

# Brexit Processing Capital Support Scheme

## Legal Basis and State Aid

This Scheme has been submitted to the European Commission for State Aid approval and no application will be approved for aid pending State Aid approval.

Expenditure under this scheme will be proposed for funding under the Brexit Adjustment Reserve.

## Managing Authority and Intermediate Body

- The Managing Authority for the Brexit Processing Capital Support Scheme (hereafter referred to as the Scheme) is the Department of Agriculture, Food and Marine (DAFM).
- The implementing Authority for the Scheme is Bord Iascaigh Mhara (BIM).
- BIM with the agreement of the Managing Authority, and subject to all relevant EU regulations, reserves the right to alter or amend the conditions of this scheme and/or to suspend the scheme or to substitute the scheme for a different scheme.
- Funding for this scheme is subject to funding being available to BIM. In every case payment of grant aid is contingent on the availability of finance to BIM.

## Introduction

Recognising the significant impact of Brexit and the TCA on the Irish Seafood Sector, the Minister for Agriculture, Food and the Marine set up a Seafood Task force in March 2021. The Task Force was tasked with examining the implications arising from the EU/UK TCA for the Irish Seafood Sector. Based on their deliberations, the Task Force was asked to outline initiatives that could be taken to provide supports for development and restructuring so as to ensure a profitable and sustainable sector and to identify opportunities for jobs and economic activity in coastal communities dependent on fishing. In relation to the processing sector, the Task Force recommendation is as follows:

*“The Task Force recommends facilitating substantial investment in seafood processing enterprises to support greater utilisation of raw material, improved efficiency, developing new offerings, demonstrating quality and sustainability as well as building capability and innovation through people and processes. The investment will provide temporarily increased graduated grant aid rates, between 30-50%, during the period of BAR funding, to provide an immediate stimulus to overcome some of the constraints arising from Brexit. It is recommended that the graduated rates should reflect the level of added value.*

*Grant aid support of €90 million over the period of the BAR and EMFAF funding will provide the stimulus required. This funding when combined with industry funding, across all processing initiatives, would give the sector a unique opportunity to implement the transformational change required.”*

This scheme represents the implementation of this recommendation.

## Background

The fish processing sector sustained 4,355 jobs, paid €145 million of wages, accounted for €161m in GVA and contributed €347 million to the Irish economy in 2018 and is particularly important for some of Ireland's more peripheral and rural areas. In an international context it is a significant exporter, contributing to Ireland's status as a net exporter of processed fish, relative to the overall EU's position as a buoyant consumer market and net importer of seafood products. The sector is a key contributor to Irish and EU food supply and security in a time where supply chains have been heavily disrupted by global events and in the context of the EU's dependence on non-member states for seafood supply. Moreover, seafood processing in Ireland also has considerable untapped potential for development, particularly in terms of developing value-added products to meet demand in EU and global markets.

The processing sector had previously been supported by schemes carried out under EMFF 2014-2022, with support of up to 30% for capital projects which increased the added value of sector output, but this support has ceased with the conclusion of this programme, with no further supports available for the sector. Between 2018 and 2020 there were 87 projects supported under the Seafood Innovation and Business Planning Scheme, the Seafood Processing Capital Investment Scheme and the Seafood Scaling and New Market Development Scheme. Supports were restricted to SMEs. The total value of these projects was €20.5 million of which €6million was funded by EMFF supports and the remainder funded by private sector investment. These supports have made a significant, positive contribution to the development of the sector.

However, processing enterprises have been overwhelmingly and disproportionately impacted by the TCA when compared to other sectors in Ireland. Within the whitefish and pelagic segments, as a direct result of TCA quota reductions, the supply of raw material to the processing sector has been reduced and become inconsistent. Within the domestic sector, quota reductions for the Irish fleet mean less raw material being available for processors. Additionally, quota reductions for fishers from other EU member states, who may land raw material for processing in Ireland, further reduces supply. Beyond this, some 148,600 tonnes of fish worth €355 million were imported into Ireland in 2019 and this was overwhelmingly destined for processing by our seafood processing enterprises. The UK accounted for 41% of this raw material by volume (65% by value). Brexit and the TCA has resulted in such imports becoming less available and more expensive, with smaller processors in particular not being able to access alternative international supply due to their small scale. All factors combined, there is significant pressure on the processing industry to source raw materials and maintain profitability. This in turn creates risks for those employed by these otherwise profitable enterprises, in regional and peripheral areas where these enterprises are often the primary source of employment and a main contributor to local economies. At national and EU level, threats to this industry also create risks for food security and supply in a time where the resilience of the food supply chain is in the spotlight.

