea*)
- Sycamore (*Acer pseudoplatanus*)
- Spanish chestnut (*Castanea sativa*)
- Sitka spruce (*Picea sitchensis*)
- Scots pine (*Pinus sylvestris*)
- Silver birch (*Betula pendula*)
- Downey birch (*Betula pubescens*)
- Common alder (*Alnus glutinosa*)

Seed orchards for other species may also be funded under the Scheme, on application; this could include for example ash with proven resistance to the pathogen *Hymenoscyphus fraxineus*.

Outdoor seed orchards must have a Forest Management Plan (FMP) regardless of their area. FMPs can be prepared by the owner and must be based on the Forest Service Form 2 FMP template which will be included as part of the Form 2. Outdoor seed orchards regardless of size must have a full forest management plan at Year 12 which must be based on the Department's FMP template in place at the time. FMPs are not required for indoor seed orchards. Submission of the FMP will be a condition of payment at Form 2 stage (for outdoor seed orchards).

7.3.2 Allowable costs and Grant Rates

Support for the establishment of outdoor seed orchards shall be 50% of the eligible costs of establishment, up to a maximum of €10,000/ha for a maximum of 5ha. In the

case of indoor seed orchards 50% of vouched eligible costs will be supported up to a maximum of €50,000 per application per applicant.

Applicants already in receipt of support for a seed orchard may apply for support in respect of establishing another seed orchard or an extension to an existing seed orchard once the subsequent application is not made in the same year as the completion date of the earlier seed orchard application.

Eligible costs for the establishment of seed orchards will include the following:

- Site preparation, crop layout and design
- Purchase of planting stock
- Grafting
- Fencing
- Cleaning
- Purchase, construction, repair, enhancement, refurbishment of indoor facilities including irrigation systems
- Other costs agreed by the Forest Service in advance of approval.

Outdoor seed orchards are eligible for a premium towards the cost of maintenance of €500/hectare each year for 7 years following establishment.

Support will be available only for projects which, prior to establishment, have been granted approval by the Department, following the submission of Form 1 in the case of indoor seed orchard or a form 1a in the case of an outdoor seed orchard. Aid for afforestation under these measures will be granted solely in connection with duly justified and substantiated costs; and no over-compensation will take place.

Grants will be paid in two instalments. The first instalment of 75% (Form 2) may be claimed immediately after planting. The second instalment (Form 3) can be claimed no sooner than 4 years after establishment has been completed. All payments of grants and premiums will be conditional on the seed orchard being successfully established and maintained in compliance with the conditions of approval and in the case of outdoor seed orchards standards as outlined in the *Forestry Standards and Procedures Manual*. Any area planted outside of the approved area will not be eligible for grant aid.

Payment of the second instalment and in the case of outdoor seed orchards the 4th and subsequent premiums will be conditional on the seed orchard being registered in the National Register of Basic Material.

There is one GPC- Seed Orchard (GPC 13) and approved species attract the same grant and in the case of outdoor seed orchards the same premium rates.

The Minister reserves the right to alter grant and premium rates at any time. Beneficiaries of grant aid under this Scheme are required to retain all receipts and invoices relating to work undertaken to establish and maintain the seed orchard for a period of 7 years after the completion date. 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.

Grants and premiums available for seed orchards can be summarised as follows;

	1 st Instalment € / ha	2 nd Instalment € / ha	Total grant available € / ha	Premium
Outdoor seed orchards	€7,500	€2,500	€10,000	€500/ha
Indoor seed orchards*	€37,500/application	€12,500/application	€50,000/application	-

* 50% of establishment costs up to a maximum of €50,000 per application

7.3.3 Qualification Criteria

In order to qualify for the evaluation stage of the process the following rules apply;

