



**An Roinn Talmhaíochta,
Bia agus Mara**
Department of Agriculture,
Food and the Marine

TB

Compensation

Arrangements

Booklet



This document contains important information for Herdowners/Keepers.
Please retain for reference or see www.agriculture.gov.ie



PLEASE NOTE:

Forms to be returned to the RVO:

- **Form ER26X:** This is your application for payment under the On Farm Market Evaluation and Income Supplement Schemes and represents your declaration of acceptance of the terms and conditions of these schemes. You must **ensure this form is signed and returned to the RVO immediately. Herdowners with an AgFood.ie account can now access, sign and return form ER26X via the online portal.**

The **ER26X form** makes reference to your obligations regarding withdrawal periods for medications. It is vital you inform the RVO and your private veterinary practitioner/testing PVP of any case where the withdrawal period has not expired before the due date for removal of the animal.

- **Form V8:** Confirms Acceptance or Rejection of valuation(s) of your animal(s) **Herdowners with an AgFood.ie account can now access, sign and return form V8 via the online portal.**

First Valuation: Complete and return this form to the RVO within **4 working days** of the First Valuation Report (**V13**). Late submission of the **V8** may result in penalties.

Appeal Valuation: Complete and return **V8** to the RVO within **14 calendar days** from the date of the Appeal Valuation. The 14 days includes the date of Valuation and the date of receipt by the RVO. Failure to return the form within this period will render you ineligible for consideration under the arbitration process.

When the V8 and ER26X forms have been signed and returned to the RVO, a Department official will make contact to arrange a date for reactor removal.

Forms to be presented to the reactor collection Haulier:

- **Form ER26:** **must be presented to the authorised reactor collection haulier** upon arrival (Do not return this form to the RVO). Separate arrangements will be made for the removal of any reactor calves of no commercial value to a knackery. Department staff will advise where this is applicable and will provide any additional documentation required.

You or your representative should be present at the removal of the reactors. It is **your responsibility to ensure that the correct animals are removed**. In the event that an incorrect animal is sent for slaughter no compensation for any loss incurred will be paid by the Department.

- **Food Chain Information (FCI):** The FCI form **must be signed and presented** to the authorised reactor collection haulier upon arrival.

23 May 2018 (updated November 2021)

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General Information

The **On Farm Market Valuation Scheme** is the principal compensation measure available to Herdowners whose herds are affected by disease under the TB Eradication Scheme. Under the relevant legislation the Minister may pay compensation. The amount of compensation is to be determined by way of assessment, by an independent Valuer¹ or an Arbitrator in accordance with any appropriate guidelines, and legislation enacted for the purpose of payment of compensation under that scheme¹.

Other measures (**i.e. Income Supplement, Depopulation Grants and Hardship Grants**) are also available; subject to the Herdowner meeting the eligibility conditions for each measure (see section 5).

This booklet does not purport to cover every facet of the On Farm Market Valuation Scheme or other elements of the TB compensation regime. Queries on scheme elements should be directed to the local RVO.

The compensation arrangements and rates are adjusted from time to time. This booklet issues to the herdowner at the time of a TB breakdown in the holding, but animals removed during the course of the breakdown may be paid at revised rates, or on the basis of revised criteria where deemed appropriate by the Department. Herdowners are not automatically entitled to the rates/conditions outlined in the version of the document which they have received. The most recent version of this document will be available from the RVO or can be viewed on the Department's website:

www.agriculture.gov.ie

ERAD Division will endeavour to ensure that important changes or rate alterations are detailed in any revised Information booklet on an on-going basis.

¹ Legislated under the Animal Health and Welfare Act 2013 (No.15 of 2013) and Animal Health and Welfare (Bovine Tuberculosis) Regulations 2015 (S.I. No 58 of 2015) as updated.

On Farm Market Valuation scheme

2.1 General Eligibility and Cattle Movements

For the purposes of compensation under the TB compensation Scheme; stable herds refer to a holding not engaged as a Dealer or Feedlot premises.

All reactors², (with the exception of those listed below) which are disclosed as a result of a test may, subject to scheme criteria and legislation qualify for compensation under the terms of the On Farm Market Valuation Scheme.

Ineligible:

- (i) **Herds classified as a Feedlot;** which continue to trade while restricted (i.e. move animals into the restricted herd on foot of an **ER37F**) are ineligible for compensation under the On Farm Market Valuation Scheme in respect of any animals on the holding deemed reactor subsequent to activation of the ER37F for the remainder of that restriction. The herd will be ineligible for payment under the Depopulation, Income Supplement or Hardship Grants for the remainder of that restriction from the date animals are moved into the herd.
- (ii) **Herds in Transition from Stable to Feedlot;** will only receive compensation under the On Farm Market Valuation Scheme in respect of animals on the holding prior to the TB Breakdown. As above these herds are ineligible for payment under the Depopulation, Income Supplement or Hardship Grants.
- (iii) **Dealer Herds;** are ineligible for payment under all TB Eradication compensation schemes.
- (iv) **Animals moved into a restricted holding** (stable herd) will not be eligible for compensation under this scheme (certain exceptions may apply).

Cattle movements in stable herds: Herdowners/Keepers who move animals into a restricted holding with permission (**ER37G**) will have already acknowledged and signed an agreement forfeiting compensation at the time they applied for permission. However moving animals into a restricted holding **without permission may result in prosecution** for breach of the restriction notice in addition to forfeiting compensation.

²For the purposes of compensation under the TB compensation Scheme this may include standard inconclusive or In-Contact animals. In-Contact animals are Bovines found to be at high risk of infection or likely infected following veterinary investigation.

In respect of any cattle moved into the holding during the restriction period and subsequently deemed reactor³ **valuation payments will not be made other than the following exceptions (where permission is also required);**

Exceptions:

- (i) The introduction of a replacement stock bull(s). A 30 day pre-movement test is required.
- (ii) Emergency replacement suckler calf (notified on relevant **NBAS 31F form** - where a calf to a suckler cow dies).
- (iii) The Movement of animals to newly established herds on foot of permission by the RVO using Form **ER37A**.
- (iv) Movement in of a suckler cow on welfare grounds to rear calves. A 30 day pre-movement test is required; otherwise entitlement to compensation is forfeited.
- (v) Return home of an in-calf heifer which was sold as a fattening animal. A 30 day pre-movement test is required; otherwise entitlement to compensation is forfeited
- (vi) The Movement of animals into a herd, contiguous to a High Risk breakdown, suspended pending test. In this case permission to move animals into the herd is automatically provided up to the date of test, or where an extension to test has been granted up to the revised due date of the re-scheduled test.
- (vii) The Movement of animals into high risk herds which are trade suspended pending the completion of the first post de-restriction check test. In this case permission to move animals into the herd is provided up to the due date of the test.

Any entitlement to compensation is conditional upon compliance with the provisions of relevant legislation and all other relevant orders made under it in relation to:

- Animal Remedies legislation; with testing, movement, identification etc.
- Bio Security⁴ requirements;
- Withholding storage and disposal of milk from reactor/standard inconclusive reactors and the recording of same on form **ER135**.
- Disease Eradication Scheme Controls; including the legal requirement not to treat cattle prior to testing unless urgently required.
- Isolation of reactors and subsequent cleansing/disinfection⁵
- Compliance with gamma testing
- National/EU legislative requirements and controls relating to bovine animals and products of bovine animals administered by the Minister for Agriculture, Food and the Marine.

³ There may also be implications for the entitlements to Depopulation, Income Supplement and Hardship Grant Schemes, see Section 5 of this booklet.

⁴ Bio Security: Advice on the appropriate bio security measures to be applied is provided by the local RVO. In high risk/other cases as deemed appropriate by the Department, the requirement to cleanse and disinfect is mandatory. In these cases disinfection must be completed in the areas specified, using a disinfectant from the Departments list of approved disinfectants which are designated for use against TB as appropriate. Payment of compensation is conditional on disinfection being completed unless deferred following agreement with the RVO.