In a broader context, the current structure of the sector reflects one where whitefish is being exported to the UK for further processing, while pelagic processors are focused on high volume, low margin product in a highly price sensitive market. This feature of the sector was recognised in national strategy FoodWise which highlighted that 70% of fish landed into Ireland is exported in unprocessed commodity form. It set a target to reduce this to below 50%. There has been some progress on this objective, but commodity exports remain above 60%. In order to manage with less raw material, it is necessary to achieve and exceed this target to ensure processors can increase profitability, increase business sustainability, afford higher prices for raw material, and sustain and increase employment. Outside of pelagic and whitefish processing, the salmon and shellfish segments are characterised by smaller enterprises which are disproportionately burdened by the increased costs, time and

bureaucracy of bringing their high value product to market. Ensuring that these businesses can scale up to compete in international markets and in a difficult operating environment is critical.

While these are significant challenges for the processing sector, the current operating environment is a catalyst for transformational change to capitalise on the growth and development opportunities for the sector and to meet EU and global demand for high quality, Irish seafood. The Task Force report identified a number of sector needs and a vision for how to meet these challenges and develop the sector. The report highlighted the need to reduce fish sold as a commodity and focus on premium, added value and differentiated output with increased unit value and aligned with key market opportunities. It also identified the need to reduce intermediaries, integrate the supply chain and achieve greater economies of scale to better compete in export markets.

The report also heavily referenced the requirement to increase quality and sustainability while reducing environmental impact. This is not solely a policy demand but also a reflection of the high standards expected by buyers, particularly in retail markets. In moving to higher value products and further up the value chain, processors will need to demonstrate the highest standards of environmental responsibility and sustainability in all of their sourcing, processes and operations in order to enter these more lucrative markets.

For the sector to achieve this vision, one of the recommendations of the Task Force was to introduce temporarily increased grant aid rates for the period of BAR funding, for the seafood processing sector to engage in better utilisation of raw material, improved efficiency, improved environmental performance and sustainability, and new product development. It was recommended that the grant rates should be graduated according to the level of added value presented by projects seeking support, ranging from 30% to 50%. A total fund of up to €90 million [BAR & EMFAF] is proposed with utilisation of this fund contingent on the ability of processing enterprises to mobilise quickly and finalise capital projects within the relatively short time frame of the BAR, ending in 2023.

## Objective

In line with the objectives (Article 3) of the Brexit Adjustment Reserve regulations, the scheme is designed to counter the adverse consequences of the withdrawal of the United Kingdom by supporting those most affected. Its eligibility under the regulations (Article 5) is based on the scheme's aims to assist businesses and local communities adversely affected by the withdrawal, to support the most affected economic sectors, and to support businesses and local communities dependent on fishing activities in UK waters. As evidenced in the introduction, seafood processors and the local, fishing communities in which they operate, are among the worst affected and at risk from the consequences of the TCA and the wider post-Brexit operating environment.

