

## Terms and Conditions

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.

## General

1. This scheme is open to owners of polyvalent off-register capacity, (excluding Polyvalent Potting), that has not lost its entitlement as per Policy Directive 2/2003 and has not received capacity through the “Lost at Sea” scheme. The capacity to be withdrawn must, at the time of application, be confirmed as being off-register by the Licensing Authority for Sea-fishing Boats.
2. The onus of eligibility lies with the beneficiary, i.e. the beneficiary must ensure and demonstrate that they qualify under the scheme. The applicant must be the registered owner of the capacity to be withdrawn, i.e., a sole trader, company etc.
3. The applicant must be in a position to comply with the relevant tax clearance procedures at the time of grant payment.
4. The Grantee 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.
5. Grant aid approved may be revoked, or the amount of grant aid be reduced if any of the following should occur prior to grant payment:
  - Failure for 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.
  - A receiver is appointed over the vessel of the beneficiary, or a distress or execution is levied or served upon the vessel of the Beneficiary and is not paid off.
6. The operative date for commencement of this scheme is 2<sup>nd</sup> May 2023. The closing date for all applications under this scheme is 30<sup>th</sup> June 2023. The closing date for receipt of all applications is 30<sup>th</sup> June 2023.
7. 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.

8. Applications must be completed in their entirety.
9. Applications must be accompanied by the following:

“Statement of Capacity” Form. This document is sourced by the applicant from the Licensing Authority. It is a statement of the off-register capacity (tonnes/kW) owned by the applicant and the expiry date of that capacity. It also acts as confirmation that the capacity is currently off-register from the Licensing Authority.
10. Information submitted as part of every application will be verified using official records held by the Licensing Authority for Sea-fishing Boats, the Sea Fisheries Protection Authority (SFPA), Bord Iascaigh Mhara (BIM) and Department of Agriculture, Fisheries & the Marine (DAFM). Official records will, in every case, be considered definitive.
11. Any information provided that is inconsistent with the licensing conditions appropriate to the vessel in question and/or the management arrangements for any stock, will be discounted in their entirety for the purposes of this scheme.
12. In the event of over-subscription to the scheme and given the availability and timing of finance, applications will be dealt with on a first come, first served basis, based on the date of receipt of individual applications.
13. Following the receipt of a valid application, applicants will be informed of the outcome within 4 weeks.
14. A letter of offer issued by BIM under this scheme does not constitute any form of entitlement to any form of grant aid whatsoever until the applicant:
  - Accepts the offer in writing, including the terms and conditions attaching to it, within 2 weeks of the date of issue of the letter of offer.
  - Removes the specified off-register capacity from record. BIM will confirm this with the Licensing Authority for Sea-fishing Boats.
15. An offer shall only be deemed ‘accepted’ when both conditions above have been completed to the satisfaction of BIM.
16. Offers not accepted in full shall be automatically deemed ‘rejected’.
17. An appeals mechanism shall be put in place to adjudicate on appeals from applicants about any decision made by BIM pursuant to this scheme.
18. Given the need to remove capacity under this scheme in an appropriate, timely and orderly manner, successful applicants must complete the “Capacity Surrender Declaration Form” and return it to the Licensing Authority for Sea-Fishing Boats, thereby surrendering their off-register

Capacity within 2 weeks of accepting the offer. Failure to do so may result in the offer being withdrawn.

## Applicants

19. The applicant must complete a self-declaration confirming that none of the situations specified in article 11 of the European Maritime Fisheries and Aquaculture Fund Regulation ((EU) 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 during the process and for a period of 5 years after payment for the off-register capacity.
20. Applications may be deemed inadmissible for a specified period of time where BIM 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 for a 5-year period after payment may be required to repay aid provided under this scheme.
21. Please note that for on-line applications and claims, by submitting the forms, the applicant is electronically signing and agreeing to all declarations via a checkbox in the form. This is the legal equivalent to a hand-written signature.
22. The applicant will, if required, demonstrate its legal identity to the satisfaction of BIM.
23. The applicant must be the registered owner of the capacity.
24. Applicants must notify BIM and make their books and accounts available to Officers of BIM, the Department of Agriculture, Food and the Marine, Comptroller and Auditor General (C&AG) or the European Commission or their agents, when 50% or more of their total income (in any 12 months period) is sourced from Exchequer Funds.
25. Where required, 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.
26. 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))

27. An applicant who has benefitted 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.
28. Applicants must settle any outstanding fees, charges, harbour dues, etc owing to DAFM and BIM before payment of grant aid under this scheme.
29. Any dispute regarding the eligibility of an application in respect of the conditions under Policy Directive 2/2003, that requires capacity taken off the Fishing Boat Register must be re-introduced on to the Register within two years of its removal, otherwise the entitlement is lost to its owner, must be resolved through the Independent Appeals Process for Sea-Fishing Boat Licensing.

### Applications

30. Only applications submitted on an official BIM electronic application form sent via the BIM grants portal will be considered for grant aid approval.
31. The Licensing Authority for Sea-fishing Boats (LA) will issue a "Statement of Capacity" documenting the off-register capacity that is owned by the applicant. Where capacity is held in a partnership, the LA will issue a Statement of Capacity documenting each partner's proportional share of the capacity. Each partner may decide whether they wish to make an application to surrender their portion. No joint applications will be accepted. If two or more partners wish to surrender capacity under the Scheme, then two or more applications must be made under the Scheme.
32. 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.
33. 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.
34. Failure to accept the letter of offer in a timely manner may result in non-payment of your grant aid.
35. Officers of BIM, the Department of Agriculture, Food and the Marine, Comptroller and Auditor General (C&AG) 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.

36. 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, the Department of Agriculture, Food and the Marine, Comptroller and Auditor General (C&AG) or the European Commission or their agents.
37. No aid shall be granted for types of operations or expenditure identified under Article 13 of the EMFAF Regulation (Regulation 2021/1139) as ineligible.

## Claims

38. Applicants do not have to submit a separate claim form. Payments will be made once the following pre-payment conditions have been met:
- The applicant has accepted a letter of offer.
  - The applicant continues to meet the admissibility requirements of article 11 EMFAF.
  - The applicant meets all tax clearance requirements.
  - The applicant has demonstrated that no outstanding fees, charges, harbour dues, etc. are owed to the Department of Agriculture, Food and the Marine and that no monies are owed to BIM.
  - The Licensing Authority for Sea-fishing Boats has confirmed the off-register capacity has been surrendered.
39. Payment will be made automatically into the nominated bank account given on the application form.
40. 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.

## Payments

41. Buy-out premiums will be paid in respect of applications approved and accepted at the following rates:
- a. Polyvalent vessels equal to or over 18m in length overall where the current market value of capacity is €2,800/GT & €850/kW; and
  - b. Polyvalent vessels under 18m in length overall where the current market value of capacity is €2,200/GT & €825/kW.

The maximum payment to any applicant will be capped at €250,000.

## Publicity

42. BIM and the Department of Agriculture, Food and the Marine will within six months of payment publicity acknowledge the aid provided via their website or other publications. This may include information such as the applicant/company name, vessel name, the county, NUTS2 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.