⁵ Further to legislation under Directive 64/432/EEC –TB free status may remain withdrawn until cleansing and disinfection of premises and utensils has been completed

The Minister may refuse payment of compensation, in whole or in part, in respect of the On Farm Market Valuation, Depopulation, Income Supplement, or the Hardship Grant Scheme where a Herdowner/Keeper does not satisfy the aforementioned provisions or where the Minister is satisfied that the Herdowner/Keeper has failed to co-operate with authorised officers of the Department in carrying out their duties under the Schemes. In addition persons who contravene or fail to comply with the provisions under the relevant legislation may be liable for fine or imprisonment.

2.2 Application Process

Herdowners are required to sign and **immediately return the ER26X form** to the RVO which is provided to Herdowners/Keepers each time animals are removed under the scheme. (Herdowners with an AgFood.ie account can view and submit the ER26X via the online portal)

This form constitutes:

- (i) The compensation application under the On Farm Market Valuation Scheme
- (ii) Consideration for eligibility under the Income Supplement Scheme (subject to the terms and conditions of that scheme);

And

- (iii) A declaration of compliance with the conditions of these schemes.

Essential requirements for valuation

The Department will assemble and forward key herdowner and reactor animal data to the independent Valuer in advance of his making arrangements with the Herdowner/Keeper to carry out the **first** or **appeal** valuation.

RVO staff may in the case of dairy herds make direct contact with the Herdowners Co-op/Creamery or Official Milk Recording Agency. This will establish if milk recording data is available and meets the minimum criteria (see Appendix 2) or alternatively allows the RVO to determine the notional herd average milk yield and to provide same to the Valuer.

The Valuer will endeavour to make contact with the Herdowner/Keeper to establish a mutually agreeable time for the valuation within the prescribed timeframes. The Herdowner/Keeper must properly assemble the required reactor animals at the time

and location agreed. All reactor animals to be valued (including very young animals) must be properly identified in accordance with legislative requirements; **segregated from other animals in cattle yard/sheds located near a cattle crush** where the identification of the reactor cattle can be checked.

Any reactor animals bought in during the restriction period should be identified to the Valuer. In any event, animals which are not eligible for valuation will be noted on the documentation provided to the Valuer. Failure to assemble animals appropriately may be regarded as a delay in the valuation process for which penalties may be applied.

Herd Records

It is imperative that the Herdowner/Keeper assembles all relevant documentation, to produce to the Valuer on the day and assist in establishing the appropriate valuation for each reactor animal.

Included in relevant documentation would be:

- Herd Register.
- Milk Recording Data/ICBF Reports/Production Related Reports/EBI statements.
- Star Ratings: Where applicable relating to 4/5 Star female heifers of beef breed with breeding potential (these must be available at the valuation).
- AI Certificates.
- Purchase Receipts (where applicable).
- Pedigree Certificates (purebred registered and officially upgraded animals).
 - Reactor animals declared as pedigree must be registered in the herd book of the relevant breed society prior to the date of breakdown excluding animals under twenty eight days. Original Pedigree certificates for pedigree animals must also be available and provided to the Valuer at valuation or non pedigree rates will apply.
- Type classification/Linear Scores.
- Organic Status Certificate.
 - For Organic Holdings, only animals born on an Organic holding or those purchased into the holding from another registered Organic producer are eligible for the premium. Reactor animals on farms which are in conversion status will not be eligible for an organic premium and will be valued at **non-organic prices**. Reactor animals, on Organic Holdings, which have ASBP status (Approved for Symbol Breeding Purposes) may qualify for a proportion of the Organic premium. Certification (copy of licence issued by organic trust or IOFGA) of organic status must be provided.
- Certified Irish Angus Breed scheme and Irish Hereford Prime Beef.

- For animals reared in specialised schemes, namely the Irish Aberdeen-Angus Producer Group and Irish Hereford Prime, a bonus may be paid on qualifying animals provided that evidence of participation in such schemes is submitted with the valuation. The appropriate bonus will be determined by the Department based on the official terms and conditions of the relevant scheme on the date of valuation.

2.3 Valuation Timescales

Valuers are required to undertake valuations within **3 working days** of notification from the Department and to send the completed valuation report (**V13 Form**) electronically to the Department and in writing to the Herdowner (by post/hand delivery, fax or electronically) within **2 working days** of the valuations completion. The Herdowner has **4 working days** after receipt of the **first valuation report** to consider the values attributed and confirm **acceptance/rejection** of the valuation on the **V8 Form**. The same timeframes apply to the Department. (Herdowners with an AgFood.ie account can view and submit the V8 via the online portal)

Where the **first** valuation is not accepted, the **appeal** valuation process must be completed within a further **4 working days**⁶. As with first valuations the results of an appeal valuation (V13) will be conveyed to the Department and the Herdowner, within 2 working days of the valuations completion.

The outcome of any valuation will not be communicated verbally by the Valuer.

After the appeal valuation both the Department and the Herdowner must sign and return the relevant **V7 or V8 Form** (respectively) within 14 calendar days from the date of Valuation. This confirms acceptance/rejection of the valuation in its entirety and where rejected; requests that the matter be settled by arbitration. Failure to return the relevant form within the specified time frame will render the case ineligible for consideration by the Arbitration Panel.⁷

⁶ This 4 day period includes 1 working day for assignment of the appeal valuation to a Valuer who is then required to undertake the valuation within 3 working days (maximum) of notification by the Department.

⁷ The 14 days includes the date of Valuation and the date on which the Department receives the **V8 Form**

However whether or not there is acceptance/rejection of the appeal valuation; the reactors will be removed from the holding at the earliest possible date.

Where the **decision is made to proceed to arbitration**, whichever party rejected the appeal valuation may subsequently choose not to proceed with arbitration. Payment will then be made on the basis of the appeal valuation (subject to the other party having accepted the appeal valuation). Where necessary a revised **V7 or V8 Form** accepting the valuation should be returned by the Department/Herdowner.

The **Arbitration** process can **only** be undertaken **after** all the reactors have been removed. The case will be decided at the next available meeting of the Arbitration Panel.

2.4 Delays in the Valuation or Removal Process

Given the vital importance of the early removal of reactors, where Herdowners/Keepers are responsible for delays in the valuation process and/or the removal of reactors/in-contact animals a range of deductions will apply as follows:

- **5% where the delay is between 3 - 5 days**
- **10% where the delay is between 6 - 10 days**
- **25% where the delay is between 11 - 15 days**
- **50% where the delay is between 16 - 21 days**
- **100% for any longer period**

2.5 Conducting the Valuation

Valuers

On Farm Market Valuations are undertaken by approved independent Valuers with reference to guidelines and weekly summary of market prices issued by the Department. A copy of the Department's most recent summary prices is issued to you by the Department.

Valuation of a herd or of individual animals in a herd is undertaken by one Valuer. All valuations are undertaken by the Valuer on the farm where the breakdown has occurred. For the purpose of monitoring the valuation process, Department officials may be present on the farm during some valuations.

Selection of Valuer

The selection of the Valuer to carry out the first valuation will be by way of agreement between the Department and the Herdowner, having regard to the need for the timescales for valuation previously set out being rigidly observed. The Department will supply a panel of suitable Valuers for selection who provide this service in the region of the breakdown. To facilitate a prompt Valuation service the Department will forward the herd and reactor details on file directly to the Valuer selected.