This scheme seeks to support the Irish processing sector to engage in transformational change, mitigating the effects of the TCA/Brexit while also building a more environmentally friendly, sustainable and competitive enterprises which serve the EU and wider global markets, create higher levels of employment more locally, and make better and more sustainable use of Irish landed or imported raw material. It is aimed at supporting industry led transformative capital investments that enable the sector to focus on "creating more from less" in the wake of reduced supply of raw material and move enterprises in the sector further up the supply chain to produce higher value product and shift the industry to a focus on secondary processing and beyond to products targeting end-user markets. Specifically, the scheme seeks to:

- Reduce commodity exports of fish below 50%, as targeted by FoodWise, by supporting processors in moving further up the value chain and remain profitable in the face of lower volumes of raw material.
- Add significant value to fish landings, translating to higher quay-side fish prices for fishers and greater expenditure in local economies.
- Scaling up of Ireland’s seafood processing sector to allow established enterprises compete with international rivals and to allow smaller enterprises to better compete in a more complex export trading environment.
- Increase employment opportunities in seafood processing and within the same coastal communities, helping to offset loss of employment of fishing vessel crews and in wider communities affected by Brexit.
- Enhance professionalisation of seafood processing enterprises, fostering the growth and sustainability of these enterprises.
- Improve processing infrastructure enhancing the attractiveness of Ireland’s fishing ports for landings by foreign vessels fishing in Ireland’s exclusive economic zone.
- Enhance energy efficiency and reduce carbon emissions of Ireland seafood processing sector to ensure sustainability of the sector and facilitate processors in meeting customer requirements for high environmental standards.
- Increase profitability levels of seafood processing enterprises, translating to increased corporation tax revenue.

In order to achieve these aims, targeted supports will be offered for private investment led projects which are deemed as transformational capital investment. Specifically, this will include projects which achieve higher value add as part of a targeted product and market diversification strategy and which without this scheme, would not otherwise occur, and which meet environmental performance standards, as specified in this scheme and are aligned with the principle of “energy efficiency first”.

These supports will be available to all onshore processors in Ireland, which are Sea Fisheries Protection Authority approved and fall within the EU Commission classification of SMEs. Rates of support are graduated according to the degree of value add achieved and eligible enterprises may apply for more than one investment type, as a package of support.

<b>Investment Type 1: Tier 1 Transformational Processing Equipment</b>
This investment type is targeted at funding secondary processing equipment which is clearly aligned to a product and/or market diversification strategy, to assist processing enterprises in moving away from commodity production to production of higher value-added products and to further integrate the supply chain.
<b>Eligible Expenditure</b>
<ul style="list-style-type: none"> <li>• Processing equipment solely used for smoking, canning, brining, adding non-fish product ingredients (such as breadcrumbs, marinades and sauces), cooking, ready meal manufacturing, and food ingredients for human consumption/functional food manufacturing.</li> <li>• Processing equipment solely used for production of portioned, seafood products aimed at end users in retail and foodservice which are packaged AND require no further processing to reach the end user will also be included in this category.</li> <li>• Refrigeration and temperature control equipment integrated into the above equipment<sup>1</sup></li> </ul>

<sup>1</sup> Limited to refrigerated cold air systems aimed at achieving targeted cooling of product in-process; chilling and super-chilling, refrigerated air, glycol, freshwater and seawater systems used in-process; and, automated freezing systems used in a controlled and measurable way, and suitable for whole, headed and gutted, and individual quick freezing.

<ul style="list-style-type: none"> <li>• Commissioning costs for the above equipment up to maximum of 15% of the equipment costs by the equipment supplier or their approved agents.</li> <li>• The above equipment must meet environmental performance standards as established in the project assessment criteria.</li> </ul>
<b>Grant Rate</b>
<ul style="list-style-type: none"> <li>• 50%</li> </ul>