- i. Applications will only be accepted on the official hard copy application Form 1. The following documents should also be included in the application;
 - Location Map (Discovery Series);
 - Description of the species and genetic material including category, level of improvement in vigour and) form that the genetic material includes, the seed orchard site location and orientation, and soil description and suitability, plot layout taking into account pollination requirements and outcrossing (where relevant), methodologies envisaged for encouraging seed production such as stem girdling, chemical treatment etc., seed collection, arguments in support of establishing the seed orchard being proposed and any other information that describes the proposal;
 - In the case of clonal seed orchards, the application should also include an indication of the number of genotypes that will be used, their origin and the number of ramets used per genotype;
 - In the case of breeding seedling orchards, the application should also include an indication of the number of individual parent trees which contributed sets of progeny for the orchard and the number of trees per family in the orchard to be established;
 - Proof of ownership;
 - Tax clearance certificate;
 - A 5-year business plan.
- ii. Applications should include information on expected seed harvest and a detailed breakdown of the estimated cost of establishing the seed orchard.
- iii. A comprehensive list of works must be included in the application along with the estimated costs of these works.
- iv. Qualifications and experience of the key personnel involved must be submitted.
- v. For indoor seed orchards the following additional documentation will be required with the Form 1;
 - Building specifications giving a figure for the area covered by the structure, along with and copy of original drawings of structure (if new structure). A detailed estimate of the cost of construction works should be provided;

- Planning permission for structure, if required under law. Reference to planning permission exemption must be made in the application if planning permission is not required;
- Orchard layout, number of plants and seed collection methodologies envisaged;
- If a new structure is being put in place, the name and business address of the architect/builder;

7.3.4 Evaluation Criteria

Applications for funding under this measure will be selected by reference to the following criteria, listed in order of priority (applicable to both indoor and outdoor seed orchards except where specified):

- Extent of current and forecasted seed demand for the species, provenance or improved material included in the application (150 points);
- Anticipated contribution of the application to meeting plant demand. Marks will be distributed on the basis of which applications contribute the most, for example 150 to the highest and 50 for the least. (100 points)
- Knowledge, expertise and roles of the persons involved in managing the seed orchard for the contract duration. (100 points);
- Outdoor seed orchards: Suitability of the site having regard to, inter alia, soil, location, elevation, access, environmental considerations and robust seed orchard design. Indoor seed orchards: the overall layout and size of the facility, robust seed orchard design, provisions for watering and pollen dispersal, and harvesting method (75 points).
- The level and type of grafting required, layout in respect of flowering, pollination and seed collection (75 points);

Projects will be selected by the Department of Agriculture, Food and the Marine on the basis of these criteria. It follows therefore that applications should include additional documentation that addresses each of these criteria otherwise points cannot be allocated. Where applications achieve the minimum number of points (300 points) they will be approved subject to the availability of funds. Where the number of eligible applications exceeds the level of available funding, the granting of approval will be determined on the basis of the highest points scored. The 300 points threshold can be changed at the Department's discretion.

7.3.5 Contract Term

The contract starts on the completion date of works. The contract term for Seed Orchards is 7 years and 3 months or 7 years and 6 months from date of completion where an extension has been approved for the final premium payment. Where circumstances exist that may require an extension of the contract term (for example, outstanding remedial works), the expiry date of a contract may be extended at the discretion of the Minister. The contract can terminate before this where the second grant instalment has not been applied for within 4 years (plus 3 months where an extension has been granted) of the completion date of the seed orchard. The contract can also be terminated where remedial works are not undertaken to the satisfaction of

the Department within the timeframe specified. In these cases a debt will be raised to recover all funds paid to the applicant and no further payments will be made.

Following an inspection the Department may decide to terminate the contract for reasons to be specified in the contract termination letter. In these cases a debt will be raised to recover all payments made and no further payments will be made. The Department will give three weeks prior notice of contract termination during which time the applicant can enter an appeal. Appeals should be made in writing, giving detailed grounds for the appeal, to the Appeals Section, Forest Service, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford. Appeals are currently considered by the Forestry Appeals Committee. The issue of appeals is currently under review.

7.3.6 Outdoor Seed Orchards

7.3.6.1 Conditions of Aid

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. The digitised area of a contract (i.e. the entire plantation) is the sum of the area of the seed orchard. Applicants must familiarise themselves with the terminology as follows;

- i. The claimed area is the total area of the outdoor seed orchard specified by the applicant in the application as being claimed for payment of the outdoor seed orchard grant or premium payment. The claimed area is calculated by the applicant by deducting any part of the plot that is not eligible to receive grant and premium payments from the digitised area (refer to Forestry Standards and Procedures Manual 2015 for further details).
- ii. The determined area of an outdoor seed orchard 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).
- iii. 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 of seed orchard grants and premiums will be based, subject to compliance with the requirements of the scheme as regards submission of proof of ownership.