In the absence of agreement being reached between the Department and the Herdowner on the selection of a Valuer from the panel or where the Department fails to make contact with the Herdowner/Keeper **within 24 hours of the initial attempt for either the first and/or the appeal valuation, the Department will select a suitable Valuer from the panel to proceed with the valuation process.**

2.6 Payment for Valuations

The cost of all **first** valuations is generally borne by the Department. However, in some cases where a reactor has been medicated the cost of this valuation may be payable by the herdowner. In cases where a Herdowner requests an **appeal** valuation and nominates the Valuer, they will be liable for payment of a proportion of the Valuers fee applied at a rate of 50% of the full valuation costs. The rates set out below apply where the original valuation was rejected on or after 1st November 2016:

<u>No. of Cattle Valued</u>	<u>Rates</u>	<u>Herd Owner Charge for Appeal</u>
1 - 10	€115.00	€55
11 - 30	€147.00	€71
31 - 50	€179.00	€87
51 and over	€179.00 and €2 for each animal above 50	€87 and €1 for each animal above 50

Where valuation costs are to be paid by the herdowner these will be deducted from compensation due under this scheme or where necessary from other Department scheme payments as appropriate. Similarly where the Department incurs additional

costs as a result of a Herdowner/Keeper's non cooperation with the valuation process these may also be deducted from any compensation due under this or other schemes operated by the Department.

2.7 Appeal Valuations and Arbitration Process

Where a Herdowner or the Department does not accept the first valuation, this can be appealed to another Valuer on the panel. However, whichever party chooses the Valuer will pay the cost of the appeal valuation. Should both parties reject the first valuation the Herdowner will be given the option of choosing the Valuer. In the case of appeal valuations, **the summary price listing applicable at the date of the first valuation will also be used for the appeal valuation.**

Appeal of non-valuation related aspects of the Eradication Scheme i.e. Milk calculation is a separate process which is explained fully as part of Section 6

In situations where the cost of the appeal valuation is to be recouped from the Herdowner it will be deducted by the Department from any compensation due following conclusion of the valuation process or from other outstanding payments and paid directly to the Valuer.

Values attributed by the Valuer are conveyed to the Herdowner on **Form V13**. The Herdowner can accept or reject the valuation by completing **Form V8** and returning it to the RVO within **4 working days** of receiving the First Valuation Report or in the case of an Appeal valuation **14 calendar days** from the date the appeal valuation took place⁸.

Herdowners with an AgFood.ie account can view and submit the V8 via the online portal

If there is still no agreement following an appeal valuation, the matter, **can** be referred to an **Arbitration Panel** whose decision, based on the "market value" principle, is final and binding on both parties (see Appendix 1).

However whether or not there is acceptance/rejection of the appeal valuation; the reactors will be removed from the holding at the earliest possible date.

⁸ The 14 days includes the date of Valuation and the date on which the Department receives the **V8 Form**

In the event of an Arbitration hearing taking place, the Arbitration Panel will decide on who pays the costs of the Arbitration process. However, compensation due under the On Farm Market Valuation Scheme in respect of cases which can (in line with legislative requirements) proceed to Arbitration cannot be finally determined until the Arbitration hearing has been concluded. On that basis, arrangements will be made for an interim payment being approximately 85% - 90% of the lower valuation to issue. The issuing of any payment due is subject to receipt of all relevant documentation required by the RVO and to the checks carried out for compliance with scheme criteria.

2.8 Removal of Reactors

Following the completion of the on farm valuation process, the reactor animals will be removed for slaughter from farms by the **Reactor Collection Service** as soon as the necessary removal arrangements are made by the RVO. The **ER26** Removal Permit and a signed **Food Chain Information (FCI) Form**, (concerning animals being transported for slaughter) must be presented to the Authorised Reactor Collection Haulier at the time of collection of the reactor animals so that it may accompany the reactors to slaughter. Failure to provide this form could result the cost of collection billed directly to the Herdowner.

Where deemed appropriate by the Department, reactor calves may be put down on the farm and removed directly to a knackery. A **FAL1 form** will be provided by the RVO in respect of any animals moving to a Knackery.

In some instances it may be possible for Herdowners to remove single reactor animal to a factory of their choice, subject to the arrangement being acceptable to the Department. In such cases the herd owner must first ensure that the factory nominated is agreeable to slaughter a reactor animal. The single reactor animal must then be removed under an **ER26A permit**.

In these cases compensation will not be payable by the Department under the On Farm Market Valuation⁹, Income Supplement or Depopulation Grant schemes for the animal concerned.

Herdowners will also be responsible for the cost of removal of the reactor animal. The Herdowner will be required to confirm acceptance of this in writing. Amounts payable, if any, by the slaughter factory is therefore a matter solely between the Herdowner and the factory concerned.

It is imperative that no undue delay takes place in the removal of reactors off farm.

Where the removal of animals is unduly delayed by the herdowner, compensation payments may be reduced or not paid, for any period arising due to such a delay. In certain cases for animal welfare reasons, it will be necessary for the animals to be retained on the holding for a specified period but to be isolated from other non reactor animals e.g. animals due to calve or who have recently calved. The RVO will assess such cases and may inform the Herdowner/Keeper accordingly of collection arrangements.

2.9 Payment of Valuation Compensation

The factory salvage price (less statutory or other deductions which may apply) will be paid **directly** by the factory to the Herdowner. Subject to the conditions of the scheme, the Department will pay the Herdowner the difference between the individual gross prices per animal paid by the factory and the attributed valuation:

$$\text{Reactor Valuation Attributed} - \text{Salvage (gross price)} = \text{Net Differential}$$

This takes into account the ceiling limits, and deductions to be made by the Department i.e. insurance, cost appeal, penalties etc. The **original** factory docket received by the Herdowner/Keeper must be forwarded to the RVO as soon as possible.

⁹ Animals removed on an ER26A are not included when determining the number of reactors removed to meet the eligibility criteria under the Income Supplement scheme which requires that greater than 10% of the herd is removed or in Dairy Herds where not less than 10% of dairy cows are removed (see full criteria in Section 2).

The Department will endeavour to process the net differential payments in accordance with the Charter of Rights for Herdowners on Payments i.e. within 3 weeks of receipt of all of the documentation needed to effect the payment.

In cases where the appeal valuation is rejected outside the required time frames, (consequently the case cannot proceed to arbitration) and has been accepted by the other party, payment will be based on the appeal valuation and other criteria.

Under the legislation and other criteria set down within the scheme, the Minister may reduce or refuse to pay an amount of compensation if the herdowner/keeper has failed to take appropriate control measures, has impeded or obstructed officers or officials in carrying out functions under the Act or other as deemed appropriate.

When the payment processing stage has concluded, the RVO will issue **Form V11** to the Herdowner detailing key information on how the payment was determined and of any decision to reduce or withhold payment as appropriate.

Should you wish to appeal any aspect of the calculation of payment penalties applied please refer to Section 6 on Penalties and Appeals

2.10 Documentation required for payments

It should be understood that it is not possible for the RVO to process the net differential payment due under the On Farm Market Valuation Scheme without receiving **all** necessary documentation from the Herdowner/Keeper, including factory dockets, up-to-date Tax Clearance Certificates /Tax Clearance Access code (when required), Disinfection Certificates, ER135 Reactor/Inconclusive Reactor Milk Record (where appropriate) etc. The Department is committed to paying compensation as soon as all relevant documentation is received however delays in submitting this information will automatically delay the processing of payments.

A **checklist** of the documentation required by the RVO from the Herdowner/Keeper for this purpose is included in Appendix 5. If additional documentation is required the RVO will contact the Herdowner directly.

It is in the Herdowner/Keeper's interest to ensure all the required documentation is submitted to the RVO as promptly as possible.

2.11 Special Tax Treatment

Herdowners wishing to enquire about special tax treatment on compulsory disposal of livestock should contact their local Inspector of Taxes.