<b>Investment Type 2: Tier 2 Transformational Processing Equipment and Energy Efficiency Investments</b>
<p>This investment type is targeted at elevating enterprises beyond primary processing to produce value added products for earlier points in the supply chain than catered for in Investment Type 1, products for non-human consumption, and products derived from the transformation of waste, which support a product and/or market diversification strategy.</p> <p>Investments in renewable energy sources, AND enhancing the energy efficiency of buildings in which transformational processing equipment is housed, is also covered by this investment type.</p>
<b>Eligible Expenditure</b>
<ul style="list-style-type: none"> <li>• Processing equipment exclusively for IQF (Individual Quick Freeze) filleting or shellfish preparation (to include de-heading, tailing, and deshelling where appropriate) where the only remaining processing step is thawing and/or packaging for the consumer.</li> <li>• Processing equipment for the transformation of waste into value added products, which fall outside of the scope of investment type 1</li> <li>• Processing equipment solely used for value added products for non-human consumption aimed at end users in retail markets which are packaged and require no further processing.</li> <li>• Refrigeration and temperature control equipment integrated into the above equipment<sup>2</sup></li> <li>• Purchase and installation of equipment that generates energy from renewable sources.</li> <li>• Triple E certified equipment which improves energy efficiency for the premises in which Type 1 and Type 2 investments are being located.</li> <li>• Commissioning costs for the above equipment up to maximum of 15% of the equipment costs by the equipment supplier or their approved agents.</li> <li>• The above equipment and facilities must meet environmental performance standards as established in the project assessment criteria.</li> </ul>
<b>Grant Rate</b>
<ul style="list-style-type: none"> <li>• 40%</li> </ul>

<b>Investment Type 3: Primary Processing Efficiency and Facilities investments</b>
<p>This investment type is aimed at supporting investment in quality, competitiveness and efficiency improvements in primary processing and/or in fundamental equipment and capital works which support secondary processing and are aligned to a product and/or market diversification strategy.</p>
<b>Eligible Expenditure</b>

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<sup>2</sup> Limited to refrigerated cold air systems aimed at achieving targeted cooling of product in-process; chilling and super-chilling, refrigerated air, glycol, freshwater and seawater systems used in-process; and, automated freezing systems used in a controlled and measurable way, and suitable for whole, headed and gutted, and individual quick freezing.

<ul style="list-style-type: none"> <li>• Processing equipment for whole freezing, cutting, filleting, de-boning, peeling, washing, de-heading and/or gutting and any other processing which is not included in Type 1 and Type 2.</li> <li>• Traceability systems/ERP/stock control that verify the sustainability, demonstrate compliance and enhance the food safety of seafood products being put on the market</li> <li>• Processing equipment for food ingredients for non-human consumption</li> <li>• Commissioning costs for the above mentioned equipment up to maximum of 15% of the equipment costs by the equipment supplier or their approved agents.</li> <li>• External civil and associated works</li> <li>• Internal works including all elements of sub dividing structures e.g walls, airflow systems &amp; service provision of water, air and electricity</li> <li>• Equipment for blast freezing, chilling, cold stores and refrigeration</li> <li>• Warehousing</li> <li>• Building services works</li> <li>• Handling equipment and facilities</li> <li>• Packaging and labelling equipment which is not part of a process captured in Type 1 and Type 2.</li> <li>• The development of systems and capabilities for the sustainable management and/or disposal of waste streams</li> <li>• Triple E certified equipment which improves energy efficiency for the premises in which only Type 3 investments are located.</li> <li>• The above equipment and facilities must meet environmental performance standards as established in the project assessment criteria.</li> </ul>
<b>Grant Rate</b>
<ul style="list-style-type: none"> <li>• 30%</li> </ul>

## Eligible Enterprises

- Onshore processing SMEs with an SFPA approval number.
  - SMEs are defined as enterprises with a headcount of less than 250, **AND**
  - Turnover of less than € 50 m **OR** a balance sheet total of less than € 43 m<sup>3</sup>

## Project Assessment

Applications must meet a total minimum score of 60/100

Evaluation Criteria	Marks Available
<p><b>1. Alignment with Scheme Objectives</b></p> <ul style="list-style-type: none"> <li>• Alignment of the proposal with the scheme objectives of supporting the Irish processing sector to engage in transformational change, mitigating the effects of the TCA/Brexit through one or more of the following: <ul style="list-style-type: none"> <li>○ Enabling processors to move further up the value chain</li> <li>○ Add value to fish landings</li> <li>○ Scaling up of an established seafood processing enterprise</li> </ul> </li> </ul>	40

<sup>3</sup> The definition of SMEs included in this scheme is as specified by the European Commission [https://ec.europa.eu/growth/smes/sme-definition\\_en](https://ec.europa.eu/growth/smes/sme-definition_en)

