Prevention and Restoration of Damage to Forests: Reconstitution of Woodland Scheme (Windblow)
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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;

‘Forest’ is defined in Ireland as land with a minimum area of 0.1 ha under stands of trees 5 metres or higher, having a minimum width of 20 metres 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;

‘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 and or felling licence in respect of the windblown area;

‘Approval’ means a Windblow 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 forestry plantation under the terms of all current legislation, guidelines and the conditions of this scheme including area felled and/or replanted under licence.

‘Application - 1st Instalment Grant, Form 2’ 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.

‘Application - Second Instalment Grant, Form 3’ shall mean an application to receive a 2nd instalment grant, which can be applied for 4 years after the completion date of the reconstitution of the plantation, subject to the plantation being up to the required standard.

‘cost of reconstitution’ refers to costs incurred as part of re-establishing the site, eg. costs of plants, planting, site preparation and vegetation control.

‘reconstitution’ refers to works required to re-establishing the site, eg. cost of plants, planting, site preparation and vegetation control and site preparation.

‘Afforestation contract’ shall mean contracts as listed at Section 3.1, viz. Afforestation Grant Schemes; Native Woodland (Establishment) Scheme; NeighbourWood Scheme; Forest Environment Protection Scheme.
‘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.

‘Completion Date’ shall mean the date the reconstitution works are completed to the required standard. This date shall be the base line date by which all subsequent payments are based.

‘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 period of time 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.
2 Introduction and Policy Background

Storm force winds occurred on 12 separate days between the 5th December 2013 and the 12th February 2014 hereafter referred to as “the storm”. The most severe windstorm, named ‘Storm Darwin’, occurred on the 12th February 2014. The frequency and ferocity of these storm events, compounded by waterlogged soils on many sites, lead to extensive damage on private and state owned forest lands. Using RapidEye satellite imagery the damage is estimated to be in the order of 8,000ha of which 75% is owned by Coillte.

A taskforce, was established to assess the damage nationally and to identify the various issues arising as a result of this severe windblow event and to agree on a course of action to deal with these issues. An action point arising from this task force was the establishment of a Reconstitution Scheme for Windblow or RSW specifically for forests damaged as a result of “the storm”. The scheme itself will contribute 50% of the costs of restoring forest potential lost as a result of “the storm”.

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 3.4 and any other relevant circulars issued by the Forest Service.
3 General Rules

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. Lo-Call 1890 200 509

Web www.agriculture.gov.ie/forestservice

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

Only projects which receive written approval from the Department, which are undertaken in compliance with the terms and conditions of approval, will be eligible for support. Support will take the form of grants paid over two instalments (75:25). Forest owners who are still in receipt of forest premium payments have a responsibility to ensure that their plantations are maintained throughout the remaining period of the original afforestation contract and the period of reconstitution where this extends beyond the period of the afforestation contract.

Only forests affected by “the storm” will be eligible for the scheme.

Where there are subsequent premiums remaining to be claimed and/or paid under the original afforestation contract then the remaining premiums will be calculated on the basis of the new GPC.

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 VAT number and company registration details (CRO number).

Participation under this scheme does not change the conditions of the existing original afforestation contract that exists for the locations that are grant-aided under the RSW. However, 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, constitute additional terms and conditions of this existing contract.

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

Participation in the scheme is voluntary.

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/forestservice/

The level of support under this scheme depends on whether the forest was insured for the costs of reconstitution or uninsured for the costs of reconstitution at the time of “the storm”.


For sites that were not insured for the costs of reconstitution, this is a fixed grant scheme (€1,700/ha for both conifers and broadleaves). The maximum grant payable for sites that were insured for the costs of reconstitution will be the excess applying to the policy or less where over compensation may occur. All grants paid are exclusive of VAT.

Conditions of felling licence will continue to apply; areas submitted for support under this scheme which fall outside the approved felling licence area are not eligible until such time as a valid felling licence is submitted for that area marked “Storm Darwin”. In these cases further action will be taken by the Department in line with current legislation.

The Minister reserves the right to alter grant rates and conditions at any time. Beneficiaries of grant aid under RSW are required to retain all invoices and receipts associated with this application for 6 years after payment of the 2nd instalment grant, during which time the Department may seek to examine and verify. 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. All invoices must clearly state the main operations and quantities claimed e.g. costs of planting and numbers of plants, costs of mounding and hectares mounded, each fence type and metres erected. Applications will not be eligible for payment where invoices are found to have insufficient details to substantiate the costs claimed.