Market Valuations and factors affecting compensation

For purposes of livestock valuations, in line with legislation and scheme criteria set by the Minister. **“Compensation shall not exceed the open market value of an animal, animal product, animal feed or other thing before its killing or natural death or destruction (less any salvage value or payment under a policy of insurance in respect of it) as if the disease did not exist.”** The Minister may also reduce or refuse to pay compensation to an owner in respect an animal where deemed appropriate.

3.1 Ceilings on compensation

A ceiling of **€3,000** will apply to payment in respect of any **individual bovine** animal, except in respect of either:

- (i) **One stock bull¹⁰** per breakdown episode where a ceiling of €4,000 applies.
- Or
- (ii) **One pedigree stock bull** in the same breakdown episode where a ceiling of €5,000 applies.

All ceiling prices above are inclusive of any factory salvage price payable by the factory and/or payment under a policy of insurance in respect of it

3.2 Insurance

EU State Aid rules require that Herdowners should not be over-compensated for actual losses incurred by virtue of:

- (i) Receipt of payments made under the ERAD compensation scheme.
- (ii) Payments received from any private insurance policy held on animals removed as reactors.

In line with the above Herdowners are required to advise the Department of any amounts received or are likely to receive, from private insurance in respect of any animal removed as a reactor and, where such cases of over-compensation are identified, the amount payable by the Department will be reduced or where payment has already issued Herdowners will be required to refund the overpaid amounts to the Department as appropriate.

¹⁰ A stock bull has been defined as an adult bull that is kept for breeding within an epidemiological unit on the holding

3.3 Bovine Viral Diarrhoea (BVD)

TB reactors which have been diagnosed as BVD Persistently infected (PI), (which cannot be traded on the open market) will not be eligible for compensation in addition to their salvage or insurance value. Furthermore any animals, including a dam/sibling of a PI calf, for which a BVD result is outstanding, will require a BVD virus negative result before being eligible for full market valuation. This will be taken into account at the valuation stage.

Where the results are pending for a BVD test which has been completed before the valuation takes place, the Valuer will assess the animal as if the result had been negative. If the result is subsequently found to be positive the provisions above will apply. Where a reactor animal is valued but is subsequently found to be positive or is listed to be tested for BVD and a test is not completed before removal, only the salvage value will be payable as applicable.

3.4 Milk Production

Milk from reactor/standard inconclusive reactors must be withheld and a record kept of how much milk they produced, where it was stored, how it was disposed of and the date it was disposed of from the time the cows were identified as reactors until they were removed for slaughter. Where dairy cows are removed the RVO may request a copy of the Reactor/Inconclusive Reactor Milk Record (**ER135**) and copies of the individual milk collection statements covering at least the period of 1 week prior to the identification of the cows as reactor to 1 week after the removal of the last dairy cow.¹¹

Milk yield is used as one of the criteria to determine the valuation of dairy cows under the On Farm Market Valuation Scheme, and is calculated on the basis of one of the following:

- (i) Notional Herd Average Milk Yield.
- Or
- (ii) Milk recording figures supplied by the Irish Cattle Breeding Federation (ICBF) (minimum requirements) in line with the relevant criteria.

See Appendix 2 for full details on the calculation of milk yields

¹¹ The ER135 can be sourced from your testing Veterinary Practitioner or RVO as appropriate. Compensation payments cannot be processed until this documentation is received in the RVO.

3.5 Pregnancy Status and Calving Down before Removal

In the case of female breeding stock (cows and heifers), where pregnancy status is uncertain and pregnancy has a major bearing on the valuation price, the Valuer is required to insert an in-calf and not in-calf market value for the particular animal. Similarly, animals valued on the point of calving (circa 4 weeks) are required to be given two market values i.e. in-calf and post calving prices. (Calves born post valuation and prior to removal of cow will receive a flat rate payment of **€130** if removed on veterinary or welfare grounds as a reactor at the same time as the dam. In such circumstances, the valuation payment on the cow will be based on the in-calf rate).

Under Department supervision veterinary staff carries out pregnancy checks on all reactor cows and all reactor heifers described as “in-calf” on **Form V13** which are slaughtered at the factory. **Scans are not accepted by the Department as a means of verifying pregnancy. The post mortem result carried out at the factory of slaughter is final in this regard.**

Post mortem checks are not carried out at a knackery. In such cases reactor animals which are moved directly to a Knackery or are removed from a slaughter factory to a Knackery before a post mortem has been completed, will be paid at the not in-calf value, subject to normal payment criteria.

3.6 Unexpected Reactor Death Before or After Valuation

Knackery costs will not be paid for any animals unless the cause of death can be certified as TB by a vet and certification of same can be provided by the farmer.

Where a reactor dies before a valuation occurs; the Valuer will still visit the farm and determine the valuation in accordance with the guidelines. However, payment of compensation for such animals will be assessed on a case by case basis taking account of any information available as to the cause of death of the animal. Similarly payment in respect of an animal that dies after valuation and prior to removal for factory slaughter will also be considered on a case by case basis based on the information available as to the cause of death.

Medical Treatment and Animal Welfare

4.1 General Points about Medication and TB Testing

Medications may interfere with the accuracy of the TB test and/or delay removal of infected animals thereby potentially prolonging TB problems in your herd and the duration of the restriction. Consequently animals must not be medicated if the withdrawal period will not have expired in advance of the TB test.

Timing of routine/non-urgent treatments, including anthelmintic (worming)/fluke dosing, should be postponed until the herd test is clear.

In the event that the herd fails the TB test; the RVO may require further blood testing (gamma interferon). If it is considered important that your cattle are treated for fluke or other parasites before the scheduled date of the test, you may opt to bring forward the herd test (other than a reactor retest where test intervals are critical).

Herdowners should liaise with their RVO directly regarding any queries on the above and the specifics of their case.

4.2 Removal of Reactors for Slaughter

Cattle being slaughtered as reactors must comply with the same rules governing the use of animal remedies unless they are being moved directly to a knackery. These rules are noted as follows:

- (i) No substance should be given to the animals which might render their meat unfit for human consumption.
- (ii) The withdrawal periods for any medication administered to any of the animals must have expired.
- (iii) Herdowners/keepers are required to sign **form ER26X** "Conditions for payment of Reactor Grants" in which they undertake to give prior notification to the RVO if any veterinary medicine has been administered to the reactor animals where the withdrawal period has not expired.

4.3 Reactors which have been Medicated

Where medication of reactors has occurred, herdowners should liaise with staff in the RVO regarding the specifics of each case at which time options available to the farmer can be discussed. These may include;

- (i) The reactors may be destroyed on the holding and removed to a knackery at the farmers expense,
- Or
- (ii) The reactors may be retained on the holding in isolation until the withdrawal period has expired (thereby prolonging the period of restriction).

Eligibility for payment under the On Farm Market Valuation, Income Supplement, Depopulation and Hardship Grant scheme will also be assessed in line with the relevant criteria.

Under no circumstances will the animal be eligible for payment if any illegal substance has been administered or if a legal medicine has been administered illegally.

4.4 Medication Withdrawal Periods and Urgent Care

DAFM is aware that on occasion sick animals may require urgent care which may include being medicated. In order to maintain compensation eligibility when this occurs, certification from the prescribing vet must be provided. The testing vet (if this is other than the vet who prescribed/administered the medicine) must also give their written permission for the medication to be administered.

The urgency certificate must specify:

- (i) The nature of the condition being treated.
- (ii) Why the treatment was urgent and could not be delayed.
- (iii) The precise name of the medication administered.
- (iv) Why a medicine with a shorter withdrawal period could not be used.
- (v) Why it was impracticable to bring forward the test.

Where medication of reactors has occurred, herdowners should liaise directly with their RVO regarding the specifics of each case; options available to the farmer can then be discussed.