<ul style="list-style-type: none"> <li>○ Increase employment opportunities in seafood processing in coastal communities affected by Brexit</li> <li>○ Improve processing infrastructure</li> <li>○ Enhance energy efficiency and reduce carbon emissions of the seafood processing sector</li> </ul> <p><i>[Tick the box/boxes and describe in detail]</i></p> <ul style="list-style-type: none"> <li>● Demonstration as to how the project addresses a specific market need or opportunity supported by relevant data</li> <li>● The project focus is on the production of high value add and is not principally focused on the processing of increased volumes</li> </ul>	
<p><b>2. Organisation Governance and Capacity</b></p> <ul style="list-style-type: none"> <li>● Evidence that the project is aligned with the applicants strategy or business plan</li> <li>● Evidence that the organisation has the human and technical capacity to deliver the project. This should include a project management plan and details of the specific resources that will be allocated to the project</li> <li>● Detailed project delivery timelines demonstrating that the project can be delivered within the required timescale</li> </ul>	20
<p><b>3. Environmental Impact</b></p> <ul style="list-style-type: none"> <li>● Expected environmental performance of the project that is the subject of this application including any of the following: reliance on renewable energy sources/energy efficiency/reduced carbon footprint or efficiency/reduced resource usage on a pro-rated basis/capturing and re-use of heat/other environmental initiatives.</li> <li>● For projects in excess of €5m this must include an environmental strategy setting out the applicants commitment to reducing the organisations carbon footprint and the improvement of environmental performance.</li> <li>● In the case of infrastructure investments, submission of Climate Neutrality Proofing Statement in accordance with European Commission technical guidance on the climate proofing of infrastructure<sup>4</sup></li> </ul>	20
<p><b>4. Value for Money</b></p> <ul style="list-style-type: none"> <li>● Well defined project costings with appropriate quotations</li> <li>● Evidence that the proposed capital item provides value for money and cost effectiveness</li> </ul> <p>For projects in excess of €5m this must include:</p> <ul style="list-style-type: none"> <li>● A cost benefit analysis of the proposal</li> <li>● Evidence of the need for State investment</li> <li>● The direct benefits to the Irish economy arising from the direct economic expenditure such as employment or impact on local suppliers</li> </ul>	20

<sup>4</sup> Evaluation criteria on climate proofing refers to European Commission Notice Technical guidance on the climate proofing of infrastructure in the period 2021-2027 (2021/C 373/01) [Commission Notice — Technical guidance on the climate proofing of infrastructure in the period 2021-2027 - Publications Office of the EU \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021C373001)

<ul style="list-style-type: none"> <li>The indirect benefits to the Irish economy arising from the direct economic expenditure such as the development of transferable skills and expertise or the enhancement of the reputation of Ireland on world markets</li> </ul>	
<b>5. Financial Robustness</b> <ul style="list-style-type: none"> <li>Evidence that the applicant was not bankrupt in the previous three fiscal years (Yes/No*)</li> <li>Evidence that the applicant is trading as a going concern (Yes/No*)</li> <li>Evidence of required cashflow and match funding to deliver the project including the identification of co-financing and robust financial projections (Yes/No*)</li> <li>Record of the satisfactory execution of any grants awarded from a state or public body in the last 7 years including adherence with all terms and conditions. (Yes/No*)</li> </ul>	Pass/ Fail
<b>Total Project Marks Available</b>	<b>100</b>

\*Where criteria are yes/no applicants who respond “no” will be eliminated

### Ineligible Expenditure

- Expenditure for the purchase of land;
- Goods purchased under Hire Purchase or Lease Purchase agreements;
- Secondhand buildings, plant, machinery, equipment, etc. and any associated installation costs;
- Intangible costs, such as cost of pre-financing and of arranging loans and interest, administrative costs, patents, invitations to tender etc.;
- Any fees payable to Local Authorities;
- Repairs and maintenance work;
- Landscaping and other embellishment works, except those specifically required as a condition of planning and recreational equipment costs;
- Vehicles for passenger transport;
- Vehicles required for market distribution;
- Offsite mobile equipment such as tankers;
- Ancillary equipment not directly involved in the process such as fish boxes, tubs etc.;
- Equipment which is normally written off within a year;
- General office equipment, including desktop computers, laptops and tablets, which is not directly and exclusively used for production processes;
- Consultancy costs not directly related to the planning, preparation and execution of the project, including costs of management consultancy;
- VAT;
- Any other activities that correspond to ineligible operations under Article 13 of Regulation (EU) No 1139/2021.

