

Basic Payment Scheme Transfer of Entitlements

2021 Terms and Conditions

Please also refer to the 2021 EU Basic Payment Scheme (BPS)/ Greening Payment Terms & Conditions

1. Basic Payment Scheme Entitlements may only be transferred to an active farmer in the same Member State, except in the case of inheritance and /or anticipated inheritance (gift).
2. The transferor and transferee must apply to transfer entitlements by completing an online Transfer of Entitlements application.
3. The sale of entitlements without land will be subject to a “clawback” of 20% of the number of entitlements sold. For example, if 50 entitlements @ €100 each are sold, the buyer would receive 40 entitlements @ €100 each.
4. To be considered as a sale of entitlements with land, one hectare of eligible land must be sold per entitlement and declared on the 2021 BPS application by the Transferee.
5. Entitlements may be leased with or without land.
6. Leased or rented entitlements will revert to the transferor at the end of the relevant scheme year. The reversion of entitlements on expiry of a lease or rental agreement is not considered a form of transfer.
7. Entitlements may not be transferred more than once in a scheme year, unless by way of inheritance or anticipated inheritance.
8. The effective date of transfer of entitlements in all cases is the closing date of 17 May 2021. However, if the entire holding or ownership of a herd number is transferred between the date of application for the Basic Payment Scheme and the 31 May 2021, the transferee must agree to succeed to the responsibilities of the transferor regarding compliance with the Terms and Conditions of the 2021 Basic Payment Scheme by completing a Declaration of Undertaking Form (BPS/UND/2021). This form is available on the Department’s website at [gov.ie - Basic Payment Scheme \(BPS\) Entitlements \(www.gov.ie\)](http://gov.ie - Basic Payment Scheme (BPS) Entitlements (www.gov.ie)).

The Declaration of Undertaking Form must be completed by both the Transferor and Transferee and must be submitted online with the Transfer of Entitlements application. The transferee must fulfill the conditions for granting the aid and honour the undertakings given by the transferor and, if otherwise in order, payment of 2021 Basic payment will issue to the transferee. If the entire holding or ownership of the herd number changes after the 31 May 2021, the 2021 Basic Payment will issue to the Transferor.

9. To withdraw a 2021 Transfer of Entitlement Application a completed 2021 Transfer of Entitlements Application Withdrawal Request form must be uploaded by the transferor and transferee prior to processing of the application. This form is available on the Department’s website at [gov.ie - Basic Payment Scheme \(BPS\) Entitlements \(www.gov.ie\)](http://gov.ie - Basic Payment Scheme (BPS) Entitlements (www.gov.ie)).
10. EU regulations provide that any payment entitlements unduly allocated to a farmer may be recovered and allocated to the National Reserve. Where such payment entitlements have been

transferred to another farmer the transferee must relinquish the unduly allocated entitlements to the National Reserve.

11. Basic Payment Scheme entitlements were subject to convergence from 2015 to 2019. Entitlements that had a value below 90% of the national average saw the value converge upwards while entitlements that had a value above the national average saw the value converge downwards.
12. All entitlements are subject to a two year usage rule. Any entitlement that remains unused for two consecutive years will revert to the National Reserve. The rotation of entitlements is not available under the Basic Payment Scheme.
13. Transfer of Entitlements applications may be submitted by groups such as joint herd number, a registered or unregistered Partnership, or a company. Documents and information submitted in support of applications made by such groups are submitted with the consent of, and are available to, all members of the group and authorised agents acting on behalf of the group.
14. Successful applied letters are available online only.
15. Any documentation received via post will be destroyed once scanned. Any original documentation i.e. Wills, probate will be returned.
16. All applications to transfer entitlements must be received on or before midnight 17 May 2021. Any application received after this date must be accompanied with force majeure evidence.

Data Protection

17. Data Controller

For the purposes of the EU General Data Protection Regulation (GDPR), the Department of Agriculture, Food and the Marine (DAFM) is the Data Controller.

18. Data Protection Officer

Contact Details for DAFM Data Protection Officer as follows:

Data Protection Officer
Data Protection Unit
Department of Agriculture, Food and the Marine
Grattan Business Park
Dublin Road
Portlaoise
Co. Laois
R32 RY6V
Phone: 057 8694301
Email: dataprotectionofficer@agriculture.gov.ie

19. Legal basis and purpose of processing

The Transfer of Payment Entitlements is implemented pursuant to EU Regulation 1307/2013 and is operated by DAFM.

20. Use of data held by DAFM

In processing the Transfer of Entitlements application, DAFM may use data held within DAFM which is required for the same purpose of processing, testing, assessment, verification or eligibility of the

application. The data now submitted may be shared within DAFM where this data may support an application by the data subject (applicant) in another area of DAFM. Data has been provided by the data subject and the use of this data is to avoid the requirement for the data subject to re-submit the data and also in the interest of administrative efficiency to facilitate the prompt processing of applications for payment.