4.5 Valuations Affected by Withdrawal Periods

In cases where a reactor has been treated with medication before or after receipt of the test notification letter and irrespective of whether the medication was urgent or not, a decision will be taken on a case by case basis on the timing of the on farm valuation. In general, where all of the reactors have been treated with a veterinary medicine whose withdrawal period will delay the removal process, the valuation will take place close to the end of the withdrawal period. If only some of the reactors have been treated and have to be retained on the holding until the end of the withdrawal period, the animals which can be removed immediately will be valued as normal.

However, the valuation process for those being retained on the holding will be delayed until close to the end of the withdrawal period and will be paid for by the Keeper/Herdowner.

In cases where reactor animals have been valued before farmers advise that the animals have been medicated, a decision will be taken by the Department as to whether it is necessary to have the reactors revalued closer to the date of removal.

Where this is deemed necessary, farmers will be required to cover any additional valuation costs.

Where a herdowner/keeper has concerns regarding any of the above he/she should contact the RVO immediately. Failure to alert the RVO to any of the above issues will have serious consequences for the payment of compensation.



Income Supplement, Depopulation Grants, and Hardship Grants

The movement of any animal into a restricted holding is prohibited, except with written permission of the RVO and following a movement permit. Payment of or eligibility for Income Supplement and Hardship Grants will cease for the remainder of the restriction from the date animals are moved into the herd other than the following exceptions: (where permission is also required)

Exceptions:

- (i) Introduction of a replacement stock bull(s). A 30 day pre-movement test is required
- (ii) Emergency replacement suckler calf (notified on relevant **NBAS 31F form** - where a calf to a suckler cow dies).
- (iii) The Movement of animals to newly established herds on foot of permission by the RVO using Form **ER37A**.
- (iv) Movement in of a suckler cow on welfare grounds to rear calves. A 30 day pre-movement test is required; otherwise entitlement to compensation is forfeited.
- (v) Return home of an in-calf heifer which was sold as a fattening animal. A 30 day pre-movement test is required; otherwise entitlement to compensation is forfeited

- (vi) The Movement of animals to a herd, contiguous to a High Risk breakdown, suspended pending test. In this case permission to move animals into the herd is automatically provided up to the date of test, or where an extension to test has been granted up to the revised due date of the re-scheduled test.
- (vii) The Movement of animals into high risk herds which are trade suspended pending the completion of the first post de-restriction check test. In this case permission to move animals into the herd is provided up to the due date of the test.
- (viii) Depopulation Grants will be paid in respect of animals moved in during the restriction period under an ER37G permit.

In line with the above, payment will be considered where breakdown herds are **stable** (i.e. not operating as a feedlot/dealer herd). This is conditional upon compliance with provisions of the relevant legislation and any other relevant orders made under it in relation to:

- (i) Animal Remedies legislation; with testing, movement, identification etc.
- (ii) Bio security¹².

¹² Bio Security: Advice on the appropriate bio security measures to be applied is provided by the local RVO. In high risk/other cases as deemed appropriate by the Department, the requirement to cleanse and disinfect is mandatory. In these cases disinfection must be completed in the areas specified, using a disinfectant from the Department's list of approved disinfectants which are designated for use against TB as appropriate. Payment of compensation is conditional on disinfection being completed unless deferred following agreement with the RVO

Other Compensation Arrangements

- (iii) Withholding storage and disposal of milk from reactor/standard inconclusive reactors and the recording of same.
- (iv) Disease Eradication Scheme Controls; including the legal requirement not to treat cattle prior to testing unless urgently required.
- (v) Isolation of reactors and subsequent cleansing/disinfection¹³
- (vi) Compliance with gamma testing.
- (vii) National/EU legislative requirements and controls relating to bovine animals and products of bovine animals administered by the Minister for Agriculture, Food and the Marine.

The Minister may refuse payment of compensation, in whole or in part, in respect of the Depopulation, Income Supplement, or the Hardship Grant Scheme where a Herdowner or Keeper does not satisfy the aforementioned provisions or where the Minister is satisfied that the Herdowner/Keeper has failed to co-operate with officers of the Department in carrying out their duties under the Schemes. In addition persons who contravene or fail to comply with these provisions may be liable for fine or imprisonment.

5.1 Depopulation Grants

Herdowners are eligible for consideration under this scheme where an offer to Depopulate or Partially-Depopulate the herd has been made by the Department on **Form ER29/ER29b**.

Depopulation grant rates do not apply to Feedlot Herds.

Herdowners whose herds are depopulated (totally or partially) may qualify for Grants during the rest period provided the holding or depopulated portion thereof remains free of stock. Grants are generally paid for each animal removed in the depopulation measure and for those removed as reactors since the holding was restricted, on condition that the Herdowner agrees the depopulation at the time specified by the RVO.

If agreement to depopulate is not received by the RVO and depopulation is subsequently conducted the owner is excluded from eligibility for Depopulation Grants on all past, present, and future reactors during this restriction period. Depopulation Grants will only be paid on In-Contact animals removed at the time of any subsequent Depopulation. Depopulation Grants are paid in respect of each calendar month of the

¹³ Further to legislation under Directive 64/432/EEC –TB free status may remain withdrawn until cleansing and disinfection of premises and utensils has been completed

Section 5: Other Compensation Arrangements

rest period specified by the RVO and generally issued in one payment representing the total amount due.

Depopulation Grant Rates: The following rates apply to depopulations after 1 May 2016.

Herd Type	Animal	Stable Herds	Feedlot/Dealer Herds (ER37F Activated)
		Rate (€)	Rate (€)
Dairy Herd	*Cows/In-Calf Heifers /Pedigree Bulls > 12 mths	220.00 (55 per month)	Nil
Suckler Herd	Cows /In-Calf Heifers /Pedigree Bulls >12 mths	152.36 (38.09 per month)	Nil
All Herd Types	All Other Animals	76.16 (19.04 per month)	Nil
The Depopulation Grant rates quoted represent the maximum available in respect of a 4 month rest period following depopulation. Pro rata deductions will be made in the case of shorter rest periods.			
*Where an ER83 declaring beef breed cows in a Dairy Herd has been received the Suckler Cow rate will apply should any of the cows listed be removed as a reactor.			

5.2 Income Supplement

To be eligible for income supplement a herdowner/keeper must abide by the general eligibility criteria common to all TB Compensation Schemes in addition to the below:

All Stable Herds

- Income Supplement is payable in cases where disease breakdown results in the removal of more than 10% of animals in a herd in the relevant restriction period and where depopulation is not deemed appropriate. The calculation is based on the number of qualifying animals tested at the relevant disease breakdown test/s.
- The **date of eligibility** for payment is the date on which the **total** reactors removed represents **more than 10%** of the herd

Dairy Herds Only

Additional eligibility criteria are considered in respect of Dairy herds; which qualify for consideration under the scheme where **at least 10% of the dairy cows** are removed as reactors:

- The calculation of payments is based on the total number of dairy cows only and the percentage of these removed as reactors. Dairy cows are considered those cows listed at the breakdown test or heifers which become cows immediately prior to the breakdown test and have their calves registered within 27 days of the test date. To clarify:
 - Heifers which become cows during the course of the same restriction period (after the breakdown test) will be excluded from the calculation.
 - Beef Breed Suckler Cows declared on an ER83 prior to the breakdown test will be excluded from the calculation.

Other Compensation Arrangements

- Any reactors removed on an ER26a, or other where appropriate will be excluded from the calculation.
- The **date of eligibility** is the date on which the total reactors have been removed and the percentage of qualifying dairy reactors removed as reactors represents **at least 10%** of the total number of dairy cows at the breakdown test.
- Where a dairy herd qualifies initially under the dairy eligibility criteria and goes on to meet the existing criteria of losing **more than 10%** of the total number of animals tested at the breakdown test, it will then qualify for Income Supplement payment in respect of all reactors removed. However it will retain its original eligibility date i.e. the date on which it became eligible under the eligibility criterion.