This document should be read in conjunction with the Forestry Schemes Manual which can be downloaded along with various other circulars from

http://www.agriculture.gov.ie/forestservice/

3.1 Eligibility Criteria

Support shall be granted only for the reconstitution of forests which were established under one of the following Department schemes:

- Afforestation Scheme,
- Native Woodland (Establishment) Scheme,
- NeighbourWood Scheme
- Forest Environment Protection Scheme

Support under RSW will be available to private forest holders and other private bodies and their associations.

Only forests affected by “the storm” that are felled or will be felled in accordance with a valid felling licence are eligible for support under this scheme.

Only applications where the total windblown areas is >1ha will be approved under this scheme.

Grant aided forests which contain conifer species with a completion date after the 1st December 1989 will be eligible for funding under the scheme; Funding will also be considered for grant aided broadleaf plantations affected by “the storm” with a completion date after 1st December 1983.
Forests that were not, at the time of “the storm”, insured for any the costs associated with reconstitution will be eligible to apply for full funding under the scheme; whereas plantations that were insured at the time of “the storm” for the costs associated with reconstitution will be eligible to apply to receive funding up to the excess limit imposed under the relevant insurance policy. Where the plantation was insured at the time of “the storm” for the costs associated with reconstitution, aid will be provided up to the excess limit or a maximum of €1,700/ ha whichever is the lesser. No over compensation can occur where insurance payments associated with reconstitution plus the grant calculated exceed the “Total Cost” of reconstitution (recorded in Section B of Form 1). Insured applicants shall provide all details of reconstitution related insurance payments received including insurance certificates where the excess amount for replanting is clearly stated.

The total eligible area is capped at 10ha per original afforestation contract number, as covered by the approved felling licence; ie. for forests and/or plots established the maximum payment is €17,000 for a contract number affected and/or plots subject to completion dates. All replanting must be described as either conifer or broadleaved using the GPC categories detailed in the Forestry Standard and Procedures Manual e.g. GPC1,2,3,4 listed in plot table will paid at the conifer rate, GPC5,6,7,8,9 and 10 paid at the broadleaved rate.

Aid provided does not compensate for loss of timber revenue or deterioration in the quality of any of the timber affected by “the storm”.

Applicants who have submitted felling licence applications before the 31st December 2014 marked “Storm Darwin” or “Storm Damage” will undergo standard verification and risk assessment whereas RSW applications received where the felling licence application is dated after the 31st December 2014 may be subject to additional verification checks.

Applications to join the scheme (submission of Form 1) closes on the 24th February 2017; while the final date for receipt of Form 2’s will be the final date for completion of works as recorded on the felling licence or the 24th February 2019 whichever comes first.

With regard to eligibility no distinction will be made between thinned and non-thinned plantations.

Cleared areas associated with the damaged forests will be eligible for support under this scheme including the felling of trees to a wind firm edge and/or complete removal of the affected block and works associated with replanting, subject to a maximum area of 10ha. Plots not adjoining the area affected by wind blow will not be eligible under this scheme.

Extensive use will be made of available imagery to confirm damaged and vulnerable areas.

Applications for aid will be accepted from forest holders affected by “the storm” who have already reconstituted the affected area. However, aid shall only be provided in these cases where the felling licence application was marked “Storm Darwin” or “Storm Damage”. In exceptional circumstances, the Minister may accept alternative proof that the forest in question was affected by the storms of 2013/2014.
3.2 *Allowable costs and Grant Rates*

Only 50% of eligible costs excluding VAT, will be covered up to a maximum of €1,700/ha. Grants will be paid in two instalments. The following are the operations eligible for grant aid:

i) Replacement plants

ii) Planting

iii) Ground Preparation (if applicable) e.g. scarification, mounding and windrowing

iv) Vegetation control (1-4 years, if applicable)

v) Shaping if appropriate

vi) Drainage where required

vii) Pine weevil control, if applicable

viii) Filling in

ix) Fencing

x) Management/Supervision, Maximum up to 30% of direct costs allowable, including mapping.

3.3 *Application - Pre-Approval, Form 1*

Where works have already been completed, applicants will submit a Reconstitution Scheme (Windblow) Form 2 Declaration along with the completed Form 1.

Support will be available only for projects which have been granted approval by the Department, following the submission of a Reconstitution Scheme (Windblow), RSW Application - Pre-Approval, Form 1. Aid under RSW will be granted solely in connection with duly justified and substantiated costs; and no over-compensation will take place, conifer replanting costs of €3,400 and broadleaves costs of €5,000 will be used as the threshold for gauging over compensation plus any costs incurred for fencing.