### Selection Process

Applications will be selected for approval by a Project Approvals Board comprised of DAFM (chair), BIM, Údarás Na Gaeltachta, Bord Bia and Enterprise Ireland. The Managing Authority may co-opt additional relevant bodies or individuals with necessary technical or professional experience and qualifications to be members of the Board.

Projects will be selected for funding as follows:

Step	Description	Carried out by
Call for applications	Applications invited	BIM
Eligibility Check and evaluation	To ensure compliance and assess validity	BIM
Assessment	To assess project potential, including technical assessment and climate proofing	BIM
Final Project Selection	To select projects for funding and decide support rates and amounts	Project Approvals Board
Grant offer	Issue of letters of offer awarding funding	BIM

Projects will be appraised having regard to the objectives of the scheme and the quality of the proposal. The Projects Approvals Board will approve projects for support and determine the support rate and amount to be awarded to each project.

## Procurement Requirements

Spend Type	Eligible Expenditure (ex VAT)	Grant Aid Rates	
		Grant Aid 0% to 50%	Grant Aid >50%
Supplies and Services (incl. Equipment and Machinery)	<€5,000	1 Quote	2 Quotes
	€5,000 to €24,999	3 Quotes	3 Quotes
	€25,000 to €214,000	3 Quotes	Government E-tender
	≥ €214,000	3 Quotes	Government E-tender <b>AND</b> EU OJEU
Works – (Buildings only)	<€50,000	3 Quotes	5 Quotes or Government E-Tender
	€50,000 to €5,350,000	3 Quotes	Government E-tender
	≥ €5,350,000	3 Quotes	Government E-tender <b>AND</b> EU OJEU

**Points to note:**

1. The eligible expenditure amounts given in the table above are exclusive of VAT.
2. Quotes should be in writing or by email.
3. Where the applicant is unable, despite his or her best endeavours, to obtain the required number of quotes for reasons outside of their control, this must be explained in writing by the applicant, with relevant supporting documentation. Such exceptional situations will be considered on a case-by-case basis by the BIM officer assessing the application and where accepted, will be recorded on the BIM project file. Where the explanation is unsatisfactory, the application will not be accepted until the correct number of quotes has been supplied.
4. Generally, the grant aid shall be based on the lowest quote amount. The applicant is not limited to taking the lowest quote but in such cases as outlined above a written explanation must be submitted by the applicant and accepted by the BIM officer and recorded on the file.
5. These levels shall in general apply to stand alone items on a per project application basis. It is not acceptable to purposefully break a project into smaller parcels of work or machinery in order to circumvent the procurement rules.

## Terms & Conditions

1. To qualify for grant aid under this scheme the following terms and conditions must be met in all cases. Applicants should please note that these terms and conditions will apply to all applications. Applications that fail to comply with these terms and conditions will be deemed ineligible and will not be considered further.
2. The implementing authority reserves the right to alter or amend the conditions of schemes and/or to suspend the schemes or to substitute schemes for different schemes.

## Applications

3. Only applications submitted on an official BIM electronic application form sent via the BIM grants portal will be considered for grant aid approval.
4. Work on the project must not have commenced before an application is received and acknowledged by BIM.
5. All projects funded under this scheme must be fully completed with all appropriate invoices and evidence of payment presented to BIM by 30th October 2023 to provide adequate time for BIM to undertake an asset verification visit and to process grant claim before the EU Commission specified deadline of the end of the Brexit Adjustment Reserve on 31st December 2023.
6. Acknowledgement of an application does not constitute any form of entitlement to any form of grant aid whatsoever and neither should the applicant constitute any assistance given by officers of BIM as a form of indication that grant aid will become available.
7. BIM will determine the eligibility of applications and applications that do not meet all the mandatory criteria will be deemed ineligible and will be returned to the applicant with an explanatory memorandum.
8. Applications must include a robust business plan which is aligned with the project. Incomplete or poor-quality applications/business plans will be deemed ineligible and returned to the applicant with an explanatory memorandum.