General Payment Guidelines

Income Supplement scheme payments are **paid monthly in arrears and for whole months only**, the first whole month commencing on the date of reactor removal that triggered eligibility. The payment date for any subsequent reactors removed will be linked to this first income supplement payment. Accordingly, when eligibility ceases a **pro rata payment will not issue in respect of any remaining part month**. (Note also: Payments may not be made where the herd owner fails to carry out the Reactor Re-test within the specified time). Additionally where Beef Breed Suckler Cows are declared on an **ER83** prior to the breakdown test they will be paid at the Suckler Cow rate if removed as reactors.

Where any of the reactors removed have been treated with medicine, payment of the Income Supplement grant in respect of such animals will be assessed on a case by case basis in line with the medicines and treatments criteria.

Payment of or eligibility for Income Supplement will cease for the remainder of the restriction from the date of any unauthorised movement.

Income Supplement eligibility will also cease in the event of;

- Depopulation (total or partial) of the herd being deemed appropriate.
- De-restriction of the holding.

Income Supplement eligibility will also be subject to penalty where;

- The herdowner/keeper fails to comply with the provisions set down in this or other scheme documentation and/or fails to co-operate with authorised officers carrying out their duties under the Diseases Eradication Schemes, **including delays in testing**.

Other Compensation Arrangements

- Delays or Non Compliance Issues (in part or full) where not considered substantial may result in payments being withheld for some duration of the eligibility period as deemed appropriate. This includes failure to dispose of milk from reactor/standard inconclusive reactor animals.

Income Supplement Monthly rates –: The following applies after 1st May 2016

Herd Type	Animal	Stable Herds	Feedlot/Dealer Herds (ER37F Activated)
		Rate (€)	Rate (€)
Dairy Herd	*Cows in a Dairy herd	55.00	Nil
Suckler Herd	Cows in a Suckler herd	38.09	Nil
All Herd Types	All Other Animals	25.39	Nil

*Where an ER33 declaring beef breed cows in a Dairy Herd has been received the Suckler Cow rate will apply where any of the cows listed are removed as a reactor

5.3 Hardship Grant

Herdowners wishing to qualify for the Hardship Grant Scheme must apply separately on the **ER97 Form**. The Hardship Grant eligibility period runs from **1st November to the 30th April**. This Scheme is designed to alleviate the additional feed costs incurred by some herdowners **whose holdings are restricted on foot of a herd retest during this period** and where animals are retained and fed during periods of restriction. During the eligibility period the local RVO will issue herdowners who may be potentially eligible with the Hardship application **ER97 form** and terms and conditions document.

To be eligible herdowners must meet certain conditions including requirements for no off-farm income and the completion of a reactor re-test. Some exceptions to the herd retest rule may apply which are detailed in the Hardship Grant documentation.

Herdowners should familiarise themselves with all the terms and conditions including those mentioned above prior to applying for a Hardship Grant. Additional copies of the relevant documentation can be sourced from local RVOs.

The rules relating to the movement of cattle into restricted holdings which apply to the Income Supplement Schemes also apply to the Hardship Scheme.

Hardship Grant Rates

The Scheme provides for a payment of €38 per month for each suckler cow and €25 per month for each dairy cow or other bovine animal retained on the farm subject to a maximum payment of €250 per month. Payments will not exceed a maximum of 4 months within the period 1 November to 30 April.

As with all compensation under the TB eradication Scheme; payments are subject to the compliance of the herd owner **with the provisions set down in this and other scheme documentation** and their complete co-operation with the Department and its officials.

Where a herdowner is found to have contravened the scheme criteria they may be liable for prosecution and all entitlement to Depopulation grants, Income Supplement and Hardship grants may be lost.



Penalties and Appeals

6.1 Penalty Deductions

Any entitlement to compensation is conditional on compliance with the provisions of aforementioned legislation and any other relevant orders made under it in relation to:

- Animal Remedies legislation; with testing, movement, identification etc.
- Bio Security¹⁴ requirements;
- Withholding storage and disposal of milk from reactor/standard inconclusive reactors and the recording of same.
- Disease Eradication Scheme Controls; including the legal requirement not to treat cattle prior to testing unless urgently required.
- Isolation of reactors and subsequent cleansing/disinfection¹⁵
- Compliance with gamma testing
- National/EU legislative requirements and controls relating to bovine animals and products of bovine animals administered by the Minister for Agriculture, Food and the Marine.

The Minister may refuse payment under the OFMV, Income Supplement, Hardship or Depopulation Schemes, for non compliance on the part of a Herdowner/Keeper with the TB eradication compensation scheme. It is open to the Department to apply linked penalty deductions to all elements under the Compensation regime for the same offence (e.g. a market valuation penalty can also result in an income supplement penalty).

In addition persons who contravene or fail to comply with the provisions under the relevant legislation may be liable for fine or imprisonment.

ERAD Division is required to provide the Cross Compliance Section, Direct Payments Unit with details of all breaches of legislation which are deemed to be non-compliances. Under Cross Compliance Statutory Management Requirement 11 (SMR 11) relating to food hygiene these breaches will then be considered for assessment of auxiliary penalties. These may include penalties on any applications under the Basic Payment Scheme (BPS), Areas of Natural Constraint (ANC), REPS, AEOS, TAMS or GLAS etc.

¹⁴ Bio Security: Advice on the appropriate bio security measures to be applied is provided by the local RVO. In high risk/other cases as deemed appropriate by the Department, the requirement to cleanse and disinfect is mandatory. In these cases disinfection must be completed in the areas specified, using a disinfectant from the Departments list of approved disinfectants which are designated for use against TB as appropriate. Payment of compensation is conditional on disinfection being completed unless deferred following agreement with the RVO.

¹⁵ Further to legislation under Directive 64/432/EEC –TB free status may remain withdrawn until cleansing and disinfection of premises and utensils has been completed

Issues of non compliance will include herds that fail to comply with testing requirements.

Factors taken into account in determining penalty deductions include:

- (i) The type of breach,
 - (ii) The scale (including frequency) of the offence involved,
 - (iii) The general record of compliance with disease eradication regulations and co-operation with Department Officials,
- Or
- (iv) In the case of Technical breaches **only**, any applicable mitigating circumstances.

In the case of the On Farm Market Valuation Scheme, the Department has divided breaches into two main categories as follows:

- (i) **Flagrant Breaches**: these include but are not limited to serious breaches of regulations such as;
 - The use of illegal substance(s) under the Animal Remedies Regulations,
 - Manufacture of reactors or otherwise interference with tests including, indefinite postponement or persistent refusal to carry out tests,
 - Persistent failure to comply with the requirement to withhold and dispose of milk from reactor/standard inconclusive reactor animals,
 - Persistent failure to maintain a record of milk produced by reactor/inconclusive reactor animals, where and how it was stored and the date and method of disposal
 - Persistent failures in respect of identification regulations and movement controls.

In the case of the On Farm Market Valuation Scheme, penalty **deductions will range from 75%-100%** of the Gross Differential Amount determined by the RVO and will be determined in increments of 5%.

- (ii) **Technical Breaches**: these are normally regarded as being of a less serious nature and for which mitigating circumstances may apply. Examples include but are not limited to;
 - Illegal movement of bovines,
 - Failure to test as required,
 - Identification regulation failure(s),
 - Failure to comply with the requirement to withhold and dispose of milk from reactor/standard inconclusive reactor animals,
 - Failure to maintain a record of milk produced by reactor/inconclusive reactor animals, where and how it was stored and the date and method of disposal.

In the case of the On Farm Market Valuation Scheme, penalty **deductions will range from 5%-25%** of the Gross Differential Amount determined by the RVO and will be determined in increments of 5%.