Where the determined area (i.e. the area determined by the Department) is greater than the claimed area (i.e. the area claimed by the applicant), this is deemed to be an under-claim. In such cases, a new revised claimed area equal to the determined area can be submitted by the applicant in respect of the following and all subsequent payments due under the contract. The onus is on the applicant to satisfy him/herself that the revised claim that s/he is submitting is correct. This revised claimed area will then be deemed to be the payable area for the remainder of the grant and premium payments due under the contract. This change cannot be applied retrospectively and no back money will be paid in respect of payments that were made or, in the case of

annual premiums, were due to be paid before the revised claim is submitted. (If not already due for payment or paid by the time the revised claim is submitted, the 2nd instalment grant will be calculated and paid on the basis of the revised claim but no back money will be paid in respect of the 1st instalment grant already paid.)

Where a notification (i.e. a remedial works letter) is issued to the applicant specifying remedial works required to bring his/her outdoor seed orchard 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 5 days before the expiry of the original deadline for completion. Failure to complete the specified works to the satisfaction of the Forest Service within the timeframe specified will result in termination of the contract.

Grants and/or premiums will be paid only when the entire outdoor seed orchard is up to the required standard. If part of the outdoor seed orchard fails inspection, payment will be withheld on the entire area until remedial works are carried out and the seed orchard is established to the required standard.

Where the Forest Service decides that it is not possible to bring the outdoor seed orchard, or part thereof, up to the required standard, no further payment will be made for that area. Where the grant and/or premium, or part thereof, is not to be paid, the Forest Service shall also require repayment of the amount paid in respect of the outdoor seed orchard or in respect of the area that does not meet the required standard.

Payments shall be made in respect of applicants who make valid applications prepared by a registered forester and who have established their seed orchard in accordance with the Form 1 approval (i.e. both technical and financial) and in compliance with:

- i. All relevant EU requirements and national legislation for the time being in force;
- ii. 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, remedial works notifications;
- iii. Forestry Standards and Procedures Manual;
- iv. Code of Best Forest Practice – Ireland;
 - v. National Forest Standard;
 - vi. Forest Service Environmental Guidelines.

Areas for Biodiversity Enhancement (ABEs) are not required for outdoor seed orchards.

7.3.6.2 Form 1: Application

Completed applications for outdoor seed orchards will only be accepted during the months of January and February (June and July 2015). Any applications received outside of these month(s) will be held on the system and processed as part of the following year's tranche only when requested in writing by the applicant. When the

administrative process allows, applicants must be in a position to complete works and submit a Form 2 before the 31st March of the following year.

Approvals will issue subject to funding availability and following the normal checks and balances that are part of the “Afforestation and Creation of Woodland scheme; these are set out in the “Forestry Standards and Procedures Manual”. Before applications are sent for environmental checks and consultations they will be subject to the qualification and evaluation process. Only applications which pass the qualification stage will progress to the evaluation stage.

All applications will be evaluated and scored according to the specified criteria; if the value of eligible applications exceeds the budget available then only the highest scoring applications will receive approval and will be progressed. Approvals at this stage (known as seed orchard pre-approvals) will be notified to applicants during March. Other approvals may issue after this date as additional funds become available on the basis that Form 2’s can be submitted by the 31st March of the following year.

Applications for support for outdoor seed orchards must be made on hard copy Form 1’s. The applicant and a Registered Forester must complete the application form following a site visit and detailed field assessment by the Registered Forester. Technical approval is only valid up to and including the expiry date specified in the letter of approval.

Technical approvals will issue in the normal manner in line with rules for the “Afforestation and Creation of Woodlands Scheme”. Once technical approval is granted, applicants must apply immediately for financial approval on a Form 1a. Applicants must submit the Form 1a and be in a position to begin work 8 weeks after technical approval is granted. A Form 1b must be submitted when substantial works have been completed and finally a form 1c is submitted notifying the Department that all works have been completed. Form 2’s should be submitted within 4 weeks from the completion date as indicated on the Form 1c. The aim is to complete all works and submit form 2 applications no later than the 31st March of the following year.

Applications should not be submitted if works cannot be completed according to the timeframe prescribed. The Department reserves the right to amend these dates.