9. Failure to accept the letter of offer in a timely manner may result in non-payment of your grant aid.
10. Officers of BIM, the Department of Agriculture, Marine and Food, Comptroller and Auditor General (C&AG), auditors appointed by BIM or the European Commission or their agents, must be allowed access to all reports, manuals and official documentation including financial and other records related to the project being grant aided for the audit and verification purposes. All requests for information must be responded to promptly.
11. As the application will be made through the BIM on-line Grants Portal, BIM does not require a hard copy of the application. However, any original supporting documentation for all on-line applications, must be made available should it be requested at any stage by Officers of BIM and the Department of Agriculture, Food and the Marine or their agents.

## Applicants

12. The applicant enterprise must be an SME and submit a model declaration.
13. The applicant must complete a self-declaration confirming that none of the situations specified in Article 11 of the EMFAF Regulation (Regulation 1139/2021) applies to them, and if they do, provide details. In that declaration, the applicant shall commit to continuing to comply with the rules of the Common Fisheries Policy and with the Article 11 provisions throughout the period of implementation of the project and for a period of five years after the final payment.. An application or, if no application is foreseen, an equivalent act shall be considered inadmissible, if BIM determines that the operator concerned has committed one or more of the infringements or offences set out in Article 11(1) of Regulation (EU) No 1139/2021 or a fraud as set out in Article 11(3) of that Regulation. The periods of inadmissibility set out in the delegated acts adopted on the basis of Article 11(4) of that Regulation apply.
14. Each undertaking, after submitting an application for aid or, if no application is foreseen, an equivalent act must continue to comply with the rules of the CFP throughout the period of implementation of the project and for a period of five years after the final payment to the beneficiary. If it is determined by BIM that a beneficiary has committed one or more of the infringements set out in Article 11(1) of Regulation (EU) No 1139/2021 during those periods and has as a consequence become inadmissible to apply for aid, the aid must be reimbursed by the beneficiary.
15. Applications for activities that correspond to ineligible operations outlined in this scheme and under Article 13 of Regulation (EU) No 1139/2021 shall be deemed ineligible.
16. An applicant who has benefited from earlier unlawful aid declared incompatible by a Commission Decision (either as an individual aid or an aid under an aid scheme being declared incompatible) shall not be eligible for aid under this scheme until that applicant has reimbursed or paid into a blocked account the total amount of unlawful and incompatible aid and the corresponding recovery interest.
17. Applicants must comply with the Department of Public Expenditure and Reform Circular 13/2014 – Management of and Accountability for Grants from Exchequer Funds. Where an applicant is required to file audited accounts with the Companies Registration Office (CRO), these accounts must detail the following information explicitly:
  - a. Name of Grantor ((Circular 13/2014 Section 5, subsection 21 (a))
  - b. Name of the Grant Scheme / Programme (Circular 13/2014 Section 5, subsection 21 (b))