6.2 Appeal Process

This section applies **only** to non-valuation aspects of the Eradication Scheme such as payment related issues or where a non-compliance penalty has been imposed on a Herdowner. Examples include but are not limited to;

- **Calculation of notional milk yield/use of official milk recording data**
- **Late submission of an ER83 form**
- **Non-Payment of compensation in respect of reactor animals which have been medicated prior to testing/removal**
- **Reduction of payment due to penalties applied**

Arbitration Appeals and Appeal Valuations are separate processes which are explained fully as part of the On Farm Market Valuation Scheme.

Where the Herdowner wishes to request a review of a decision relating to payments received, they should write to the HEO of the RVO outlining the issues for consideration and requesting a review of the decision reached. **This appeal must be lodged within two months of the relevant decision.** The Herdowner, if unsuccessful in this review, will also be given the option to have the case appealed further to the Regional Assistant Principal Officer (RAP) which **must be lodged within 2 months of the relevant decision** following which an RAP decision will issue.

On having received the RAP decision and; if the Herdowner is still dissatisfied, they can further appeal this decision to:

**The Agriculture Appeals Office,
Kilminchy Court,
Portlaoise,
Co Laois,
R32 DTW5.**

The Agriculture Appeals Act, 2001 was enacted on 9 July 2001 and its Regulations came into effect on 13 May 2002. It is a specified requirement that such an appeal must be lodged to the **Agriculture Appeals Office within 3 months of the RAP decision.**

The decision of the Agriculture Appeals Office is final and binding on the Department and on the Herdowner concerned.

OFMV Scheme Arbitration Panel

Arbitration Panel members are selected under the Animal Health and Welfare legislation. This panel consists of an Independent Chairman, and a representative from both the Department of Agriculture, Food and the Marine and one of the Farming Organisations.

Either the Herdowner/Keeper or Department can bring a case to arbitration following the completion and rejection of an appeal valuation. The Arbitration Panel holds regular oral hearings for the purpose of hearing disputes. As part of this process either party may arrange for representation or call relevant witnesses as needed; provided prior approval has been granted by the Arbitration Panel and due notice is given to the other party.

All documentation submitted to the Arbitration Panel in support of the party taking the case to Arbitration (applicant) must be completed and lodged within 6 weeks of the valuation date. This should include the list of intended representatives and witnesses which cannot be altered at a later date save in exceptional circumstances. The Arbitration Panel will then provide a copy of this submission to the responding party and will require the return of the respondent's completed submission and witnesses list within 2 weeks from their receipt of the applicants Submission. In general practice the approved Valuer or (Valuers) do not attend the Arbitration hearing unless their presence is required by the Arbitration Panel.

All Arbitration Hearings are conducted in accordance with the legislation governing compensation, and the 2010 Arbitration Act.

The decision of the Arbitration Panel is final and binding on both parties. Payments made as a result of case decisions taken by the Arbitration Panel are bound by the relevant ceiling limits (See section 2) in place on the date of the first valuation. In all cases the Panel will give reasons for its decision and retain the right to award the costs of the Arbitration to either party (i.e. the costs of the Arbitration Panel in whole or in part).

The Arbitration Panel will not make any award for representatives/witness expenses other than the approved Valuer/s concerned whose presence is requested by the Panel.

Calculation of Milk Yield

Milk yield is used as one of the criteria to determine the valuation of dairy cows under the On Farm Market Valuation Scheme, and is calculated on the basis of one of the following:

- (i) Notional Herd Average Milk Yield
- Or
- (ii) Milk recording figures supplied under the auspices of the Irish Cattle Breeding Federation (ICBF) (minimum requirements) in line with the relevant criteria

1.1 Non-Milk Recorded Herds (Notional)

Notional herd average milk yield is calculated by the RVO following a breakdown through whichever calculation method is of most benefit to the Herdowner/Keeper.

Selection of optimum Milk period: (whichever is the greater)

- (i) Milk produced up to the point of breakdown,
- Or
- (ii) Milk produced in the previous calendar year.

Plus Milk Usage:

In the case of non-recorded herds, in order to reflect milk usage on the farm for the feeding of calves; a standard 100 gallons/454.6 litres per eligible cow is also added to the notional milk yield.

Selection of Number of Cows: (whichever is the lesser)

- (i) The number of cows at the reactor disclosure test,
- Or
- (ii) The number of cows at the most recent clear herd test (in an unrestricted period) in the previous calendar year.

<u>Optimum Milk Period + Milk Usage</u> Number of Cows	=	Notional Herd Average Milk yield
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Where the Herd is not milk recording at the time of the restriction but has milk recorded under the auspices of ICBF in the year immediately preceding breakdown, recording information may be used from the Annual Animal Report up to 305 days. Subject to compliance with all relevant scheme criteria

Pre Declaration of Suckler Cows (for the purpose of Notional Milk Yield)

As notified in the test letter issued prior to the breakdown, where a bona fide suckler enterprise is maintained in conjunction with a dairy herd, a herdowner/keeper may exclude the Beef breed suckler cows from the calculation of the notional milk yield by **predeclaring these sucklers on the ER83 Form in advance** of any test. This form, which is available on the Department's website or from the RVO, must be submitted in advance of any test(s) including a private test. If the form is sent by post, then a certificate of posting should be obtained.

This form cannot be submitted if the herd has already disclosed reactors in a current breakdown.

Cows declared as sucklers for reactor grant purposes in a herd cannot revert to dairy cow status in the same herd i.e. in the event that they become reactors at the current test or at any test in the future. Such cows will be eligible for the suckler cow income supplement/depopulation grant rate **only**. Appeals requesting the acceptance of the late submission of an **ER83 Form** are covered under the penalties and Appeals section.

1.2 Yield Level Definitions for Dairy Youngstock

For Herdowners who participate in milk recording with an official Milk Recording Organisation the individual milk yields for dairy youngstock should be determined using either:

The production data of their Dams:

- Completed lactation yield of up to 305 days from their dams previous lactation using the Milk Recording Annual Animal Report or the last Milk Recording – Animal Report from the previous year.

Or where not available;

- 305 days predicted yield using the latest Milk Recording Animal Report from the current lactation (minimum two consecutive compliant recordings).

Alternatively where neither of the above is available:

- Completed recorded herd average up to 305 days from the previous year using the Milk Recording Annual Farm Report.

1.3 Milk Recorded Herds

Milk recording data will only be considered and used as part of the valuation where the minimum requirement set down by the Department has been completed and is available. Commencement of milk recording after a holdings restriction notification is not accepted.

All records must be retrieved from official ICBF/milk recording agency reports. All Herdowners who receive their milk records electronically from ICBF also receive a hardcopy; recorded information from other sources is not acceptable i.e. printouts from farm software packages.

Milk recorded figures may apply:

- Where the herd has been milk recorded under the auspices of ICBF prior to restriction and has completed recordings within the chosen scheme e.g. A4, A6, A8, A84:
 - **Dairy Cows in the 1st to 4th lactation:** The Department will take account where there is at least two consecutive milk recordings completed in the current lactation immediately prior to restriction, or the production from the previous completed lactation.
 - **Dairy cows 5th lactation and higher:** ICBF approved production data from the previous lactation must be provided.

Or

- Where new entrants to dairy production or herdowners who commenced milk recording in the current year have completed a minimum of two consecutive recordings under the auspices of ICBF prior to restriction.
 - **First lactation cows without two recordings:** Production information based on their Dam or the 305 day recorded herd average for the previous year using the Milk Recording Annual Farm Report.
 - **Dairy Cows 1st -4th Lactation:** 305 day predicted yield using the latest “Milk Recording – Animal Report” from the current lactation based on minimum of two recordings (as above).
 - **Dairy Cows 5th lactation and higher:** Completed lactation up to 305 days yield from the previous lactation using the Milk Recording Annual Animal Report or the last “Milk Recording – Animal Report”.