Note: A technical approval confirms only that the proposed outdoor seed orchard detailed in the application complies with the silvicultural and environmental requirements of the scheme and the approval provides permission to plant all or part of the area specified, as long as the planting and all the works undertaken do not lead to a material change in the project for which the pre-planting approval was granted and the areas planted meet scheme requirements. It does not confirm eligibility for a grant under the scheme, nor does it confirm that funding for a grant has been approved. A separate financial approval is required for this purpose (Form 1a). The issuing of a technical approval does not guarantee that an outdoor seed orchard proposed or amended by conditions applied by the Department will establish successfully. Responsibility for the successful establishment of an outdoor seed orchard rests solely with the applicant and the Department will not accept any liability if the outdoor seed orchard fails to establish. Nor can the registered forester and applicant rely upon inspection by the Department to ensure that the standards required

of him or her are achieved. Failure to establish an outdoor seed orchard to the required standard may give rise to recovery by the Department of all grants and premiums paid to the applicant which will include interest. The Department accepts no liability for costs incurred by an applicant at this stage or at all.

See also qualification and evaluation criteria.

7.3.6.3 Form 2: 1st Instalment

Application for payment of the 1st Instalment Grant and 1st Premium must be made using 'Form 2'. A claim for 1st instalment grant will not be processed separately from the claim for the 1st premium. The time limit for receipt of the Form 2 in the Department along with supporting documentation shall be 4 weeks after the date of completion of the plantation as stated on the Form 1c. Where the applicant requires an extension an application must be submitted to forestryprogram2014-2020@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. The application form sets out the requirements to be met to make a valid application. If the application for payment is not submitted within the timeframe specified the Form 2 and premiums are deemed ineligible for support.

Forest Service Form 2 forest management plan template must be completed for outdoor seed orchards as part of the Form 2.

Payment of the 1st instalment grant will be made upon satisfactory completion of works set out in the approval letter. The total value of the grant must be equal to or less than 50% of the value of invoices held, exclusive of VAT. Details of costs incurred must be provided and should correspond with those costs identified at Form 1 stage. Invoices/receipts may be verified subsequently by the Department.

The applicant and a Registered Forester must complete the Form 2.

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.

7.3.6.4 Form 3: 2nd Instalment

Application for payment of the 2nd instalment grant shall be made on the application form, Form 3. Applicants can submit this form anytime after the 4th anniversary of the completion date of the outdoor seed orchard up to 5pm of the last working day before expiry which is three months after the 4th anniversary of the completion date (Form 3 expiry date). Failure to submit Form 3 on time will result in forfeiture of the 2nd instalment, termination of the contract and a debt being raised against payments made. Where the applicant requires an extension an application must be submitted to forestryprogram2014-2020@agriculture.gov.ie before 5pm of the last working day of the Form 3 expiry date. The maximum extension that can be granted is 3 months and

only one extension will be granted. This date is referred to as the new Form 3 expiry date.

The applicant and a Registered Forester must complete the application following a site visit and a detailed field and forest plot assessment.

The seed orchard must be registered on the National List of Basic Material in order to qualify for the 2nd Instalment Grant and subsequent premiums. Failure to register the outdoor seed orchard on the National List of Basic Material within 4 years and 6 months from the completion date will result in contract termination and recovery of all payments made. Where the applicant requires an extension an application must be submitted to forestryprogram2014-2020@agriculture.gov.ie before 5pm of the last working day of the (new) Form 3 expiry date. The maximum extension that can be granted is 3 months and only one extension will be granted.

7.3.6.5 Form 4: Premiums

Application forms (Form 4) for 2nd and subsequent premiums must be submitted within 3 months from the anniversary of the completion date (known as the premium expiry date) otherwise that annual premium is forfeit. Where the applicant requires an extension an application must be submitted to forestryprogram2014-2020@agriculture.gov.ie before 5pm of the last working day of the annual premium expiry date. The maximum extension that can be granted is 3 months and only one extension shall be granted. Premium payments will issue by the end of the first quarter.

The 5th and subsequent premiums can be claimed when due each year following payment of the 2nd instalment grant. Where the 2nd instalment grant has not been applied for on time, the 5th and subsequent premiums shall be forfeit.

7.3.7 *Indoor Seed orchards*

7.3.7.1 Conditions of Aid

At least 90% of plants housed in the grant aided area of the seed orchard must be species approved by the Forest Service.