- c. Purpose of the Grant by appropriate heading (Circular 13/2014 Section 5, subsection 21 (c))
  - d. Accounting information for the Grant (Circular 13/2014 Section 5, subsection 21 (d))
  - e. Capital Grant information (if applicable) (Circular 13/2014 Section 5, subsection 21 (e))
  - f. Employee numbers and benefits categorised, and employer pension contributions (Circular 13/2014 Section 5, subsection 21 (f))
18. The applicant must demonstrate to the satisfaction of the implementing authority its legal identity.
  19. The applicant must demonstrate financial viability (at an organisation or individual level as appropriate).
  20. Applicants which represent an undertaking in difficulty, as defined by Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (2014/C 249/01), shall not be eligible for support.
  21. Applicants which are in receipt of any other state aid for the project in question, shall not be eligible for funding under this scheme.
  22. The applicant must provide evidence that they are able to manage and carry out the project in a satisfactory manner.
  23. The applicant is encouraged to provide detailed information on the cost-effectiveness and value for money of the project proposed. Applicants should note that cost-effectiveness and value for money will be assessed in every case during the selection process.
  24. The applicant must comply with Department of Finance tax clearance procedures, as appropriate.
  25. Where appropriate the applicant must comply with the provisions of the Data Collection Regulation.
  26. The applicant shall indemnify and keep indemnified BIM against all costs, loss, damage and expenses sustained by them and against any claims that may be brought by any partner, employee, agent, sub-contractor or any kind or other party arising out of this project whether by reason of or on account of the breach, default, neglect, non-performance or non-observance by the Grantee or the partners of any of them of the terms and conditions of this Agreement or otherwise.
  27. The applicant must comply with the Department of Finance tax clearance procedures. The applicant must provide a Tax Reference Number and Tax Clearance Access Number.

## Claims

28. Applicants must submit a separate claim form. Payments will be made once the pre-payment conditions have been met and a fully completed claim form has been received.
29. A BIM officer may conduct a site visit for verification purposes following submission of the claim form and prior to any payment being made.
30. Payment will be made into the nominated bank account given on the application form after the above conditions have been met. BIM will endeavour to expedite payments in a timely manner.
31. Payment of grant aid will only be made when all scheme terms and conditions and any special conditions listed in the letter of offer have been fulfilled.

## Declarations

32. The applicant must complete a self-declaration confirming that they meet all criteria of the scheme and are compliant with the terms and conditions of the scheme. Please note that for on-line applications and claims, by submitting the forms, you are electronically signing all declarations that you have agreed to via a checkbox in the form. This is the legal equivalent to a hand-written signature.

### Publicity and Acknowledgement of Support Requirements

In all cases where a project has received grant approval:

**Website Update:** During the implementation phase of the project, the grantee shall provide on their website, where such a website exists, a short description of the project, proportionate to the level of support, including its' aims and results, and highlighting the financial support from the European Union. The technical specification for this will be provided to the grantee prior to the completion of the project.

**Poster:** The grantee shall place at least one poster with information about the project including the financial support from the European Union, at a location that is readily visible to the public such as the entrance/reception area of the appropriate building. The technical specification of this will be supplied to you by BIM prior to the completion of the project.

BIM and the Department of Agriculture Food and the Marine will within six months of payment publicly acknowledge the aid provided via their website or other publications. This may include information such as the applicant/company name, vessel name, the county, NUTS 2 Region, enterprise size (SME etc), economic sector, grant aid paid, % grant rate and portion funded under the scheme, date of payment, form of aid. This information will be made available to the general public without restriction and will be maintained for at least 10 years.

### Appeals Procedure

BIM will provide on request a written explanation for award decisions. Following receipt of that explanation, appellants may request that an appeal be considered by an appeals officer appointed for that purpose.

An appeals mechanism shall be put in place to adjudicate on appeals from applicants dissatisfied with the determination of their application.

### How BIM will use your information

Any personal data you provide to Bord Iascaigh Mhara ("BIM") will be retained and processed by us for solely the purpose described in this form and as described in further detail in the BIM Data Protection Policy. Our Policy describes in detail how BIM, as a State Agency, is required to collect, process and transfer personal data for the purposes set out in various Irish and EU fisheries and marine legislation. These purposes include the administration of grants, conducting surveys and performing services for those working in the marine sector, for example, training, education and ice services. Your personal data may be disclosed to third parties where it is necessary and relevant to those purposes, for example, national or EU agencies with responsibility for the marine, grant administration or training awards or accreditation. While BIM does not engage in unsolicited direct marketing, BIM or its agents may contact you in relation to relevant events or initiatives and you can unsubscribe from such communications at any time. You have a right to access and rectify your personal data which can be exercised by writing to the Data Protection Officer, BIM, Crofton Road, Dún

Laoghaire, Co. Dublin. The BIM Data Protection Policy is available on the BIM.ie website **Error!**  
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