Appendix 3: Regional Veterinary Offices Contact Details

Regional Veterinary Offices (RVO) Contact Details

Herdowners Based in County:	Herd No Prefix	RVO Address:	Phone No
Carlow	A	Eir, Knockmay Road, Portlaoise, Co Laois R32 YK81	051 312300
Cavan	B	Government Offices, Farnham Street, Co Cavan, H12 D459	0761 064439 Or 0494368200
Clare	C	Poplar House, Poplar Square, Naas, Co. Kildare W91 HC5P	045 873035
Cork	D	Hibernian House, 80 South Mall, Co Cork T12 ACR7	021 4851400
Donegal	E	Meeting House Street, Raphoe, Co. Donegal. F93 WK52	074 9173600
Dublin	F	Poplar House, Poplar Square, Naas, Co. Kildare W91 HC5P	045 873035
Galway	G	Michael Davitt House, Castlebar, Co Mayo. F23 VE28	094 9035300
Kerry	H	Hibernian House, 80 South Mall, Co Cork T12 ACR7	021 4851400
Kildare	I	Poplar House, Poplar Square, Naas, Co. Kildare W91 HC5P	045 873035
Kilkenny	J	Eir, Knockmay Road, Portlaoise, Co Laois R32 YK81	051 312300
Laois	K	Poplar House, Poplar Square, Naas, Co. Kildare W91 HC5P	045 873035
Leitrim	L	Derryhallagh, Drumshanbo, Co. Leitrim N41 EW27	071 9682000
Limerick	M	Poplar House, Poplar Square, Naas, Co. Kildare W91 HC5P	045 873035

Appendix 3: Regional Veterinary Offices Contact Details

Longford	N	Derryhallagh, Drumshanbo, Co. Leitrim N41 EW27	071 9682000
Louth	O	Government Offices, Athlumney, Kilcarn, Navan, Co. Meath. C15 FEF2	046 9079030 Or 1890 253 110
Mayo	P	Michael Davitt House, Castlebar, Co Mayo. F23 VE28	094 9035300
Meath	Q	Government Offices, Athlumney, Kilcarn, Navan, Co. Meath. C15 FEF2	046 9079030
Monaghan	R	Government Offices, Farnham Street, Co Cavan, H12 D459	0761 064439 Or 049 4368200
Offaly	S	Government Offices, Farnham Street, Co Cavan, H12 D459	0761 064439 Or 049 4368200
Roscommon	T	Government Offices, Farnham Street, Co Cavan, H12 D459	0761 064439 Or 049 4368200
Sligo	U	Derryhallagh, Drumshanbo, Co. Leitrim. N41 EW27	071 9682000
Tipperary	V	Government Offices, Farnham Street, Co Cavan, H12 D459	0761 064439 Or 049 4368200
Waterford	W	Eir, Knockmay Road, Portlaoise, Co Laois R32 YK81	051 312300
Westmeath	X	Government Offices, Farnham Street, Co Cavan, H12 D459	0761 064439 Or 049 4368200
Wexford	Y	Eir, Knockmay Road, Portlaoise, Co Laois R32 YK81	051 312300
Wicklow West	Z201- Z226	Poplar House, Poplar Square, Naas, Co. Kildare W91 HC5P	045 873035
Wicklow East	Z101- Z148	Eir, Knockmay Road, Portlaoise, Co Laois R32 YK81	051 312300

Appendix 4: Data Protection and Freedom Of Information

Data Protection and Freedom of Information

The Department of Agriculture, Food and the Marine is fully committed to transparency and openness in the use of personal data provided as part of our schemes and services. All necessary technical measures have been put in place to ensure the safety and security of the systems which hold this data throughout the administrative process.

Personal data processed by the Department will only be used for the specific purpose(s) as outlined when the data is collected, or in later communications, and will only be used in accordance with the current Data Protection legislation in force. When you, as a customer, provide personal data to the Department you have certain rights available to you in relation to that data. To exercise or obtain more information on these rights please refer to the full ERAD Data Protection Notice available online at:

<https://www.agriculture.gov.ie/animalhealthwelfare/diseasecontrol/bovinetb/>

The personal data you provide is required to make an application under the On Farm Market Valuation Scheme, Income Supplement Scheme, Depopulation Scheme or Hardship Grant Scheme as appropriate. For the purposes of TB Compensation, personal information on your herd and payment details is collected by your RVO under the Animal Health and Welfare Act 2013 (No.15 of 2013), Animal Health and Welfare (Bovine Tuberculosis) Regulations 2015 (S.I. No 58 of 2015). This information is used to calculate the appropriate levels of compensation due during your breakdown and will only be shared with Independent Valuers and the members of the Arbitration Panel as and when appropriate.

Failure to provide all the required information may result in DAFM being unable to progress your application for the TB compensation schemes as listed above (including arbitration) or award compensation payments.

The Department **may** also use this data to facilitate the processing of an application in a timely and efficient manner for other related schemes or to update information on the relevant databases held by the Department in connection with these schemes.

Appendix 4: Data Protection and Freedom Of Information

Some personal data **may** be made available to other Government Departments, Agencies or Local Authorities, but only where there is a valid legal basis to do so. The purpose of sharing this data is for audit, evaluation purposes and controls relating to national and EU legislation underpinning cross compliance. Personal information may also be released under the terms of the relevant Data Protection legislation in force and the Freedom of Information Act 2014.

Where Personal data is used for statistical, research and analysis purposes it will be masked or anonymised, as appropriate, to protect your security and confidentiality. The use of the data in this way facilitates the Department in informing policy decisions into the future, which benefit the Irish farmer and the Agriculture Sector.

The Data submitted in support of your application under the TB Compensation Schemes will be retained by DAFM only as long as the legal requirement pertains, under the Animal Health and Welfare (Bovine Tuberculosis) Regulations 2015 (S.I. No 58 of 2015) and Council Directive 64/432/EEC. After this time it will be marked for destruction. DAFM may only retain personal data in certain restricted circumstances which are fully outlined in ERAD Divisions Data Protection Notice available online at:

<https://www.agriculture.gov.ie/animalhealthwelfare/diseasecontrol/bovinetb/>

This document can also be requested by post from:

***ERAD Division,
Department of Agriculture, Food and the Marine,
Admin Building, Backweston Business Campus,
Celbridge, Co. Kildare
W23 X3PH.***



Herdowner/Keeper Checklist

Documentation to be provided to the Valuer:

Herd Reports:

(Tick as appropriate)

- Herd register
- ICBF Reports
- Production Related reports
- EBI Statements

Bovine Certificates:

- Star Ratings
(4/5 Star Female Heifers of Beef Breeds with breeding potential)
- Pedigree Certificates
(Purebred registered and officially upgraded)
- Organic Status Certificate
- Certified Irish Angus Beef scheme and Irish Hereford Prime Beef
- Type classification/Linear Scores
- AI Certificates

Other:

- Purchase Receipts (if applicable)

Documentation to be provided to the Haulier:

Forms:

- ER26 (removal permit)
- Food Chain Information (FC1 Form A and B)

Documentation to be provided to the RVO:

Forms:

- V8 (First/Appeal valuation).
- ER26X (Application for Reactor Compensation).
- ER64 (Agreement to Cleanse and Disinfect).
- Submission to Arbitration Form.
- ER135 Reactor/Inconclusive Reactor Milk Record (where applicable)

Tax:

- Tax Clearance Certificate/Access Code
Required in cases where compensation is likely to exceed €10,000
in any 12 month period. Contact your local Revenue Commissioners
Office to request the appropriate tax clearance form.

Other:

- Original copy of Factory Docket
- Private Insurance compensation due/paid for reactors removed
(If Applicable)