Such data includes:

- Details provided by the data subject at the time of application for a herd number or to amend a herd number;
- Details submitted as part of an application under the Basic Payment Scheme or associated schemes;
- Details relating to payment entitlements held by the data subject or applications to transfer payment entitlements;
- Land parcel details;
- Details of animals held, moved or tested;
- Bank Account details submitted for receipt of DAFM payments and payments made;
- Agricultural Consultant or Advisory Service authorised by data subject to act on their behalf;
- Inspections and results.

21. Period of Data Storage

The data submitted in support of the Transfer of Entitlements application will be retained by DAFM for a period of time to be determined by DAFM based on business needs and will be destroyed in time but not prior to the coming into effect of the post 2021 Common Agricultural Policy reform measures.

22. Right of access, rectification, erasure, restriction, objection to processing, portability.

The data subject (applicant) has the right to request from DAFM access to and rectification or erasure of personal data, or restriction of processing concerning the data subject or to object to processing as well as the right to data portability. However, where the data subject requests DAFM to rectify or erase personal data required for processing an application or restricts the processing concerning the data subject required for processing an application, the application cannot be processed. DAFM is also required to retain data where this data is required for the purposes of Audits authorised by DAFM or the EU Commission.

Further details on the Data Protection rights of the individual can be found on the Data Protection page of the Department's website at [gov.ie - Data Protection \(www.gov.ie\)](http://www.gov.ie/Data-Protection).

23. Further Processing of Personal Data

DAFM may wish to use data provided by the data subject under the Transfer of Entitlements application for statistical, research or analysis purposes. Data used for such purposes will be pseudonymised (masked) or anonymised as appropriate to protect the security and confidentiality of the data in compliance with the Data Protection legislation in force. The use of such data for statistical, research or analysis purposes may facilitate the Department in informing policy decisions and negotiations under the CAP for the benefit of Irish farmers and the Irish agriculture sector.

DAFM is also currently obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners, An Garda Síochana, and other bodies, in accordance with Section 8 of the Data Protection Acts 1988 and 2003. The introduction of the General Data Protection Regulation in May 2018, and any further national Data Protection legislation, may change the requirements and the legislative basis for such requests.

No personal data submitted under the Transfer of Entitlements application moves outside the European Union.

24. Right of Complaint to the Data Protection Commissioner

The data subject has the right to lodge a complaint to:

Data Protection Commissioner
Canal House
Station Road
Portarlinton
Co Laois
R32 AP23
Tel: 0761 104800
Email: info@dataprotection.ie

25. Requirement for submission of personal data

The Transfer of Payment Entitlements is implemented pursuant to EU regulation 1307/2013. The personal data sought from the data subject is required for the purpose of processing, including data testing, an application to transfer entitlements. Failure to provide all the personal data required to facilitate the processing of the application will result in DAFM being unable to process the application.

26. Further Information in relation to the General Data Protection Regulation

Further information in relation to the operation of the General Data Protection Regulation (GDPR) and Data Protection in the Department of Agriculture, Food and the Marine is available on the Department's website at [gov.ie - Data Protection \(www.gov.ie\)](http://www.gov.ie)

27. Technical Information on data collected

Technical information on the cookies used is available at the following link: www.gov.ie

Publication of Payment Details/Data Protection/Freedom of Information

In accordance with Regulation 1306/2013 of the European Parliament and of the Council data of beneficiaries of funding under the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD), it is a legal obligation on Member States that they inform beneficiaries that their data will be made public and that the data may be processed by auditing and investigating bodies of the European Union and the Member States for the purpose of safeguarding the Union's financial interests. Member States shall also inform the beneficiaries of their rights under data protection legislation and of the procedures applicable for exercising those rules.

You should be aware that all the information supplied on your application form and in any supporting documentation shall be made available to any other Department or Agency or Local

Authority for the purpose of audits, Cross Compliance controls, controls relating to the legislation underpinning Cross Compliance and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Act.

The rights of data subjects and how they may be exercised, in this respect, are laid down in the Data Protection Acts, 1988 and 2003. This publication of payment details is a requirement of EU law. The data therein may be processed by auditing and investigating bodies of the Communities and the Member States for the purposes of safeguarding the Communities' financial interests. The data therein cannot be used for direct marketing or other purposes and this will be made clear on the website.

Subject to the provisions of the Freedom of Information Act 2014, the Data Protection Acts 1988 and 2003, and any enquiries, all aspects of applications and the processing of same, to the extent that they are managed by the Dept. of Agriculture, Food and the Marine or employing organisation, are treated in strict confidence and are not disclosed to anyone outside those directly involved in the process.