Grants will be paid in two instalments. The first instalment of approximately 75% (Form 2) may be claimed immediately after reconstitution. The second instalment (Form 3) can be claimed no sooner than 4 years after reconstitution has been completed. All payments of grants and any premiums remaining to be claimed and/or paid under the original afforestation contract, will be conditional on “the storm” 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 Schemes Manual*. Any area planted outside of the approved area will not be eligible for grant aid.

A separate RSW application must be made in respect of each afforestation contract that was affected by “the storm”. 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:

- Copies of relevant documentation and associated reference numbers relating to the felling licence application to include a copy of the felling licence,

- Signed declaration stating that the area subject to the application for RSW was not insured for costs associated with reconstitution at the time of “the storm”. The Department may decide to ask for farm insurance documentation to show that insurance policies held at the time of the storm did not cover reconstitution costs.
or

Documentation showing that the area was insured for costs associated with reconstitution and clearly showing the excess eg. insurance certificate; this should include details and payment records of any claims made to and any payments received from an Insurance Company that relate to such insurance for reconstitution costs. It is up to the applicant in conjunction with the insurance company to substantiate that the excess and the settlement relate to reconstitution costs only and not any other costs that may have been incurred eg. loss of timber value. In other words the documentation from the insurance company should clearly show that the excess relates to the reconstitution costs and that settlements relate only to the reconstitution costs. Applications cannot be processed unless this information is provided;

- 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 & Procedures Manual (2015) apply;
- Certified species map identifying the damaged area;
- Revised species map with revised GPC categories, if applicable, signed by the Registered Forester and declaring that all areas submitted for the RSW 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 Forest Service Forestry Standards & Procedures Manual shall apply;
- Felling Licence in respect of the storm damaged area;
- Tax clearance certificate (if applicable).

Following the closing date for applications, (24th February 2017), the Department will check if the total area of all applications received exceeds the limit of 2,000ha for the scheme. Where the limit is exceeded, applications for approval will be selected on the basis of those applicants who suffered the greatest financial loss. The criteria used will include inter alia age and area.

3.4 Application - 1st Instalment Grant, Form2

Application for payment of the 1st Instalment Grant must be made using the ‘Form 2’. The final date for receipt of Form 2’s will be the final date for completion of works as recorded on the felling licence or the 24th February 2019 whichever comes first. 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 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. If the application for payment
is not submitted within the timeframe specified the application is deemed ineligible for support.

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 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 may result in withdrawal of approval.

Grants 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.

Where the Forest Service 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 Forest Service shall also require repayment of the amount paid under this RSW and the original afforestation scheme in respect of the site 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 reestablished the windblown area in accordance with the Form 1 approval 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 letters of approval issued under the afforestation contract and remedial works notifications;
iii. Forestry Schemes Manual;
iv. Code of Best Forest Practice – Ireland;
v. National Forest Standard;
vi. Forest Service Environmental Guidelines.
vii. Forestry Scheme Penalty Schedules

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.

3.4.1 Calculation of area
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;
i. 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 (refer to Forestry Schemes Manual 2015 for further details).

ii. 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).

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 will be based, subject to compliance with the requirements of the scheme.

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 remaining to be claimed/paid under the afforestation contract. This revised claim will not 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.)

3.5 Application - Second Instalment Grant, Form 3

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 re-establishment of the storm damaged area. The time limit for receipt of the Form 3 in the Department along with supporting documentation shall be the 6th anniversary of the completion date of the re-establishment of the storm damaged area. 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. 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.
4 Other Terms and Conditions

4.1 Payment
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. In the event that a payment fails to be made in accordance with a valid mandate no liability shall be attached to the Minister.

4.2 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.

4.3 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 (Windblow), 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.

4.4 Appeals
If an applicant is dissatisfied with any decision by the Department in relation to the RSW, it is open to him / her to appeal against it to the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co Laois. Lo Call 1890 671671 or 057 8667167. The appeal must be made in writing within three months of the date of the decision in question being notified to the applicant. The appeal must include the facts and contentions on which appeal you intend to rely together with such documentary evidence that you wish to submit in support of your appeal.

4.5 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.

4.6 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. Consequently, at his or her discretion, the Minister may also require repayment of aid paid under the afforestation contract.

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. Consequently, at his or her discretion, the Minister may also require repayment of aid paid under the afforestation contract

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.

4.7 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.

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

4.9 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.
ANNEX 1
State Aid Rules

Aid will be granted to applicants under the Windblow Reconstitution Scheme (RSW) 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 fully complied with;
- 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**

**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)

**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

**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

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

<table>
<thead>
<tr>
<th>De Minimis aid description</th>
<th>n-2</th>
<th>n-1</th>
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<tbody>
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<tr>
<td>GRAND TOTAL</td>
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