For indoor seed orchards the actual structure may already exist. Therefore funding may not necessarily go towards the building of the infrastructure. Funding can also contribute towards the renovation, enhancement or repair of an existing suitable structure once this work is verifiable and described in the application. Only 50% of the total cost of establishing the indoor seed orchard will be funded up to a maximum of €50,000, this shall not include the cost of facilities already in place at the time the application is submitted. Copies of verifiable invoices, stamped and certified as originals will be provided by applicants.

Participation of a registered forester in the administrative process is not a requirement for indoor seed orchards.

7.3.7.2 Form 1: Application

Completed applications will only be accepted during the months of January and February (June and July for 2015). Any applications received outside of these month(s) will be held on the system and processed as part of the following year's tranche only when requested in writing by the applicant. Approvals will issue subject to funding availability from the 1st – 31st March (August for 2015) at which point the scheme is deemed closed for that year. All work should be completed and Form 2's submitted by the 31st March of the following year.

All applications received will be evaluated and scored according to the specified criteria for the individual scheme; if the value of eligible applications exceeds the budget available then only the highest scoring applications will receive approval. Other approvals may issue after March as additional funds become available but only on the basis that Form 2's can be submitted by the 31st March and an undertaking to this effect is provided by applicants offered this approval.

Applications should not be submitted if works cannot be completed according to the timeframe prescribed above. The Department reserves the right to amend these dates.

7.3.7.3 Form 2: 1st Instalment

Application for payment of the 1st instalment grant may be made following establishment, in accordance with the terms of the pre-planting approval. All works must be completed satisfactorily and the Form 2 submitted by the 31st March. Where the applicant requires an extension an application must be submitted to forestryprogram2014-2020@agriculture.gov.ie before 5pm on the 31st March. The maximum extension that can be granted is 3 months and only one extension shall be granted. If the deadline of the 31st March expires without any request for an extension, the Form 2 is deemed ineligible for support.

The time limit for submission of claims for 1st instalment grant (Form 2) will be 4 weeks after date of completion of establishment. The deadline for submitting this claim is the 31st March. A once off extension of a further 4 weeks is available and can be sought by sending an e mail to forestryprogram2014-2020@agriculture.gov.ie before 5pm on the last working day before the expiry date. This extension will only be granted if the extension itself does not breach the 31st March deadline (except where an extension is granted). If the application for payment is not submitted within the timeframe specified the Form 2 is deemed ineligible for support.

7.3.7.4 Form 3: 2nd Instalment

Application for payment of the 2nd instalment grant shall be made on the application form, Form 3. Applicants can submit this form anytime after the 4th anniversary of the completion date of the indoor seed orchard up to 5pm of the last working day before expiry which is three months after the 4th anniversary of the completion date (Form 3 expiry date). Failure to submit Form 3 on time will result in forfeiture of the 2nd instalment, termination of the contract and a debt being raised against payments made. Where the applicant requires an extension an application must be submitted to

forestryprogram2014-2020@agriculture.gov.ie. before 5pm of the last working day of the Form 3 expiry date. The maximum extension that can be granted is 3 months and only one extension will be granted. This is referred to as the new Form 3 expiry date.

The indoor seed orchard must be registered on the National List of Basic Material in order to qualify for the 2nd Instalment Grant. Failure to register the indoor seed orchard on the National List of Basic Material within 4 years and 6 months from the completion date will result in contract termination and recovery of payments made. Where the applicant requires an extension an application must be submitted to forestryprogram2014-2020@agriculture.gov.ie. before 5pm of the last working day of the (new) Form 3 expiry date. The maximum extension that can be granted is 3 months and only one extension will be granted.

7.4 Summary of Scheme Details

Deadlines

		Form 1's	Approvals after evaluation	Work completed and Form 2's in by
Seed Stands	2015	June and July	August	31 st October 2015
	2016-2020	January and February	March	31 st October
Outdoor Orchards	2015	June and July	August	31 st March 2016
	2016-2020	January and February	March	31 st March
Indoor Orchards	2015	June and July	August	31 st March 2016
	2016-2020	January and February	March	31 st March

Grant and premium Rates

	1 st Instalment € / ha	2 nd Instalment € / ha	Total grant available € / ha	Premium
Broadleaf seed stands	€400	€125	€525	-
Outdoor seed orchards	€7,500	€2,500	€10,000	€500/ha
Indoor seed orchards*	€37,500/application	€12,500/application	€50,000/application	-

*50% of establishment costs up to a maximum of €50,000 per application

8 Other Terms and Conditions

8.1 Payment

All payments will be made Electric Fund Transfer (EFT) directly to the applicants bank account.

