

## Appendix 1

# Conditions of Grant Offer for Grant Application:

### «Reference»

#### General

The scheme will operate in 2022 only.

The main elements of the scheme are as follows:

The scheme supports the Co-operatives through the provision of short-term support aid, to offset the reductions in sales experienced during 2021.

#### Eligible Beneficiaries

This scheme is open to Fisheries Co-operatives, registered with the Registrar of Friendly Societies, whose premises are approved by the Sea-Fisheries Protection Authority under Regulation (EC) No 853 / 2004, and that are primarily focused on TCA quota species and are reliant on the commission earned from landings of their members' vessels for revenue. For the purposes of this scheme a co-operative is considered to be primarily focused on TCA quota species if the total of its members landings is comprised of 75% or more TCA quota species.

#### Scheme Payments

The payments under the scheme are calculated based on the reduction in fish sales for the Co-operative's boats for the first nine months in 2021 compared to the same period in 2019. The payment is based on 7.5% (Co-op Commission taken from landings) of the reduction in fish sales (i.e. turnover) for the Co-operative's boats compared to 2019. The sole primary source for fish sales verification will be through the Grantee's recorded sales on the Sea Fisheries Protection Authority (SFPA) Sales Notes Database. These SFPA sales records may be cross-checked with the Grantee's audited accounts. Payments are capped at a maximum of €250,000 per qualifying Co-operative.

#### 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, with the agreement of the Managing Authority, 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, subject to State Aid Notification.
3. Funding for this scheme is subject to funding being available to the implementing authority. In every case payment of grant aid is contingent on the availability of finance to the implementing authority.



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4. The implementing authority will supply identification details of applicants to the Managing Authority for the purposes of checking compliance with the terms and conditions of this scheme and compliance with information and publicity requirements.

### Applications

5. Only applications submitted on an official BIM electronic application form sent via the BIM grants portal will be considered for grant aid approval.
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 the implementing authority as a form of indication that grant aid will become available.
7. The implementing authority 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. Aid under this scheme shall not be cumulated with public aid from other sources for the same reduction in turnover.
9. Operations identified as ineligible under article 13 of Regulation 2021/1139 shall not be eligible for aid under this scheme.
10. Failure to accept the letter of offer in a timely manner may result in non-payment of grant aid.
11. 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 audit and verification purposes. All requests for information must be responded to promptly.
12. As the application will be made through the BIM on-line Grants Portal, the implementing authority 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 the implementing authority and the Department of Agriculture, Food and the Marine or their agents.

### Applicants

13. Applicants must be a fisheries cooperative, must be registered with the Registrar of Friendly Societies, and must have a premises approved by the Sea-Fisheries Protection Authority under Regulation (EC) No 853 / 2004. Applicants must be primarily focused on TCA quota species. For the purposes of this scheme a co-operative is considered to be primarily focused on TCA quota species if the total of its members landings is comprised of 75% or more TCA quota species.
14. The applicant must complete a self-declaration confirming that none of the situations specified in article 11 of the EMFAF Regulation (Regulation 2021/1139) 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 project period and for a period of 5 years after payment. Applications may be deemed inadmissible for a specified period of time where the implementing authority determines that any of the situations described in article 11 apply to them. Beneficiaries of aid under this scheme who fail to comply with the CFP and with article 11 during the period of implementation of the aided project and for a 5-year period after payment shall be required to repay aid provided under this scheme.



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15. 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.
16. 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:
  - Name of Grantor ((Circular 13/2014 Section 5, subsection 21 (a))
  - Name of the Grant Scheme / Programme (Circular 13/2014 Section 5, subsection 21 (b))
  - Purpose of the Grant by appropriate heading (Circular 13/2014 Section 5, subsection 21 (c))
  - Accounting information for the Grant (Circular 13/2014 Section 5, subsection 21 (d))
  - Capital Grant information (if applicable) (Circular 13/2014 Section 5, subsection 21 (e))
  - Employee numbers and benefits categorised, and employer pension contributions (Circular 13/2014 Section 5, subsection 21 (f))
17. The applicant must demonstrate to the satisfaction of the implementing authority its legal identity.
18. The applicant must demonstrate financial viability (at an organisation or individual level as appropriate) and that it is not an 'undertaking in difficulty' as defined in paragraph 20 of the European Commission's 'Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty'.
19. 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.
20. Where appropriate the applicant must comply with the provisions of the Data Collection Regulation.
21. The applicant shall indemnify and keep indemnified the implementing authority 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.
22. Grant aid may be revoked, or the amount of grant aid be reduced if any of the following should occur prior to grant payment:
  - Failure by the grant beneficiary(s) to provide required Tax Clearance information.
  - Should the Grantee commit any breach of the terms of the agreement.
  - Should there be a change in the basis of the undertaking which would obviate in whole or in part the purpose for which the grant was made.
  - An order is made, or an effective resolution is passed, for the winding up of the grantee's business.

### Claims

23. Payments will be made once the pre-payment conditions have been met.



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24. Payment will be made into the nominated bank account given on the application form after the above conditions have been met. The implementing authority will endeavour to expedite payments in a timely manner.
25. 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.
26. Applicants must settle any outstanding debts owed to the Department of Agriculture Food and Marine before grant aid may be paid.

### Appeals

27. 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.

### Declarations

28. 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.
29. A signed declaration by the directors of the Co-operative and an external accountant to verify that the business is commercially viable and not in financial difficulty.
30. A signed declaration that the Co-operative has no director or shadow director or other officer who has a conviction for an offence concerning professional misconduct, fraud, corruption, involvement in a criminal organisation, theft, money laundering or any other illegal activity where such illegal activity is detrimental to the European Union's financial interests.
31. Evidence that the directors of the Co-operative have not taken dividends/payments to deliberately reduce turnover.
32. A signed declaration that any payment received will not be distributed back to the member vessels but used solely for the operation of the Co-operative.

### Publicity and Acknowledgement of Support Requirements

In all cases where a project has received support 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.



### 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 [www.bim.ie](http://www.bim.ie).