8.2 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.

a) **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.

b) **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 applicants VAT status.

8.3 Penalties

Penalties may apply at the discretion of the Minister and may include withholding payment of grants.

8.4 Appeals

- a) An Applicant, his/her contractor or his/her agent may appeal a decision of the Minister's regarding an application for a Pre-Approval, a Grant or termination of a contract.
- b) An Appeals Committee hears all appeals made. Appeals should be lodged with the Department's Offices at Johnstown Castle, Co Wexford.
- c) A challenge to the substantive or procedural legality of decisions, acts or omissions subject to the public participation provisions of Council Directive 85/337/EC (*EIA Directive*) may be made by way of judicial review under Order 84 of the Rules of the Superior Courts.

8.5 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.

8.6 Failure to abide by the terms and conditions of the scheme

- a) 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.
- b) 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 be in 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.
- c) 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.

8.7 Review of Procedures and Grant Aid

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

8.8 Conditions of Approval

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

8.9 Information and Data Protection

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 and 2003.

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.

9 State Aid requirements

9.1 *The incentive effect*

SMEs must indicate on the application form for aid under the measures proposed that “The work described herein, would not have been undertaken if it wasn’t for the financial support provided under state aid rules. Without this aid there would be no change to current activities.” For large companies² documentary evidence must be submitted in relation to the counterfactual (what would happen without the aid) for each of the measures proposed. This involves a credibility check of the counterfactual to establish that the company would not carry out maintenance work on seed stand in the absence of aid. A counterfactual is credible if it is genuine and relates to the decision-making factors prevalent at the time of the decision by the beneficiary regarding the activity. Large companies must submit an internal company document (separate to the application form) showing that the company has analysed the viability of the project – with and without aid – and showing the “incentive effect”. The document must clearly state what would have happened without the support available under this scheme. That means that the documentation (internal report) produced by the company must establish that the aid will cause at least one of the following:

- A material increase in the size of the project, or
- A material increase in the scope of the project, or
- A material increase in the total amount spent on the project.

The Forest Service will require that the company document shows a credible analysis and demonstration of the incentive effect. The document should contain an analysis which answers the following questions:

- Would the project proceed without State Aid assistance?
- Would the level of project expenditure be less without State Aid support? If so, indicate by how much?

This information should indicate changes in the project size, scope and total spend. This incentive effect document should be submitted with the Form 1a. The application will only be deemed to have been accepted as valid once the company has been advised by the Forest Service that the incentive document meets the requirements set out above and is fully compliant with the European Union Guidelines for state aid in the agriculture and forestry sector and in rural areas 2014–2020.

9.2 *Proportionality of the aid*

Large Companies must provide documentary evidence that the aid is proportionate. This can be achieved by submitting an IRR and NPV analysis of the investment with aid and without aid with the Form 1. Only applications which are deemed proportionate will be grant-aided by the Forest Service.

² Definition of an SME is given in Annex I of Commission Regulation (EU) no 651/2014.

9.3 Transparency

Ireland shall publish on its website at national level the following information on the State aid schemes:

- the full text of the notified aid scheme and its implementing provisions,
- the granting authority,
- the names of the individual beneficiaries, the form (in particular the aid instrument) and amount of aid granted to each beneficiary,
- the date of granting,
- the type of undertaking (SME/ large enterprise),
- the region (at NUTS level II) in which the beneficiary is located and the principal economic sector in which the beneficiary has its activities, at NACE group level. This requirement only applies to individual aid awards greater than €60,000 for beneficiaries active in primary agriculture production and €500,000 for others.

The beneficiaries table for the previous calendar year will appear on the DAFM website and will be replaced annually with the updated table. This will be done before March of that year.

A large company is defined as one with a headcount of more than 250 people; turnover greater than €50 million; or a balance sheet greater than €43m. If a company is part of a group, the employee, turnover, annual balance sheet and ownership limits apply to the group. It is up to the applicant to properly declare themselves as a large company.